

6991

821361

April 14, 1982

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a Townhouse-3 District on Tract I and a Multiple Family-1 District on Tract II which was approved by the City Council on February 17, 1982, on Zoning Case #Z812-112/5333-N on property generally located between Preston Road and Jamestown Drive, north of Forest Lane; 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 a Townhouse-3 District on Tract I and a Multiple Family-1 District on Tract II as described in Ordinance # **17361**

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. MOLT, City Attorney

By Benny R. Kempfer  
Assistant City Attorney

cc: Planning and Development -1  
Building Inspection - 2  
City Secretary - 1

APPROVED BY  
CITY COUNCIL

APR 14 1982

Robert S. Brown  
City Secretary

APPROVED

Gregory D. Gels  
ASST. HEAD OF DEPARTMENT

HEAD OF DEPARTMENT

APPROVED

CITY CONTROLLER

APPROVED

CITY MANAGER

D-7 ✓

DEED RESTRICTIONS 821361 17361 DEED RECORD

STATE OF TEXAS X  
COUNTY OF DALLAS X

KNOW ALL MEN BY THESE PRESENTS:

11.00 DEED  
1 05/20/82

That the undersigned are the owners of the following described property, situated in Dallas County, Texas, being in particular a tract of land out of the Isaih Park Survey, Abstract No. 1144, City Block 6991, City of Dallas, Dallas County, Texas, and being more particularly described as follows, to-wit:

TRACT 1.

BEGINNING at a point for corner, said point being the intersection of the East line of Jamestown Drive with the North line of Brookstown Drive;  
THENCE North 00 deg. 04 min. 37 sec. West, with the East line of Jamestown Drive, a distance of 12.74 feet to a point for corner, said point being the Point of Curve of a curve to the left having a delta angle of 21 deg. 17 min. 00 sec., a radius of 553.54 feet;  
THENCE Northwesterly, with the East line of Jamestown Drive and with said curve, an arc distance of 205.62 feet to the Point of Tangency;  
THENCE North 21 deg. 21 min. 37 sec. West, with the East line of Jamestown Drive, a distance of 4.42 feet to a point for corner, said point being the Point of Curve of a curve to the right having a delta angle of 21 deg. 17 min. 00 sec., a radius of 502.56 feet;  
THENCE Northwesterly, with the East line of Jamestown Drive and with said curve, an arc distance of 186.68 feet to the Point of Tangency;  
THENCE North 00 deg. 04 min. 37 sec. West, with the East line of Jamestown Drive, a distance of 227.07 feet to a point for corner;  
THENCE East, leaving said East line of Jamestown Drive, a distance of 1060.74 feet to a point for corner, said point being in the West line of Preston Road and in a curve to the right having a delta angle of 01 deg. 46 min. 45 sec., a radius of 5679.83 feet;  
THENCE Southwesterly, with the West line of Preston Road and with said curve, an arc distance of 160.90 feet to a point for corner;  
THENCE West, a distance of 913.46 feet to a point for corner;  
THENCE South, a distance of 199.87 feet to a point for corner;  
THENCE North 89 deg. 59 min. 14 sec. East, a distance of 90.00 feet to a point for corner;  
THENCE South 00 deg. 00 min. 47 sec. West, a distance of 266.90 feet to a point for corner, said point being in the

North line of Brookstown Drive;

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THENCE West a distance of 148.59 feet to the PLACE OF BEGINNING and containing 239420 sq. ft. or 5.4963 acres of land more or less.

TRACT 2.

COMMENCING at a point, said point being the intersection for the North line of Forest Lane with the West line of Preston Road;

THENCE North 47 deg. 30 min. 40 sec. East, with the corner clip of Preston Road, a distance of 103.05 feet to a point;

THENCE North 05 deg. 04 min. 27 sec. East, with the West line of Preston Road, a distance of 703.97 feet to the PLACE OF BEGINNING:

THENCE South 89 deg. 59 min. 14 sec. West, leaving said West line of Preston Road, a distance of 895.71 feet to a point for corner;

THENCE North, a distance of 199.87 feet to a point for corner;

THENCE East, a distance of 913.46 feet to a point for corner, said point being in the West line of Preston Road and in a curve to the right having a delta angle of 01 deg. 46 min. 45 sec., a radius of 5679.83 feet;

THENCE Southwesterly, with the West line of Preston Road and with said curve, an arc distance of 15.46 feet to the Point of Tangency;

THENCE South 05 deg. 04 min. 27 sec. West, with the West line of Preston Road, a distance of 185.00 feet to the PLACE OF BEGINNING and containing 180704 sq. ft. or 4.1484 acres of land more or less.

That the undersigned owners do hereby impress all of the above described property with the following Deed Restrictions, to-wit:

1. That Tract 1 shall contain not more than forty (40) dwelling units.
2. That Tract 2 shall contain not more than sixty (60) dwelling units.
3. That all dwelling units on Tract 1 shall be limited to a total height of not more than thirty (30) feet.
4. That a twenty-five (25) foot building setback line will be maintained along Jamestown Street and

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Preston Road.

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 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 owners hereof 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 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 fully perform the foregoing restrictions and covenants.

That this instrument may be executed in duplicate originals, and such duplicate originals, when executed, shall be considered together as one instrument.

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EXECUTED this the 9<sup>th</sup> day of March, 1982.

\_\_\_\_\_  
ALEX MELETIO, JR.

\_\_\_\_\_  
JACK E. MELETIO

\_\_\_\_\_  
MARY LOUISE MELETIO SMITH

\_\_\_\_\_  
ELISE MELETIO ROACH

\_\_\_\_\_  
JAMES W. MELETIO

\_\_\_\_\_  
MARTIN C. MELETIO

\_\_\_\_\_  
ANN MELETIO

\_\_\_\_\_  
DIANE KLEUSER BROOKS

Janet Kleuser Pace  
\_\_\_\_\_  
JANET KLEUSER PACE

Elizabeth Kleuser Kaufman  
\_\_\_\_\_  
ELIZABETH KLEUSER KAUFMAN

\_\_\_\_\_  
CHARLES W. KLEUSER, JR.

\_\_\_\_\_  
MARIE FALLON MELETIO

REPUBLICBANK DALLAS  
Independent Executor and Trustee  
of Estate of George S. Meletio,  
Deceased

By \_\_\_\_\_

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2812-112/5333-N

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STATE OF ARKANSAS *Texas*

COUNTY OF *Sallas*

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared JANET KLEUSER PACE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 9th day of March, 1982.

Jane Miller  
Notary Public, Sallas County,  
Arkansas *Texas*

My Commission Expires:

12-31-1984

STATE OF ARKANSAS *Texas*

COUNTY OF *Sallas*

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared ELIZABETH KLEUSER KAUFMAN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 11th day of March, 1982.

Jane Miller  
Notary Public, Sallas County,  
Arkansas *Texas*

My Commission Expires:

12-31-1984

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Approved as to form:

LEE E. WOLT, City Attorney

Henry R. Knight  
Notary

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*L. E. Minto*  
COUNTY CLERK  
DALLAS COUNTY

'82 MAY 19 AM 8:59

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PAGE

*L. E. Minto*  
COUNTY CLERK, Dallas County, Texas

MAY 20 1982



THIS INSTRUMENT WAS  
RECORDED IN THE  
OFFICE OF THE  
COUNTY CLERK OF DALLAS  
COUNTY, TEXAS ON MAY 20 1982  
AT 8:59 AM. THE INSTRUMENT  
WAS RECORDED IN THE  
OFFICE OF THE COUNTY CLERK  
OF DALLAS COUNTY, TEXAS  
ON MAY 20 1982 AT 8:59 AM.

<p>SANER, JACK, SALLINGER &amp; NICHOLS ATTORNEYS AND COUNSELORS 1200 REPUBLIC NATIONAL BANK BUILDING DALLAS 1, TEXAS</p>				
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RETURN TO  
CITY OF DALLAS  
CITY SECRETARY  
CITY HALL  
DALLAS, TEXAS 75201