

Deed Rat



8420

COUNCIL CHAMBER  
June 24, 1998

981930

**WHEREAS**, deed restrictions in the attached instruments have been volunteered in conjunction with a request for a CR Community Retail District on two tracts of land which was approved by the City Council on June 24, 1998 on Zoning Case Z978-234/9030-NE(ML) on property near the northeast corner of Lyndon B. Johnson Freeway and Forest 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 instruments 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 CR Community Retail District as described in Ordinance ~~23566~~

**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

JUN 24 1998

*Shirley Fey*  
Acting City Secretary

Approved as to form:  
SAM LINDSAY, City Attorney  
By *Clement H. DeSimetha*  
Assistant City Attorney

APPROVED *[Signature]* HEAD OF DEPARTMENT      APPROVED \_\_\_\_\_ DIRECTOR OF FINANCE      APPROVED \_\_\_\_\_ CITY MANAGER

**DEED RESTRICTIONS**

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

**I.**

The undersigned, BUDGET SUITES OF AMERICA LIMITED LIABILITY COMPANY, TX-348, a Nevada limited liability company ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the B.J. Prigmore Survey, Abstract No.1159, being a part of the B.F. Hall Survey, Abstract No. 660, being all of Lot 2, City Block A/8420 Forest LBJ Addition, an addition to the City of Dallas as recorded in Volume 85060, Page 3791, Dallas County Deed Records, City of Dallas ("City"), Dallas County, Texas, as more particularly described in "EXHIBIT A" attached hereto, and incorporated herein for all purposes, conveyed to the Owner by North American Savings Bank, F.S.B., formally known as NORTH AMERICAN SAVINGS ASSOCIATION by deed dated February 5, 1998, and recorded in Volume 98024, Pages 04748, 04749, 04750, 04751, 04752, 04753, and 04754, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit B attached hereto and incorporated herein for all purposes:

**II.**

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

1.     The effective area of each detached premise sign shall not exceed three hundred fifty (350) square feet.
2.     Non-premise signs are prohibited.

**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.

**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

2978-234/4030-NE (ML)

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 a right, title, or interest in or to the Property or any part thereof. Any person who acquires a 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.

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 if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision of 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 this the 4th day of June, 1998.

OWNER:

Budget Suites of America Limited Liability  
Company, TX-348, a Nevada  
limited liability company

By: Robert T. Bigelow

Robert T. Bigelow

Title: Operating Manager

CONSENT AND CONCURRENCE OF  
LIENHOLDER:

Bank One, Arizona, NA, a national banking  
association

By: George W. Welch

George W. Welch

Title: Vice President

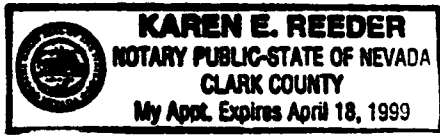
APPROVED AS TO FORM:  
SAM A. LINDSAY, City Attorney

By: Clement H. Smith

Assistant City Attorney

STATE OF Nevada  
Clark  
COUNTY OF Clark

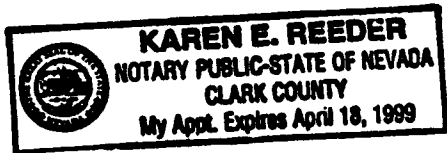
This instrument was acknowledged before me on June 4, 1998  
by Robert T. Bigelow, Operating Manager of Budget Suites of America Limited Liability  
Company, TX-348, a Nevada limited liability company, on behalf of said Liability  
Company.



Karen E. Reeder  
Notary Public

STATE OF Nevada  
COUNTY OF Clark

This instruction was acknowledged before me on June 9, 1998 by  
GEORGE W. WELCH, VICE PRESIDENT  
(name of officer) (title of officer)  
of BANK ONE, AZ, NA, a national banking association  
(name of corporation) (state of incorporation)  
corporation, on behalf of said corporation.



Karen E. Reeder  
Notary Public

981930

EXHIBIT A  
LEGAL DESCRIPTION

Tract 1:

BEING all that tract of land in the City of Dallas, Dallas County, Texas, a part of the B. J. PRIGMORE SURVEY, ABSTRACT NUMBER 1159, a part of the B. F. HALL SURVEY, ABSTRACT NO. 660, and being a part of Lot 2, Block A/8420, Forest LBJ Addition, an addition to the City of Dallas as recorded in Volume 85060, Page 3791, Dallas County Deed Records, and being further described as follows:

COMMENCING at a ½ inch iron rod found at the intersection of the north line of Forest Lane (a variable width right-of-way) with the northeast line of LBJ Freeway (Interstate Highway No. 635, a variable width right-of-way);

THENCE North 52 degrees 24 minutes 44 seconds West (Reference Bearing), 165.82 feet along the northeast line of LBJ Freeway to a ½ inch iron rod found for corner at the POINT OF BEGINNING of this tract;

THENCE North 52 degrees 24 minutes 44 seconds West, 213.32 feet along the northeast line of LBJ Freeway to a ½ inch iron rod set for corner;

THENCE North 37 degrees 35 minutes 16 seconds East, 670.92 feet to a "X" in concrete set for corner in the northeasterly line of said Lot 2, said point being in the southwesterly line of Lot 1A, Block A/8420, Browning Office Center, Phase 1A, an addition to the City of Dallas as recorded in Volume 97056, Page 1237, Dallas County Deed Records;

THENCE along the northeasterly line of said Lot 2 and along the southwesterly line of said Lot 1A as follows:

South 52 degrees 24 minutes 44 seconds East, 463.93 feet to a "X" in concrete found for corner;

Southeasterly, 130.95 feet along a curve to the right which has a central angle of 29 degrees 25 minutes 27 seconds, a radius of 255.00 feet, a tangent of 66.96 feet, and whose chord bears South 15 degrees 20 minutes 43 seconds East, 129.52 feet to a "X" in concrete found for corner;

South 00 degrees 38 minutes 00 seconds East, 9.62 feet to a "X" in concrete found for corner;

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Southwesterly, 133.52 feet along a curve to the left which has a central angle of 30 degrees 00 minutes 00 seconds, a radius of 255.00 feet, a tangent of 68.33 feet, and whose chord bears South 14 degrees 22 minutes 00 seconds West, 132.00 feet to a "X" in concrete found for corner;

South 29 degrees 22 minutes 00 seconds West, 71.74 feet to a ½ inch iron rod found for corner;

Southeasterly, 157.08 feet along a curve to the left which has a central angle of 30 degrees 00 minutes 00 seconds, a radius of 300.00 feet, a tangent of 80.38 feet, and whose chord bears South 14 degrees 22 minutes 00 seconds West, 155.29 feet to a "X" in concrete found for corner.

South 00 degrees 38 minutes 00 seconds East, 4.99 feet to a "X" in concrete found for corner in the north line of Forest Lane;

THENCE along the north line of Forest Lane as follows:

South 89 degrees 22 minutes 00 seconds West, 100.58 feet to a ½ inch iron rod set for corner;

North 00 degrees 16 minutes 14 seconds West, 1.49 feet to a concrete Highway monument found corner;

North 89 degrees 59 minutes 38 seconds West, 89.57 feet to a ½ inch iron rod found for corner;

THENCE North 00 degrees 00 minutes 22 seconds East, 249.64 feet to a ½ inch iron rod found for corner;

THENCE West, 231.39 feet to a ½ inch iron found for corner;

THENCE South 37 degrees 35 minutes 16 seconds West, 187.36 feet to the POINT OF BEGINNING and containing 322,019 square feet or 7.393 acres of land.

Tract 2: Easement

AN ASSIGNMENT of and non-exclusive right to use the rights and easements created by the Mutual Access Roadway Agreement executed by and between Dondi Commercial Properties, Inc., and Triland Investment Group and George S. Watson and A. Starke Taylor, III, dated February 13, 1984, recorded in Volume 84031, Page 3824 of the Real Property Records of Dallas County, Texas, as subsequently amended and assigned, over and across the following property:

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BEING a parcel of land in the B. J. PRIGMORE SURVEY, ABSTRACT NO. 1159, and the B. F. HALL SURVEY, ABSTRACT NO. 660, and being situated in Block A/8420, Official Numbers, City of Dallas, Texas; said parcel being part of a tract of land conveyed to Dondi Commercial Properties, Inc. as recorded in Volume 84031, Page 3818 of the Deed Records, Dallas County, Texas and being further described as follows:

BEGINNING at an "X" found in concrete in the north line of Forest Lane (a variable width right-of-way), said point being the southeast corner Lot 2, Block A/8420, Forest/LBJ Addition as recorded in Volume 85060, Page 3791, Dallas County Deed Records, said point also being the southwest corner of Lot 1A, Block A/8420, Browning Office Center, Phase One as recorded in Volume 97056, Page 1237, Dallas County Deed Records;

THENCE North 00 degrees 38 minutes 00 seconds West, 4.99 feet to an "X" found for corner;

THENCE Northeasterly, 157.08 feet along a curve to the right which has a central angle of 30 degrees 00 minutes and 00 seconds, a radius of 300.00 feet, a tangent of 80.38 feet, and whose chord bears North 14 degrees 22 minutes 00 seconds East, 155.29 feet to a 1/2 inch iron rod found for corner;

THENCE North 29 degrees 22 minutes 00 seconds East, 71.74 feet to an "X" found for corner;

THENCE Northeasterly, 133.52 feet along a curve to the left which has a central angle of 30 degrees 00 minutes 00 seconds, a radius of 255.00 feet, a tangent of 68.33 feet, and whose chord bears North 14 degrees 22 minutes 00 seconds East, 132.00 feet an "X" set for corner;

THENCE North 00 degrees 38 minutes 00 seconds West, 9.62 feet to an "X" for corner;

THENCE Northwesterly, 185.02 feet along a curve to the left which has a central angle of 51 degrees 46 minutes 44 seconds, a radius of 204.74 feet, a tangent of 99.37 feet, and whose chord bears North 26 degrees 31 minutes 22 seconds East, 178.79 feet to a point for corner;

THENCE North 52 degrees 24 minutes 44 seconds West, 563.48 feet to a point for corner;

THENCE South 89 degrees 44 minutes 59 seconds West, 206.67 feet to a point for corner;

THENCE North 80 degrees 54 minutes 41 seconds East, 130.41 feet to a point for corner;

THENCE Southeasterly, 199.59 feet along a curve to the right which has a central angle of 46 degrees 40 minutes 35 seconds, a radius of 245.00 feet, a tangent of 105.71 feet, and whose chord bears South 75 degrees 45 minutes 01 seconds East, 194.12 feet to a point for corner;

THENCE South 52 degrees 24 minutes 44 seconds East, 458.98 feet to a point for corner;

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THENCE Southeasterly, 225.69 feet along a curve to the right which has a central angle of 51 degrees 46 minutes 44 seconds, a radius of 249.74 feet, a tangent of 121.21 feet, and whose chord bears South 26 degrees 31 minutes 22 seconds East, 218.09 feet to a point for corner;

THENCE South 00 degrees 38 minutes 00 seconds East, 9.62 feet to a point for corner;

THENCE Southwesterly, 157.08 feet along a curve to the right which has a central angle of 30 degrees 00 minutes 00 seconds, a radius of 300.00 feet, a tangent of 80.38 feet, and whose chord bears South 14 degrees 22 minutes 00 seconds West, 155.29 feet to a point for corner;

THENCE South 29 degrees 22 minutes 00 seconds West, 71.74 feet to a point for corner;

THENCE Southwesterly, 133.52 feet along a curve to the left which has a central angle of 30 degrees 00 minutes 00 seconds, a radius of 255.00 feet, a tangent of 68.33 feet, and whose chord bears South 14 degrees 22 minutes 00 seconds West, 132.00 feet to a point for corner;

THENCE South 00 degrees 38 minutes 00 seconds East, 4.99 feet to a point for corner in the north line of Forest Lane;

THENCE South 89 degrees 22 minutes 00 seconds West, 45.00 feet to the POINT OF BEGINNING and containing 53,888 square feet or 1.237 acres of land.

SAID ASSIGNMENT shall be subject to the rights of access, ingress and egress of adjacent landowners under said Mutual Access Roadway Agreement pursuant to the terms thereof, provided that Grantor shall be responsible for the portion of the property described above under the terms of such agreement.

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EXHIBIT B  
(SHEET 1 OF 2)  
TRACT II

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Being a 1.275 acre tract of land in the City of Dallas, Dallas County, Texas, being a part of the B.J. Prigmore Survey, Abstract No. 1159, being part of the B.F. Hall Survey, Abstract No. 600, being a part of Lot 2, Block A/3+20, Forest LBJ Addition, an addition to the City of Dallas as recorded in Volume 85060, Page 379, Dallas County Deed Records, and being further described as follows:

COMMENCING at a one-half inch iron found at the intersection of the north line of Forest Lane (variable width R.O.W.) with the northeast line of LBJ Freeway (Interstate Highway No. 635, a variable width R.O.W.);

THENCE South 89 degrees 59 minutes 38 seconds East, 214.25 feet along the north line of Forest Lane to a one-half inch iron rod set at the POINT OF BEGINNING;

THENCE North 00 degrees 00 minutes 22 seconds East, 249.64 feet to a one-half inch iron rod set for corner;

THENCE East, 279.00 feet to a point for corner, said point being in the west line of a 45 foot Mutual Access and Public Utility Easement as recorded in Volume 84031, Page 3824, Dallas County Deed Records;

THENCE along the west line of said Easement the following courses:

Southwesterly, 35.53 feet along a non-tangent curve to the right to an "X" in concrete found for corner, said curve having a central angle of 07 degrees 59 minutes 04 seconds, a radius of 255.00 feet, a tangent of 17.80 feet, and a chord bearing and distance of 25 South degrees 22 minutes 28 seconds East, 35.51 feet;

South 29 degrees 22 minutes 00 seconds West, 71.74 feet to a one-half inch iron rod found for corner;

Southwesterly, 157.08 feet along a non-tangent curve to the left to an "X" in concrete found for corner, said curve having a central angle of 30 degrees 00 minutes 00 seconds, a radius of 300.00 feet, a tangent of 80.38 feet, and a chord bearing and distance of South 14 degrees 22 minutes 00 seconds West, 155.29 feet;

South 00 degrees 38 minutes 00 seconds East, 4.99 feet to an "X" in concrete found for corner, said point being in the north line of Forest Lane;

THENCE along the north line of Forest Lane the following courses:

South 89 degrees 22 minutes 00 seconds West, 100.58 feet to a one-half inch iron rod set for corner;

North 00 degrees 16 minutes 14 seconds West, 1.49 feet to a concrete highway monument found for corner;

North 89 degrees 59 minutes 38 seconds West, 89.57 feet to the POINT OF BEGINNING and containing 55,518 square feet or 1.275 acres of land.

