

Deed Restriction

Pd 457

A/6381

WHEREAS, deed restrictions were volunteered in conjunction with a change of zoning to an MU-1 (SAH) Mixed Use (Standard Affordable Housing) District which was approved by the City Council on June 22, 1994, involving Zoning Case #Z934-137/6155-N on property on the east side of Inwood Road, north of Forest Lane; and

WHEREAS, application has been made to amend said deed restrictions as they pertain to the southern 15.026 acres of land covered by the restrictions as part of Zoning File Z956-297/6155-NC(CR); and

WHEREAS, the City Council at a public hearing on October 23, 1996 approved the amendment to the deed restrictions in accordance with the recommendation of the City Plan Commission; and

WHEREAS, an instrument providing for the amendment to said deed restrictions has been approved as to form; Now, Therefore,

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

Section 1: That the deed restrictions 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 as Planned Development District No. 457 for Home Improvement Center, Lumber, Brick or Building Materials Sales Yard and certain MU-1 (SAH) Mixed Use (Standard Affordable Housing) District Uses as described in Ordinance No. 22932.

Section 2. That said instrument shall be filed 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 BY  
CITY COUNCIL

Approved as to form:  
SAM LINDSAY, City Attorney

OCT 23 1996

By [Signature]  
Assistant City Attorney

APPROVED

HEAD OF DEPARTMENT

APPROVED

CITY SECRETARY

APPROVED

CITY MANAGER

FIRST AMENDMENT TO  
DEED RESTRICTIONS DATED  
JUNE 16, 1994

THE STATE OF TEXAS }

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS }

I.

The undersigned, Daniel-Lingo & Associates ("The Owner"), a Texas general partnership, is the owner of the following described property ("the Property"), being in particular a tract of land out of the Isaiah Park Survey, Abstract No. 1144, City Block A/6381, City of Dallas ("City"), Dallas County, Texas, and being a total of three tracts, one of which tracts of land consists of approximately 15.3205 acres which was conveyed to Daniel-Lingo & Associates by Lincoln Inwood, Ltd., a Texas limited partnership, by deed dated June 25, 1986, and recorded in Volume 86163, Page 5907, in the Deed Records of Dallas County, Texas and two of which tracts of land consist of approximately 1.6916 acres and 5.0035 acres which were conveyed to Daniel-Lingo & Associates by Federal Deposit Insurance Corporation, by deed dated November 25, 1992 and recorded in Volume 92230, Page 3683, in the Deed Records of Dallas County, Texas, and all the tracts being more particularly described as follows:

BEING a tract or parcel of land situated in the City of Dallas, Dallas County, Texas and being out of the Isaiah Park Survey, Abstract No. 1144 and part of City Block A/6381; and being part of that Forestwood Center Addition, an addition to the City of Dallas as recorded in Volume 71050, Page 2205 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at an iron rod for corner in the East right-of-way line of Inwood Road (100 feet wide) said point being North, 420.00 feet from the point of intersection of the said East right-of-way line of Inwood Road, with the North right-of-way line of Forest Lane (120 feet wide);

THENCE due North, along said East right-of-way line of Inwood Road, a distance of 1257.67 feet to a chisel mark for corner;

THENCE North 89° 41' 45" East, along the common line between said City Block A/6381 and City Block 8401, a distance of 546.05 feet to a chisel mark set for corner in the westerly line of Dallas North Tollway (100 feet wide);

THENCE South 16° 33' 15" East, along the said westerly right-of-way line of Dallas North Tollway, a distance of 1132.24 feet to an iron rod and an angle point;

THENCE South 11° 58' 20" East, continuing along the said westerly right-of-way line of Dallas North Tollway, a distance of 124.00 feet to an iron rod and an angle point;

THENCE South 17° 21' 30" East, continuing along the said westerly right-of-way line of Dallas North Tollway, a distance of 177.41 feet to an iron rod and an angle point;

THENCE South 14° 00'00" East, continuing along the said westerly right-of-way line of Dallas North Tollway, a distance of 313.98 feet to an iron rod for a corner in the said north right-of-way line of Forest Lane;

THENCE due West along the said north right-of-way line of Forest Lane, a distance of 30.92 feet to an iron rod for a corner;

THENCE North 14° 00'00" West, a distance of 304.77 feet to a chisel mark and an angle point;

THENCE North 17° 21' 30" West, a distance of 51.66 feet to a nail for corner;

THENCE due West a distance of 150.47 feet to a chisel mark for corner;

THENCE due North a distance of 35.00 feet to an iron rod for corner;

THENCE due West a distance of 308.77 feet to a chisel mark for corner;

THENCE due North a distance of 21.50 feet to a nail for corner;

THENCE due West a distance of 35.00 feet to a chisel mark for corner;

THENCE due North a distance of 18.50 feet to a chisel mark for corner;

THENCE due West a distance of 408.94 feet to the POINT OF BEGINNING and containing 958,998 square feet or 22.0156 acres of land, more or less.

## II.

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated June 16, 1994, signed by John A. Daniel and William Lingo on behalf DANIEL LINGO & ASSOCIATES, a Texas Partnership., and recorded in Volume 94128, Pages 03692-03702 of the Deed Records of Dallas County, Texas.

## III.

That the Owner of the Property does hereby amend restriction number "F" of the Original Restrictions to read as follows:

"F. Except as limited by Sections A,B,C,D, and E of these restrictions, the uses permitted on the Property (and the only uses permitted on the Property) are those shown on the attached Exhibit A, and a home improvement center, lumber, brick or building materials sales yard is allowed in a subdistrict of the Property, as described in Exhibit B."

## IV.

That the preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City of Dallas as required in the Original Restrictions, and notice of such public hearings was given as would have been required by law for a zoning change on the Property.

V.

The Owner certifies and represents that there are no liens, other than liens for ad valorem taxes, against the Property if there are no signatures of lienholders subscribed below.

VI.

That it is expressly stipulated and understood that the amendment accomplished hereby shall in no manner operate to impair or reduce the enforceability of the Original Restrictions, as originally written, and that all restrictions and provisions contained in the deed restriction instrument dated June 16, 1994, and recorded in Volume 94128, Pages 03692-03702 of the Deed Records of Dallas County, Texas, shall remain in full force and effect except as amended by Paragraph III of this document. Furthermore, it is expressly stipulated and understood that all provisions contained in the aforementioned deed restriction instrument apply to this instrument as if recited herein.

EXECUTED on this the 16th day of OCTOBER, 1996.

DANIEL LINGO & ASSOCIATES, A Texas  
General Partnership  
By: John A. Daniel  
Title: PARTNER

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By: Alexander Hernandez  
Assistant City Attorney

STATE OF TEXAS }

COUNTY OF DALLAS }

Before me, the undersigned Notary Public in and for the State of Texas, on this day personally appeared John A. Daniel, 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 hand and seal of office on the 16th day of OCTOBER, 1996.

Shawn McConkey  
Notary Public in and for  
the State of Texas

My Commission Expires: 9-19-99



CONSENT AND CONCURRENCE OF  
LIENHOLDER:

\_\_\_\_\_  
PROPERTY LIENHOLDER

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS        }  
                                  }  
COUNTY OF DALLAS    }

This instrument was acknowledged before me on \_\_\_\_\_, 1996, by  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of  
Texas

My commission expires: \_\_\_\_\_

EXHIBIT AMain Uses Permitted

- (A) Agricultural Uses.
- Crop Production.
- (B) Commercial and business service uses.
- Catering service.
  - Custom business services.
  - Electronics service center.
  - Medical or scientific laboratory.
- (C) Industrial uses.
- Temporary concrete or asphalt batching plant.
- (D) Institutional and community service uses.
- Adult day care facility.
  - Cemetery or mausoleum.
  - Child-care facility.
  - Church.
  - Community service center.
  - Convalescent and nursing homes, hospice care, and related institutions.
  - Convent or monastery.
  - Foster home.
  - Hospital.
  - Library, art gallery, or museum.
  - Public or private school.
- (E) Miscellaneous uses.
- Temporary construction or sales office.
- (F) Office uses.
- Financial institution without drive-in window.
  - Financial institution with drive-in window.
  - Medical clinic or ambulatory surgical center.
  - Office.

(G) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(H) Residential uses.

- Duplex.
- Handicapped group dwelling unit.
- Retirement housing.
- Single family.
- Multifamily

(I) Retail and personal service uses.

- Animal shelter or clinic without outside run.
- Auto service center.
- Business school.
- Car wash.
- Commercial amusement (inside).
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Temporary retail use.
- Theater.

(J) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center.

(K) Utility and public service uses.

- Commercial radio or television transmitting station.
  - Electrical substation.
  - Local utilities.
  - Police or fire station.
  - Post office.
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- Radio, television, or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.

(L) Wholesale, distribution and storage uses.

- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.
- Recycling drop-off container.
- Recycling drop-off for special occasion collection.

**EXHIBIT "B"**

BEING a tract or parcel of land situated in the City of Dallas, Dallas County, Texas and being part of the Isaiah Park Survey, Abstract 1144 and part of City Block A/6381, and being part of Forestwood Center Addition, an addition to the City of Dallas as recorded in Volume 71050, Page 2205 of the Map Records of Dallas County, Texas, and being part of those same tracts of land conveyed to Daniel-Lingo & Associates by deeds recorded in Volume 86163, Page 5907 and Volume 92230, Page 3683, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found for corner in the east right-of-way line of Inwood Road (100' R.O.W.), said point being North, along the east line of Inwood Road a distance of 420.00 feet from the point of intersection of the said east right-of-way line of Inwood Road with the North right-of-way line of Forest Lane (120' R.O.W.);

THENCE due North, along the said East right-of-way line of Inwood Road, a distance of 779.51 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for corner;

THENCE North 89° 41' 45" East, a distance of 369.90 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for corner;

THENCE South 16° 33' 15" East, a distance of 75.44 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for corner;

THENCE North 73° 26' 45" East, a distance of 305.35 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG" set for corner in the westerly line of Dallas North Tollway (100' R.O.W.);

THENCE South 16° 33' 15" East, along the said westerly right-of-way line of Dallas North Tollway, a distance of 647.43 feet to an iron rod with yellow plastic cap stamped "RLG" set and an angle point;

THENCE South 11° 58' 20" East, continuing along the said westerly right-of-way line of Dallas North Tollway, a distance of 124.00 feet to an iron rod and an angle point;

THENCE South 17° 21' 30" East, continuing along the said westerly right-of-way line of Dallas North Tollway, a distance of 177.41 feet to an iron rod set and an angle point;

THENCE South 14° 00' 00" East, continuing along the said westerly right-of-way line of Dallas North Tollway, a distance of 313.98 feet to an iron rod found for corner in the said north right-of-way line of Forest Lane;

THENCE due West, along the said north right-of-way line of Forest Lane, a distance of 30.92 feet to an iron rod with yellow plastic cap stamped "RLG" set for corner;

THENCE along the southerly line of said Daniel-Lingo & Associates tract and the northerly line of that remaining portion of a tract of land conveyed to Forestwood Center Joint Venture by deed recorded in Volume 81126, Page 2988, Deed Records, Dallas County, Texas, the following courses;

THENCE North 14° 00' 00" West, a distance of 304.77 feet to a chisel mark set and an angle point;

THENCE North 17° 21' 30" West, a distance of 51.66 feet to a PK nail found for corner;

THENCE due West a distance of 150.47 feet to a chisel mark found for corner;

THENCE due North a distance of 35.00 feet to an iron rod found for corner;

THENCE due West a distance of 308.77 feet to a chisel mark found for corner;

THENCE due North a distance of 21.50 feet to a PK nail set for corner;

THENCE due West a distance of 35.00 feet to a chisel mark found for corner;

THENCE due North a distance of 18.50 feet to a chisel mark found for corner;

THENCE due West, continuing along said line a distance of 408.94 feet to the POINT OF BEGINNING and containing 654,524 square feet or 15.026 acres of land, more or less.