

September 12, 1979

792685

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for Townhouse-1 zoning which was approved by the City Council on July 25, 1979, on Zoning Case #Z789-229/4871-N on property generally located on Preston Road, south of McShann; 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 Townhouse-1, as described in Ordinance # 16344.

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 *John E. Stahl*  
Assistant City Attorney

cc: Urban Planning  
City Secretary  
Building Inspection

APPROVED BY  
CITY COUNCIL

SEP 12 1979

*Robert*  
City Secretary

APPROVED *E. Backschoop* APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_  
HEAD OF DEPARTMENT CITY AUDITOR CITY MANAGER

DEED RESTRICTIONS

3766

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THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

That Susman Properties, Inc. is the owner of the following described property hereinafter referred to as "the property", situated in Dallas County, Texas, to wit:

Being a tract of land in the Isaiah Park Survey, Abstract No. 1144 of Dallas County, Texas, being in City of Dallas Block No. 6996, and being more particularly described as follows:

BEGINNING at the intersection of the east line of Jamestown Road (a 50' R.O.W.) with the north line of Wozencraft Drive (a 50' R.O.W.), said point being in the south line of a 10.0' alley right-of-way;

THENCE, S  $89^{\circ}50'11''$ E, with said alley right-of-way, 616.45 feet to a point;

THENCE, N  $89^{\circ}35'31''$ E, with said alley right-of-way, 408.14 feet to a point, said lying on the west line of Preston Road (a 100' R.O.W.);

THENCE, S  $00^{\circ}15'00''$ W, 178.24 feet along the west line of Preston Road to a point, said point being the northeast corner of a 16.001 acre tract of land conveyed to Susman Properties, Inc., as recorded in Volume 79071, Page 1095 of the Deed Records of Dallas County, Texas;

THENCE, S  $89^{\circ}47'56''$ W, with the north line of said tract, 1023.80 feet to a point, said point being on the east line of Jamestown Road;

THENCE, N  $00^{\circ}00'02''$ W, 180.68 feet along the east line of Jamestown Road to the point of Beginning and Containing 4.1906 acres or 182,542 square feet of land, more or less.

The undersigned owner does hereby impress upon all of the property the following deed restrictions, to wit:

1. The property shall contain no more than 16 platted lots.
2. Residential units shall be detached.
3. Each lot shall contain a front yard of a minimum of 20 feet.

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4. On lots which abut one street, a lot may contain no side yard on one side if a side yard of a minimum of 8 feet is provided on the other side.
5. On lots which abut two streets, a lot may contain no side yard on the side which abuts another lot if a side yard of a minimum of 10 feet is provided on the side which abuts a street.
6. No building shall exceed 24 feet in height.

"Front Yard", "Side Yard", and "Height" shall be defined and regulated according to the terms of the Comprehensive General Zoning Ordinance of the City of Dallas.

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.

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 and prospective purchaser do 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 or 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 all or a portion of the property, and any person by acceptance of title to all or a portion of the property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 9th day of August, 1979

SUSMAN PROPERTIES, INC.

Albert Susman  
By: Albert Susman, President

Approved as to form:  
LEE E. HOLT, City Attorney

By: John E. Stott  
Assistant City Attorney

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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 Albert Susman, President of SUSMAN PROPERTIES, INC., 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, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 9th day of August, 1979.

Margaret Heber  
Notary Public in and for  
Dallas County, Texas

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RETURN TO:  
OFFICE OF THE CITY SECRETARY  
ATTN: LESTER G. FORD  
CITY HALL  
DALLAS, TX 75201

FILED  
*L. E. Murrell*  
COUNTY CLERK  
DALLAS COUNTY

'79 SEP 18 AM 11:38

COUNTY CLERK, Dallas County, Texas  
*L. E. Murrell*  
SEP 19 1979  
STATE OF TEXAS  
I hereby certify that this instrument was  
filed on the date and time stamped hereon  
and page of the same duly recorded in the volume  
County, Texas as stamped hereon by me.



RECEIVED  
AUG 10 1979  
ZONING OFFICE