

COUNCIL CHAMBER
081073
April 9, 2008

WHEREAS, the termination of deed restrictions in the attached instrument has been volunteered in connection with property located at the southwest corner of Greenville Avenue and Markville Drive, which is the subject of Zoning Case No. Z078-152(OTH); and

WHEREAS, the City Council desires to accept the termination of deed restrictions in the attached instrument; Now, Therefore,

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

Section 1. That the termination of deed restrictions in the attached instrument is accepted by the City Council of the City of Dallas to be used in conjunction with the development of property that is the subject of Zoning Case No. Z078-152(OTH).

Section 2. That this termination of deed restrictions must be filed in the Deed Records of Dallas County, Texas.

Section 3. That this resolution shall take effect immediately 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:

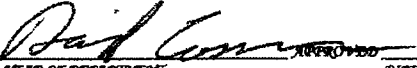
THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

APR 09 2008


City Secretary

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

TERMINATION OF DEED RESTRICTIONS

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

I.

The undersigned, Norina Properties LP, a Texas Limited Liability Corporation (the "Owner"), is the owner of the following described property (the "Property"), being in particular Lot 4, , City Block B/8409, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Blumin-Highpoint, LTD. by deed dated August 18, 2005, and recorded in volume 2005164, page 3482 in the Deed Records of Dallas County, Texas, and and being more particularly described in the attached Exhibit "A".

II.

The Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated June 6, 1985 signed by H. Ross Perot and recorded in volume 86017, page 1535 of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B" and made a part of this instrument.

III.

The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

1. That no structure constructed on the property shall exceed twenty-four (24) feet in height.
2. Only private club uses and those uses permitted in Neighborhood Service Districts, as defined by the Dallas Development Code, as amended, are permitted on the Property.

IV.

The above termination 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.

081073

The termination of these restrictions is not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with this termination.

VII.

Unless stated otherwise in this instrument, the definitions and provisions of CHAPTER 51A, "DALLAS DEVELOPMENT CODE: ORDINANCE NO. 19455, AS AMENDED," of the Dallas City Code, as amended, apply and are incorporated into this instrument as if recited in this instrument.

VIII.

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

IX.

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.

EXECUTED at the City of Dallas, DFW County, this the 17th day of MARCH, 2008

Norina Properties, LP

By: Michael Hashim

By: Michael Hashim
Manager

081073

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

CITIBANK, N.A., SUCCESSOR BY MERGER
TO CITIBANK, F.S.B.
Owner LIENHOLDER
By: [Signature]
Printed Name: JOHN L. RAINBOLT
Title: VICE PRESIDENT

APPROVED AS TO FORM:

THOMAS P. PERKINS, City Attorney

By: [Signature]
Assistant City Attorney

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By: _____
Assistant City Attorney

This Instrument Was Acknowledged Before Me On _____ By MICHAEL
HASHIM, As Manager, of NORINA PROPERTIES, LP, a Texas limited liability company.

Seal Showing Name And
Commission

Notary Public In And For The
State Of Texas

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles

On March 17, 2008 before me, Michael J. Flynn, Notary Public
(Here insert name and title of the officer)

personally appeared Michael Hashim

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public



(Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

TERMINATION OF DEED -
(Title or description of attached document)

Restrictions
(Title or description of attached document continued)

Number of Pages 2 Document Date 2/17/08

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer
- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

EXHIBIT "A"

Being 3.873 acres of land located in the J.D. Hamilton Survey, Abstract No. 647, and being a portion of City of Dallas, Block B409, Dallas County, Texas and being all of that tract of land conveyed to Clark D. East, Trustee, recorded in Volume 840803, Page 5073 of the Deed Records of Dallas County, Texas. Said 3.873 acres of land being more particularly described by meter and bounds as follows:

BEGINNING at a 1/2" iron rod at the Southeast corner of said Clark D. East Tract and lying in the Westerly right-of-way line of Greenville Avenue, a (100' limit right-of-way);

THENCE N 89°36'30" W, 163.77 feet along the North line of that tract of land conveyed to Park Energy and Temple Plenary, recorded in Volume 67186, Page 2114 of the Deed Records of Dallas County, Texas to a 1/2" iron rod at the Southwest corner of the aforesaid Clark D. East Tract;

THENCE N 02°20'00" W, 382.04 feet along the East line of Lot 3, Block B/8409 High Point Apartments, recorded in Volume 86147, Page 3514 of the Map Records of Dallas County, Texas to a 1/2" iron rod in the South right-of-way line of Markville Road, an (80' foot right-of-way);

THENCE along the South right-of-way line of Markville Road (80' R.O.W.) as follows:

1. **NORTHEASTERLY** 276.71 feet along a Curve to the Left having a radius of 1,356.51 feet, a central angle of 10°00'00" and a chord bearing N 84°39'50" E, 236.46 feet to a 1/2" iron rod at the end of said Curve;
2. **NORTHEASTERLY** 95.77 feet along a Curve to the Right having a radius of 1,276.51 feet, a central angle of 04°17'55" and a chord bearing N 81°44'47" E, 95.75 feet to a 1/2" iron rod at the end of said Curve;
3. **SOUTHEASTERLY** 103.05 feet along a Curve to the Right having a radius of 50 feet, a central angle of 178°15'05" and a chord bearing S 36°59'42" E, 85.76 feet to a 1/2" iron rod at the End of said Curve and lying in the Westerly right-of-way line of Greenville Avenue, (variable right-of-way at this point);

THENCE along the Westerly right-of-way line of Greenville Avenue as follows:

1. S 22°02'50" W, 271.52 feet to a 1/2" iron rod;
2. S 19°00'42" W, 200.30 feet to a 1/2" iron rod at the Beginning of a non-tangent curve to the Right;
3. **SOUTHWESTERLY** 119.93 feet along said Curve to the Right, having a radius of 5,779.57 feet, a central angle of 01°11'50" and a chord bearing S 25°18'36" W, 119.93 feet to the PLACE OF BEGINNING and containing 3.873 acres of land, more or less.

EXHIBIT B

860214

DEED RESTRICTIONS

THIS DEED
DATE: 02/27/86

THE STATE OF TEXAS §
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, H. ROSS PEROT, an individual residing in Texas, is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the J.D. Hamilton Survey, Abstract No. 847, a portion of City Block 8409, City of Dallas, Dallas County, Texas, recorded in Volume 54630, Page 5013, of the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A" (attached hereto and incorporated herein for all purposes) and hereinafter referred to as the "Property".

That the undersigned, H. ROSS PEROT, does hereby impress the Property with the following deed restrictions, to-wit:

(1) No structure constructed on the Property shall exceed twenty-four (24) feet in height.

(2) Only private club uses and those uses permitted in Neighborhood Services Districts, as defined in the Dallas Development Code, as amended, are permitted on the Property.

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 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

535 11098 86017

060214

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 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.

EXECUTED this the 27th day of June, 1985.

H. ROSS PEROT
H. ROSS PEROT

Approved as to form
ANITA E. MILBY, City Attorney

By [Signature]
Assistant City Attorney

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 H. ROSS PEROT, 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 27th day of

June, 1985.

[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

LINDA SUE HUFF
(Printed Name of Notary)

My Commission Expires:

3/9/89

EXHIBIT "A"

Being 3.873 acres of land located in the J.D. Hamilton Survey, Abstract No. 647, and being a portion of City of Dallas, Block 8409, Dallas County, Texas and being all of that tract of land conveyed to Clark D. East, Trustee, recorded in Volume 84088, Page 5033 of the Deed Records of Dallas County, Texas. Said 3.873 acres of land being more particularly described by meter and bounds as follows:

BEGINNING at a 1/2" iron rod at the Southeast corner of said Clark D. East Tract and lying in the Westerly right-of-way line of Greenville Avenue, a (100' East right-of-way):

THENCE N 80° 36' 39" W, 163.77 feet along the North line of that tract of land conveyed to Park Pappas and Temple Pinnney, recorded in Volume 67196, Page 2114 of the Deed Records of Dallas County, Texas to a 1/2" iron rod at the Southwest corner of the aforesaid Clark D. East Tract;

THENCE N 00° 20' 10" W, 382.94 feet along the East line of Lot 3, Block 8/8409 High Point Apartments, recorded in Volume 84147, Page 3514 of the Map Records of Dallas County, Texas to a 1/2" iron rod in the South right-of-way line of Markville Road, an (80' East right-of-way):

THENCE along the South right-of-way line of Markville Road (80' R.O.W.) as follows:

1. **NORTHEASTERLY** 236.76 feet along a Curve to the Left having a radius of 1,356.51 feet, a central angle of 10° 00' 00" and a chord bearing N 84° 39' 37" E, 236.46 feet to a 1/2" iron rod at the end of said Curve;
2. **NORTHEASTERLY** 95.77 feet along a Curve to the Right having a radius of 1,276.51 feet, a central angle of 06° 17' 51" and a chord bearing N 81° 48' 47" E, 95.75 feet to a 1/2" iron rod at the end of said Curve;
3. **SOUTHEASTERLY** 103.05 feet along a Curve to the Right having a radius of 50 feet, a central angle of 148° 15' 05" and a chord bearing S 76° 50' 42" E, 87.76 feet to a 1/2" iron rod at the ESE of said Curve and lying in the Westerly right-of-way line of Greenville Avenue, (variable right-of-way at this point):

THENCE along the Westerly right-of-way line of Greenville Avenue as follows:

1. S 22° 02' 50" W, 271.52 feet to a 1/2" iron rod;
2. S 19° 00' 42" W, 200.30 feet to a 1/2" iron rod in the Beginning of a non-tangent curve to the Right;
3. **SOUTHWESTERLY** 119.93 feet along said Curve to the Right, having a radius of 5,779.57 feet, a central angle of 01° 11' 24" and a chord bearing S 23° 18' 36" W, 119.93 feet to the PLACE OF BEGINNING and containing 3.873 acres of land, more or less.

081073

Unofficial Document

NO. 86-0214
RETURN TO CITY SECRETARY
CITY MAIL
DALLAS, TEXAS 75208

STATE OF TEXAS
COUNTY OF DALLAS
I HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF DALLAS COUNTY, TEXAS.
JAN 27 1986
COUNTY CLERK, DALLAS COUNTY, TEXAS
E. B. BULLOCK

JAN 29 1986

86017 1538