

May 6, 1974

741973

WHEREAS, The deed restrictions in the attached instrument have been volunteered in conjunction with a request for Office-1 and Flood Plain (Office-1) zoning which was approved by the City Council, March 11, 1974, on Zoning case #Z73-222/3145-B on property generally located at the southwest corner of Greenville Avenue and Boundbrook Avenue; and

WHEREAS, said deed restrictions have been approved as to form and content and accepted by the City Plan Commission of the City of Dallas, Texas; Now, Therefore,

Be it Resolved by the City Council 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 Office-1 and Flood Plain (Office-1), as described in Ordinance # 14524.

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, after approval thereof by the City Attorney.

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

MAY 6 1974

Harold G. Shank
City Secretary

Stanley Knight

APPROVED

HEAD OF DEPARTMENT

APPROVED

CITY AUDITOR

APPROVED

CITY MANAGER

741973



THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS THAT:

COUNTY OF DALLAS

WHEREAS, Anthony Scalise, Lewis E. Thomas and Lionel E. Kattner of Dallas County, Texas (hereinafter called "Scalise"), is the present owner of a tract of land containing 5.13 acres out of the D. Barrow Survey, Abstract No. 177, City of Dallas, County of Dallas, Texas, also known as 8515 Greenville Avenue, Dallas, Texas (hereinafter called the "Scalise Tract" and further described by metes and bounds in Exhibit "A" attached hereto); and

WHEREAS, Anthony Scalise plans to cause all of said property to be developed, either by leasing to others for development, or by constructing structures thereon alone, or in conjunction with others; and

WHEREAS, in order to provide for the most beneficial development of said property, it is deemed necessary to subject the same to certain protective restrictions and covenants as set forth herein;

NOW, THEREFORE, for a valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Scalise hereby covenants and agrees with the City of Dallas, Texas, a municipal corporation, subject to the restrictions and limitations set forth below, that:

1. The Scalise Tract shall be used only for those uses (excluding all residential uses) allowed under zoning classification Office District O-1 under the Comprehensive Zoning Ordinance of Dallas, Texas, codified in Volume III of the Revised Code of Civil and Criminal Ordinances of the City of Dallas, Texas, as amended, (hereinafter called the "Dallas Zoning Ordinance") or in the event the Dallas Zoning Ordinance is superseded, the zoning classification corresponding to Office District O-1.

2. There shall be no signs on the Scalise Tract except signs relating to the Scalise Tract referring exclusively to the name, location, products, persons, accommodations, services or activities of or on the Scalise Tract or any improvements thereon or the sale, lease or construction of the Scalise Tract or any improvements thereon, or any part thereof. Such signs shall be restricted to two feet in height, defined as the vertical distance from the lowest part of the sign (but not its supporting structure) to the highest part of the sign (but not its supporting structure). Signs must be attached to the buildings or extensions thereof.

3. Owners of the Scalise Tract agree to submit a sign plat to the City Planning Commission or their designee prior to obtaining a building permit.

4. An eight foot masonry wall will be constructed along the west side of the Scalise Tract in accordance with plans and specifications agreed upon by Scalise and the owner of the tract immediately to the west of the Scalise Tract.

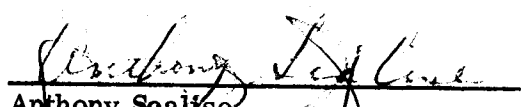
5. Owners of the Scalise Tract agree, at the time it is required, to dedicate up to 100 feet of right of way for the proposed extension of Royal Lane and up to 25 feet of right of way for the proposed improvement of Greenville Avenue without cost to the City of Dallas.

6. Owners of the Scalise Tract agree that, prior to the erection of any structure on that portion of the subject tract presently designated as Flood Plain, they will make application to the proper authorities for removal of said Flood Plain designation.

Notwithstanding anything to the contrary set forth herein, the restrictions, covenants and agreements herein contained shall terminate and be of no further force and effect twenty (20) years from the date hereof.

The covenants contained herein shall be considered covenants running with the land and shall be binding on each owner of the Scalise Tract or his successors and assigns and the acceptance by any person of title to the Scalise Tract or any part thereof shall constitute such person's acceptance and joinder in such covenants. Said covenants are made solely with and for the benefit of the City of Dallas, Texas, and no other person or party. If Scalise or any subsequent owner of the Scalise Tract, or any part thereof, shall violate any of such covenants, the said City of Dallas, Texas (but only the said City of Dallas, Texas) shall have the right to file and prosecute any proceedings at law or in equity against the person or persons violating, threatening to violate or attempting to violate any of such covenants.

IN WITNESS WHEREOF, this instrument is executed this the 19th day of April, 1974.


Anthony Scalise


Louis E. Thomas


Lionel E. Kattner

Approved as to form
N. ALEX BICKLEY, City Attorney

By _____
Assistant City Attorney

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared ANTHONY SCALISE, 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 19th
day of April, 1974.

Sandra Phillips
Notary Public

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared LEWIS E. THOMAS, 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 19th
day of April, 1974.

Sandra Phillips
Notary Public

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared LIONEL E. KATTNER, 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 19th
day of April, 1974.

Sandra Phillips
Notary Public

BEING a part of the David Barrow Survey, Abstract No. 177 and the Neal McCreary Survey, Abstract No. 996, Dallas County, Texas, and being in Block 7522, official City numbers, and being more particularly described as follows:

BEGINNING at the intersection of the northwest line of Greenville Avenue with the south line of Boundbrook Avenue as established by deed to the City of Dallas dated February 10, 1964, and recorded in Volume 256, Page 0573, Deed Records, Dallas County, Texas;

THENCE north 75 deg. 12' 47" west along the south line of Boundbrook Avenue, a distance of 586.43 feet to the northeast corner of Lot 12, Block 23/7522 of Northwood Estates, Second Installment, as per map or plat thereof recorded in Volume 30, Page 67, Map Records, Dallas County, Texas;

THENCE south 3 deg. 29' 13" west along the east line of said addition a distance of 432 feet to a point for corner;

THENCE south 68 deg. 23' 47" east a distance of 30 feet to a point for corner;

THENCE south 59 deg. 23' 47" east a distance of 365.00 feet to the intersection of same with the northwest line of Greenville Avenue;

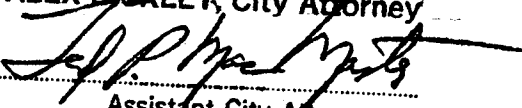
THENCE north 24 deg. 10' 13" east along the northwest line of Greenville Avenue a distance of 390.00 feet to an angle point;

THENCE north 36 deg. 45' 13" east and continuing along the northwest line of Greenville Avenue a distance of 153 feet to the PLACE OF BEGINNING.

Approved as to form:

N. ALEX BICKLEY, City Attorney

By


Assistant City Attorney