

Deed Rest Bk 6994
ord 23801 PL 537

COUNCIL CHAMBER 990788
February 24, 1999

WHEREAS, deed restrictions were volunteered in conjunction with a request for a TH-1 Townhouse District which was approved by the City Council on May 29, 1985, involving Zoning Case No. Z834-414/6364-N on property on the west side of Preston Road, north of Charleston Drive; and

WHEREAS, application has been made to amend said deed restrictions in conjunction with an application for a change of zoning to a Planned Development District for TH-1(A) Townhouse District Uses and Private Streets on a 1.60 acre tract of land involving Zoning File No. Z989-123/9295-NC(ML); and

WHEREAS, the City Council at a public hearing on February 24, 1999 approved the amendment to the deed restrictions in accordance with the recommendation of the City Plan Commission; and

WHEREAS, the 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 amended 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 as Planned Development District No. 537 as described in Ordinance No. 23801.

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

FEB 24 1999

APPROVED AS TO FORM:
ANGELA K. WASHINGTON, Interim City Attorney

By 
Assistant City Attorney


City Secretary

APPROVED _____

HEAD OF DEPARTMENT

APPROVED _____

DIRECTOR OF FINANCE

APPROVED _____

CITY MANAGER

AMENDMENT TO DEED RESTRICTIONS

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
 COUNTY OF DALLAS §

I.

The undersigned, Lawrence E. Steinberg, Managing Partner for Preston Wolfe Joint Venture, a Texas Joint Venture ("the Owner"), is the owner of the following described property ("the Property"), being a 1.54 acre tract of land out of the Isaiah Park Survey, Abstract No. 1144, City Block 6994, City of Dallas ("City"), Dallas County, Texas, and being a part of a 4.84 acre tract of land conveyed to Lawrence E. Steinberg, Trustee for Preston Wolfe Joint Venture by Coit Central Development Partnership by Warranty Deed dated September 19, 1984, and recorded in Volume 84237, Page 0526, in the Deed Records of Dallas County, Texas, and being particularly described in Exhibit "A", attached hereto and incorporated herein by reference as if same were recited verbatim herein.:

II.

That the Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated May 9, 1985, signed by Lawrence E. Steiberg, Trustee for Preston Wolfe Joint Venture, and recorded in Volume 85107, Page 6240 of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B".

III.

That the Owner does hereby amend the restriction for the Wolfe Nursery Tract of the Original Restrictions to read as follows:

Development of the Wolfe Nursery Tract is restricted to a maximum of eighteen (18) dwelling units, as defined within the Dallas Development Code, as amended.

Z989-123/9295-NC(ML)

IV.

That the preceding amendment 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. 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.

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

VI.

The invalidation of any provision in this instrument by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

VII.

That it is expressly stipulated and understood that the preceding amendment of the restriction on the Wolfe Nursery Tract 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 restrictions instrument dated May 9, 1985, and recorded in Volume 85107, Page 6240 of the Deed Records of Dallas County, Texas, shall remain in full force and effect except as amended by Paragraph III of this instrument. 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 at the City of Dallas, Dallas County on this the 22 day of February 1999.

Owner: Preston Wolfe Joint Venture
BY: [Signature]
Printed Name: Lawrence E. Steinberg
Title: Managing Partner for Preston Wolfe Joint Venture

CONSENT AND CONCURRENCE OF LIENHOLDER OR MORTGAGEE

N/A
Owner _____
By: N/A
Printed Name: N/A
Title: _____

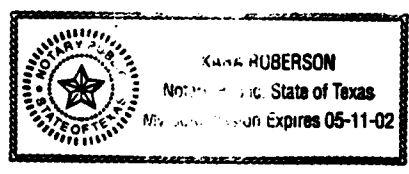
APPROVED AS TO FORM:

Angela Washington, Interim City Attorney

By: [Signature]
Assistant City Attorney

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS) §

This instrument was acknowledged before me on February 22, 1999, by Lawrence E. Steinberg, Managing Partner for Preston Wolfe Joint Venture, on behalf of said joint venture.



Kara Roberson
Notary Public in and for the State of Texas
Commission Expires: 5-11-02

Exhibit "A"

Being all that certain lot, tract, or parcel of land being situated in the Isaiah Park Survey, Abstract No. 1144, Dallas County, Texas, and being part of the J. G. Brown Dallas Nursery Tract, recorded in Volume 586, Page 0612 of the Deed Records of Dallas County, Texas, and being part of City Block No. 6994, City of Dallas, Texas and being more particularly described as follows:

BEGINNING at an iron stake found at the occupied Southeast corner of Preston Meadows, an addition to the City of Dallas according to the plat filed in Volume 79183, Page 0751, Plat Records of Dallas County, Texas, said point being on the West line of Preston Road;

THENCE S. 00 deg. 15 min. 00 sec. W., with the West line of Preston Road 197.28 feet to an iron stake for corner, five feet North of the Northeast corner of Preston Dell Estates, an addition to the City of Dallas and the Southeast corner of said Brown tract;

THENCE S. 89 deg. 59 min. 13 sec. W., 303.00 feet parallel to the North line of Preston Dell Estates to a point for a corner;

THENCE N. 44 deg. 56 min. 47 sec. W., 60.60 feet to a point for corner;

THENCE N. 00 deg. 15 min. 02 sec. E., 153.99 feet to a point on the South line of said Preston Meadows;

THENCE N. 89 deg. 55 min. 23 sec. E., 346.00 feet with the South line of said Preston Meadows to the PLACE OF BEGINNING and containing 67,082 square feet or 1.54 acres of land more or less.

EXHIBIT "B"

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a TH-1 Townhouse District zoning which was approved by the City Council April 10, 1985, on Zoning Case #Z834-414/6364-N on property on the east side of Jamestown Road, north of Charlestown 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 a TH-1 Townhouse District as described in Ordinance ~~18728~~.

Section 2. That said deed restrictions shall be filed with the County Clerk of Dallas County, Texas, 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:
ANN LESLIE MUNCY City Attorney
By 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

MAY 29 1985


City Secretary

APPROVED  HEAD OF DEPARTMENT APPROVED _____ DIRECTOR OF FINANCE APPROVED _____ CITY MANAGER

DEED RESTRICTIONS

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

That the undersigned, LAWRENCE E. STEINBERG, TRUSTEE FOR PRESTON WOLFE JOINT VENTURE, is the owner of the following described property situated in Dallas County, Texas, being in particular a 4.840 acre tract of land out of the Isaiah Park Survey, Abstract No. 1144, City Block 6994, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to LAWRENCE E. STEINBERG, TRUSTEE FOR PRESTON WOLFE JOINT VENTURE, by Coit Central Development Partnership by Warranty Deed dated September 19, 1984, and recorded in Volume 84188, Page 2943, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A," attached hereto and incorporated herein for all purposes as if same were recited verbatim herein, and hereinafter referred to as the "Property," comprised of a 3.2355 acre tract described in Exhibit "B," attached hereto and incorporated herein for all purposes as if same were recited verbatim herein, and hereinafter referred to as the "Subject Tract," and a 1.6045 acre tract described in Exhibit "C," attached hereto and incorporated herein for all purposes as if same were recited verbatim herein, and hereinafter referred to as the "Wolfe Nursery Tract."

That the undersigned, LAWRENCE E. STEINBERG, TRUSTEE FOR PRESTON WOLFE JOINT VENTURE, does hereby impress the Subject Tract with the following deed restrictions, to-wit:

1. Buildings constructed on the Subject Tract must not exceed a maximum height of twenty-four (24) feet as measured within the Dallas Development Code, as amended, nor two (2) occupied floors;
2. Development of the Subject Tract is restricted to a maximum of sixteen (16) detached dwelling units, as defined within the Dallas Development Code, as amended; and,
3. During the platting process, the undersigned, his successors and/or assigns will dedicate adequate right-of-way for and fund the construction of an alley along the southern and eastern boundaries of the Subject Tract in accordance with standards of the City of Dallas, Texas. Except for the alley (a secondary access point) vehicular access to the Subject Tract is not permitted from Jamestown Road, unless otherwise required by applicable laws of the City of Dallas, Texas.

DEED RESTRICTIONS - Page 1 of 3

35107 6240

Z834-414/6364-N

OK THK

That the undersigned, LAWRENCE E. STEINBERG, TRUSTEE FOR PRESTON WOLFE JOINT VENTURE, does hereby impress the Wolfe Nursery Tract with the following deed restriction, to-wit:

Development of the Wolfe Nursery Tract is restricted to a maximum of eight (8) dwelling units, as defined within the Dallas Development Code, as amended, or to a plant nursery and landscaping business.

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 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 Subject Tract 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 Subject Tract, and any person by acceptance of title to any of the Subject Tract shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 9th day of May, 1985.

By: *Lawrence E. Steinberg*
LAWRENCE E. STEINBERG, TRUSTEE
FOR PRESTON WOLFE JOINT VENTURE

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared LAWRENCE E. STEINBERG, TRUSTEE FOR PRESTON WOLFE JOINT VENTURE, a Texas joint venture, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said PRESTON WOLFE JOINT VENTURE, and that he executed the same as the act of said joint venture for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 9th day of May, 1985.



Pamela J. McKinley
Notary Public in and for
The State of Texas

Pamela J. McKinley
(Printed Name of Notary Public)

My Commission Expires:
12-27-88

Approved as to form:
ANALESLIE MUNCY, City Attorney
By: *Analeslie Muncy*
Assistant City Attorney

EXHIBIT "A"

All of that certain lot, tract, or parcel of land being situated in the Isalah Park Survey, Abstract No. 1144, Dallas County Texas, and being all of the J. G. Brown Dallas Nursery Tract recorded in Volume 586, Page 0612 of Dallas County Deed Records, and being part of City Block No. 6994, City of Dallas, Texas and being more particularly described as follows:

BEGINNING at an iron stake found at the occupied Southeast corner of Preston Meadows, an addition to the City of Dallas according to the plat filed in Volume 79183, Page 0751, plat Records of Dallas County, Texas, said point being on the West line of Preston Road;

THENCE: South 00 deg. 15 min. West, with the West line of Preston Road 202.20 feet to an iron stake for corner at the Northeast corner of Preston Dell Estates, an addition to the City of Dallas and the Southeast corner of said Brown Tract;

THENCE: South 89 deg. 59 min. 15 sec. West 1044.91 feet with the North line of said Preston Dells to a point on the centerline of Jamestown Road (50 foot R.O.W.);

THENCE: North 00 deg. 00 min. 02 sec. West, 201.13 feet with said centerline to a point for a corner;

THENCE: North 89 deg. 55 min. 23 sec. East, 1045.8 feet with the South line of said Preston Meadows to the PLACE OF BEGINNING containing 4.840 acres of land.

EXHIBIT "B"

Being all that certain lot, tract, or parcel of land being situated in the Isaiah Park Survey, Abstract No. 1144, Dallas County, Texas, and being part of the J.C. Brown Dallas Nursery Tract recorded in Volume 586, Page 0612 of the Deed Records of Dallas County, Texas, and being part of City Block No. 6994, City of Dallas, Texas, and being more particularly described as follows:

BEGINNING at a point on the North line of Preston Dell Estates an addition to the City of Dallas, Texas, said point being South 00 deg. 15 min. West, 202.28 feet, and South 89 deg. 59 min. 15 sec. West, 346.00 feet from an iron stake at the occupied Southeast corner of Preston Meadows, an addition to the City of Dallas according to the plat filed in Volume 79183, Page 0751, Plat Records of Dallas County, Texas, said point being on the West line of Preston Road;

THENCE: South 89 deg. 59 min. 15 sec. West, 698.91 feet with the North line of said Preston Dell Estates to a point on the centerline of Jamestown Road (50 foot R.O.W.);

THENCE: North 00 deg. 00 min. 02 sec. West, 201.13 feet with said centerline to a point for a corner;

THENCE: North 89 deg. 55 min. 23 sec. East 698.8 feet with said South line, of said Preston Meadows to a point for corner;

THENCE: South 00 deg. 15 min. 07 sec. West 201.92 feet to the PLACE OF BEGINNING, and containing 3.2355 acres of land (140,936 square feet).

EXHIBIT "C"

Being all of that certain lot, tract, or parcel of land being situated in the Isalah Park Survey, Abstract No. 1144, Dallas County, Texas, and being part of the J.G. Brown Dallas Nursery Tract, recorded in Volume 586, Page 0812 of the Deed Records of Dallas County, Texas, and being part of City Block No. 6984, City of Dallas, Texas and being more particularly described as follows:

BEGINNING at an iron stake found at the occupied Southeast corner of Preston Meadows, an addition to the City of Dallas according to the plat filed in Volume 79183, Page 0751, Plat Records of Dallas County, Texas, said point being on the West line of Preston Road;

THENCE S. 00 deg. 15 min. 00 sec. W., with the West line of Preston Road 202.28 feet to an iron stake for corner, the Northeast corner of Preston Dell Estates, an addition to the City of Dallas and the Southeast corner of said Brown tract;

THENCE S. 89 deg. 59 min. 13 sec. W., 346.00 feet along the North line of Preston Dell Estates to a point for a corner;

THENCE N. 00 deg. 15 min. 02 sec. E., 201.99 feet to a point on the South line of said Preston Meadows;

THENCE N. 89 deg. 55 min. 23 sec. E., 346.00 feet with the South line of said Preston Meadows to the **PLACE OF BEGINNING** and containing 69,939 square feet or 1.60 acres of land.