COUNCIL CHAMBER

August 2, 1974

WHEREAS, The deed restrictions in the attached instrument have been volunteered in conjunction with a request for a Planned Development District #70 for Shopping Center-Dry Uses zoning which was approved by the City Council, February 25, 1974, on Zoning Case #Z73-218/949-A on property generally located Northwest Highway/Midway Road, northeast corner; 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 Planned Development District #70 for Shopping Center-Dry Uses, as described in Ordinance # 14645 .

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 the 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

AUG 12 1974

Harold G. Shank
City Secretary

Approved as to form:
N. ALEX BICKLEY, City Attorney

By ..... Assistant City Attorney

APPROVED W. David Fyfe HEAD OF DEPARTMENT APPROVED CITY AUDITOR APPROVED CITY MANAGER

AUG 1974
ORIGINAL
FILED
TOM E. ELLIS
COUNTY CLERK
Dallas County, Texas
Deputy

RESTRICTIVE COVENANTS

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

WHEREAS, JOAN L. STANSBURY, and JACK W. LIVELY are the owners of two tracts of land, totaling 4.134 acres, at the northeast intersection of Northwest Highway and Guernsey Lane in Block 5558 of the City of Dallas, Texas, as more fully set out below; and

WHEREAS, JOAN L. STANSBURY and JACK W. LIVELY desire to contract between themselves and the City of Dallas to impose restrictions upon said two tracts of land:

NOW, THEREFORE, in consideration of the premises, JOAN L. STANSBURY, JACK W. LIVELY and the CITY OF DALLAS, TEXAS do each hereby bind themselves and their respective heirs, legal representatives, successors and assigns, to restrict the use of the following described property as hereinafter set out:

TRACT A.

Being a tract or parcel of land situated in the City of Dallas, Dallas County, Texas and being part of the James Farquhar Survey, Abstract 455, and being part of City Block 5558, and also being the tract of land conveyed by will to Joan Stansbury, Probate #68-2397, and being more particularly described as follows:

BEGINNING at a point for corner in the southeasterly line of Guernsey Lane said point being in a northerly direction along said southeasterly line of Guernsey Lane a distance of 430.79 feet from the intersection of the projected southeasterly line of Guernsey Lane with the northerly line of Northwest Highway (100 feet wide);

THENCE South 79° 26' East a distance of 316.00 feet to a point for corner in the channel of Bachman's Creek;

THENCE South 1° 25' East along said channel of Bachman's Creek a distance of 295.73 feet to a point for corner

in the northerly line of Northwest Highway;

THENCE in a southwesterly and westerly direction along said northerly line of Northwest Highway and along a curve to the right whose tangent bears South 86° 12' West having a radius of 1382.40 feet, a central angle of 15° 03' 16", and an arc length of 363.23 feet to the end of said curve to the right and the beginning of a curve to the right;

THENCE in a westerly, northwesterly and northerly direction along the northeasterly cut-off line between the northerly line of Northwest Highway and the southeasterly line of Guernsey Lane and along said curve to the right having a radius of 20.00 feet, a central angle of 102°, and an arc length of 35.60 feet to the end of said curve to the right;

THENCE North 8° 15' East along said southeasterly line of Guernsey Lane a distance of 406.10 feet to the POINT OF BEGINNING and containing 2.9326 Acres.

TRACT B.

Being a tract or parcel of land situated in the City of Dallas, Dallas County, Texas, and being part of the James Farquhar Survey, Abstract 455, and being part of City Block 5558, and also being the tract of land conveyed by will to Jack W. Lively, Probate #68-2397, and being more particularly described as follows:

BEGINNING at a point for corner in the southeasterly line of Guernsey Lane (40 feet wide) said point being in a northerly and northeasterly direction along said southeasterly line of Guernsey Lane a distance of 707.50 feet from the intersection of the projected southeasterly line of Guernsey Lane and the Northerly line of Northwest Highway (100 feet wide);

THENCE South 39° 45' East a distance of 302.19 feet to a point for corner in the channel of Bachman's Creek;

THENCE South 40° 29' West along the channel of Bachman's Creek a distance of 56.87 feet to a point for corner;

THENCE North 79° 26' West a distance of 316.00 feet to a point for corner in the southeasterly line of Guernsey Lane;

THENCE North 8° 15' East along said southeasterly line of Guernsey Lane a distance of 11.80 feet to the beginning of a curve to the right;

THENCE in a northerly and northeasterly direction continuing along the southeasterly line of Guernsey Lane and along said curve to the right having a radius of 247.30 feet, a central angle of 44°, and an arc length of 189.91 feet to the end of said curve to the right;

THENCE North 52° 15' East continuing along the southeasterly line of Guernsey Lane a distance of 75.00 feet to the POINT OF BEGINNING and containing 1.2008 Acres.

1. Each lot which may hereafter be platted out of the foregoing described tracts shall be known and described as a residential lot, and the use of each lot shall be restricted to one single family detached dwelling, and such accessory and incidental uses, buildings and structures as are not prohibited in a single family dwelling district by any applicable ordinance of the City of Dallas.

2. The above restrictions shall be inviolate except with the concurrence of the City Council of the City of Dallas, Texas, and the owners of both of the foregoing respective tracts. The concurrence of the City Council of the City of Dallas must be evidenced by ordinance of the City of Dallas passed after a public hearing.

3. Nothing herein contained shall prohibit the owner or owners of any of the foregoing tracts from placing additional restrictions on such tract or tracts, nor from modifying, changing, amending or removing such additional restrictions, without the consent of the City Council of the City of Dallas.

4. The foregoing restrictions shall be effective for a period of thirty years from and after January 1, 1975, or the date upon which the City Council of the City of Dallas passes an ordinance under Zoning Case Z73-218/949-A, permitting a Planned Development District for Shopping Center uses on property at the northeast corner of Midway Road and Northwest Highway presently owned by JOAN L. STANSBURY and JACK W. LIVELY, whichever date occurs later. Moreover, in the event that such zoning ordinance after passage is later set aside or invalidated by a court of competent jurisdiction, or in the event a subsequent

ordinance is enacted which revokes or limits such Shopping Center uses, the restrictive covenants contained herein shall automatically cease, be revoked and become null and void.

EXECUTED by JOAN L. STANSBURY, JACK W. LIVELY and THE CITY OF DALLLAS, TEXAS this 31 day of July, 1974.

JOAN L. STANSBURY

JACK W. LIVELY

THE CITY OF DALLAS

By _____
City Manager

N Alf Buckley

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME, the undersigned authority, on this day personally appeared JOAN L. STANSBURY, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 31st day of July, 1974.

Hattie C. Comstock
Notary Public in and for
Dallas County, Texas

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME, the undersigned authority, on this day personally appeared JACK W. LIVELY, 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 31st day of July, 1974.

Hattie C. Comstock
Notary Public in and for
Dallas County, Texas

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME, the undersigned authority, on this day personally appeared George R. Schrader, known to me to be the person and authorized representative whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said CITY OF DALLAS, and that he executed the same as the act of such CITY OF DALLAS for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of Aug., 1974.

Lucy M. Pitts
Notary Public in and for
Dallas County, Texas

RECEIVED
AUG 24 1973
ZONING OFFICE
RADBROOK ESTATES
DEED RESTRICTED
RADBROOK ESTATES
No. 2
DEED RESTRICTED
LANSDOWNE ESTATES
DEED RESTRICTED
150' STRIP
DEED RESTRICTED
ADDITIONAL AREA PROPOSED TO BE DEED RESTRICTED BY APPLICANTS
ADDITIONAL AREA PROPOSED TO BE DEED RESTRICTED BY APPLICANTS
A+B
PROPOSED P.D.
SP no. 529 (R-10)
SP no. 76 (R-10)
R-10
SUNNYBROOK LANE
BROOKVIEW
NORTHWEST HIGHWAY
SOUTHBROOK
SEWER