

December 11, 1996

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for an NO(A) Neighborhood Office District which was approved by the City Council on December 11, 1996, on Zoning Case # Z956-306/10157-NC(RB) on property on the east side of Emily Road, south of Kit Lane; and

WHEREAS, said deed restrictions have 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 an NO(A) Neighborhood Office District as described in Ordinance 22972

Section 2. That said deed restrictions 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**

DEC 11 1996

Robert T. Shaw
City Secretary

Approved as to form:
SAM LINDSAY, City Attorney

By *Heather Teresade*
Assistant City Attorney

APPROVED *[Signature]*
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

DEED RESTRICTIONS

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

I.

The undersigned, Sonmar Development Corporation, a North Dakota corporation ("the Owner"), is the owner of the property ("the Property"), being a tract of land out of Foster W. Dunaway Survey, Abstract No. 403, City of Dallas ("City"), Texas, and being all of Lot 21A, City Block D/7756 of R.P. Howell Subdivision, City of Dallas, Texas, corrected by Certificate of Correction recorded in Volume 83174, page 1946, Deed Records, Dallas County, Texas, and being all of Lot 2, City Block D/7756 of Valley View Estates, City of Dallas, Texas, according to the plat recorded in Volume 5648, Page 195, Deed Records, Dallas County, Texas, and being that same tract of land conveyed to the Owner by R.P. Howell Jr. and wife, Joan D. Howell by deed dated May 28, 1996, and recorded in Volume 96106, page 03779, in the Deed Records of Dallas County, Texas, and by Western Human Science Institute by deed dated May 28, 1996, and recorded in Volume 96106, page 03779, in the Deed Records of Dallas County, Texas, and being more particularly described on Exhibit A, attached hereto and made a part hereof.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("the restrictions"), to wit:

1. The only improvements permitted on the Property shall be: (1) a 24 foot wide access road which shall traverse the Property from its West boundary line where it connects with Emily Road, to its East boundary line, surface parking, and signage in compliance with the applicable zoning ordinance.

2. Upon completion of the improvements, a 10 foot wide landscaped buffer zone shall be installed and maintained adjacent to and extending for the full length of the north boundary line of the Property.

III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

DEED RESTRICTIONS

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IV.

These restrictions may be amended or terminated only after 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 must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating 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 amendment or termination becomes effective.

V.

These restrictions are 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 that these restrictions inure to the benefit of the city. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the city substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

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 the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

DEED RESTRICTIONS

IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

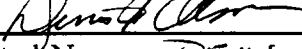
The Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property.

XII.

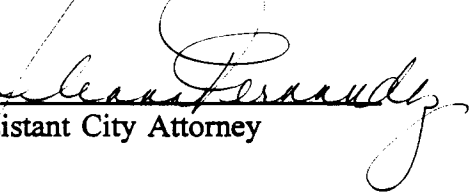
The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 2nd day of December, 1996.

SONMAR DEVELOPMENT CORPORATION

By: 
 Printed Name: DENNIS J. OLSON
 Title: PRES.

APPROVED AS TO FORM:
 SAM A. LINDSAY, City Attorney

By: 
 Assistant City Attorney

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STATE OF North DakotaCOUNTY OF Cass

This instrument was acknowledged before me on ~~October~~ ^{December} 2, 1996 by Denis J. Olson,
President of Sonmar Development Corporation, on behalf of said corporation.

Barbara M. Norman
Notary Public, State of North Dakota
My commission expires: 3-11-02

BARBARA M. NORMAN
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires MARCH 11, 2002

DEED RESTRICTIONS

Exhibit A

GF-Number 96R01047

BEING a tract of land out of the FOSTER W. DUNAWAY SURVEY, Abstract No. 403, in the City of Dallas, Dallas County, Texas and all of LOT 21A, BLOCK D/7756 of the R.P. HOWELL SUBDIVISION, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 77045, Page 1049 of the Deed Records of Dallas County, Texas and corrected by the Certificate of Correction recorded in Volume 83174, Page 1945 of the Deed Records of Dallas County, Texas and being all of LOT 2, BLOCK D/7756 of the VALLEY VIEW ESTATES, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 5648, Page 195 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod set with a yellow plastic cap stamped "NELSON CORP" (hereinafter called 5/8" iron rod set) for the intersection of the west right-of-way line of Maham Road with the northerly right-of-way line of North Central Expressway and the beginning of a curve to the left, having a central angle of 01 degree 12 minutes 12 seconds, a radius of 7025.55 feet and a chord bearing and distance of South 39 degrees 31 minutes 22 seconds West, 147.56 feet;

THENCE with the said northerly right-of-way line of North Central Expressway the following courses and distances to wit:

Southwesterly, with the said curve, an arc distance of 147.56 feet to a aluminum disc set in concrete found for corner;

South 43 degrees 56 minutes 22 seconds West, a distance of 178.53 feet to a 5/8" iron rod found for the northeasterly corner of LOT 16-B, BLOCK E/7756 of the GRANADA-CENTRAL ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 87244, Page 0782 of the Deed Records of Dallas County, Texas;

THENCE with the northerly line of said LOT 16-B, BLOCK E/7756 and the southerly line of the beforementioned LOT 21A, BLOCK D/7756 the following courses and distances to wit:

North 60 degrees 27 minutes 47 seconds West, a distance of 202.90 feet to a 1/2" iron rod found for corner;

North 28 degrees 53 minutes 22 seconds East, a distance of 3.43 feet to a 1/2" iron rod found for corner;

North 57 degrees 05 minutes 16 seconds West, a distance of 108.46 feet to a 1/2" iron rod found for corner;

South 66 degrees 51 minutes 54 seconds West, a distance of 90.36 feet to a 1/2" iron rod found for corner;

North 69 degrees 10 minutes 12 seconds West, a distance of 163.44 feet to a 3/4" iron rod found in the east line of LOT 1, BLOCK D/7756 of the

Exhibit A (Continued)

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beforementioned VALLEY VIEW ESTATES for the northwest corner of LOT 16-B, BLOCK E/7756 and the southwest corner LOT 21A, BLOCK D/7756;

THENCE with the said east line of LOT 1, BLOCK D/7756, North 00 degrees 36 minutes 10 seconds East, a distance of 114.88 feet to a 1/2" iron pipe found for the east common corner of LOTS 1 and 2, BLOCK D/7756 of the VALLEY VIEW ESTATES;

THENCE with the common line of said lots, South 89 degrees 31 minutes 11 seconds West, a distance of 220.78 feet to a 5/8" iron rod set in the east right-of-way line of Emily Road (60' ROW) for the westerly common corner of LOTS 1 and 2, BLOCK D/7756;

THENCE with the east right-of-way line of Emily Road, the following courses and distances to wit:

North 01 degree 40 minutes 11 seconds East, a distance of 24.17 feet to a 5/8" iron rod set for corner;

North 00 degrees 14 minutes 11 seconds East, a distance of 105.68 feet to a 5/8" iron rod set for westerly common corner of LOTS 2 and 3, BLOCK D/7756 of VALLEY VIEW ESTATES, from which a 1/2" iron rod found bears North 00 degrees 14 minutes 11 seconds East, a distance of 2.7 feet;

THENCE with the common line of said LOTS 2 and 3, BLOCK D/7756, North 89 degrees 31 minutes 11 seconds East, a distance of 220.17 feet to a 5/8" iron rod set for easterly common corner of said lots and the northwest corner of LOT 21A, BLOCK D/7756, from which a 3/4" iron pipe found for the northeast corner of LOT 5, BLOCK D/7756 of VALLEY VIEW ESTATES bears, North 00 degrees 14 minutes 11 seconds East, a distance of 149.82 feet and a 1/2" iron pipe found for the easterly common corner of LOTS 1 and 2, BLOCK D/7756 bears South 00 degrees 14 minutes 11 seconds West, a distance of 129.84 feet;

THENCE with the north line of said LOT 21A, BLOCK D/7756, North 89 degrees 13 minutes 02 seconds East, passing a 5/8" iron rod found with a yellow plastic cap stamped "HUITT ZOLLAR" 3.2 feet north at 2.5 feet; in all a distance of 577.48 feet to a cross mark set in concrete for the northerly common corner of LOTS 21A and 23, BLOCK D/7756;

THENCE with the common line of said lots, South 00 degrees 07 minutes 03 seconds East, a distance of 137.83 feet to a cross mark set in concrete for the southwest corner of LOT 23, BLOCK D/7756;

THENCE continuing with the common line of LOTS 21A and 23, BLOCK D/7756 North 89 degrees 13 minutes 02 seconds East, a distance of 140.00 feet to a 5/8" iron rod set in the west right-of-way line of Maham Road for the easterly common corner of LOTS 21A and 23, BLOCK D/7756;

THENCE with the said west right-of-way line of Maham Road, South 00 degrees 07

FIRST AMERICAN TITLE INSURANCE COMPANY

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Exhibit A (Continued)

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minutes 03 seconds East, a distance of 58.88 feet to the POINT OF BEGINNING and containing 5.4990 acre of land.