

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a CR Community Retail District which was approved by the City Council on December 13, 1989, on Zoning Case #Z889-234/1895-N on property on the west side of Betty Jane Lane, north of Walnut Hill Lane; and,

WHEREAS, said deed restrictions have been approved as to form and content;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY 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 a CR Community Retail District as described in Ordinance 20537.

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.

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.

- c: Building Inspection - 2
Planning and Development - 2

**APPROVED BY
CITY COUNCIL**

89-12/ct

DEC 13 1989

Approved as to form:
ANALESLIE MUNCY, City Attorney

By Angela Wash
Assistant City Attorney

Robert B. Brown
City Secretary

APPROVED

HEAD OF DEPARTMENT

APPROVED

DIRECTOR OF FINANCE

APPROVED

CITY MANAGER

DEED RESTRICTIONS

THE STATE OF TEXAS

RECEIVED

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS

1990 JAN 23 AM 10:00

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4621

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5.00 DEED
1 01/05/90

CITY SECRETARY
DALLAS, TEXAS

That, Morgan Investment Company, is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the Benjamin Merrell Survey, Abstract No. 933, City Block A/6226, City of Dallas, Dallas County, Texas and being that same tract of land conveyed to Morgan Investment Company by Walnut Hill United Methodist Church, by deed dated November 25, 1974, and recorded in Volume 74233, Page 2344, in the Deed Records of Dallas County, Texas and being more particularly described as follows:

TRACT 1, BEING LOTS 4 and 5 and a strip of land 45.12 feet in width off the entire north side of LOT 3 in BLOCK A/6226 of MARSH HILL ESTATE ADDITION, an addition to the City of Dallas, Texas per plat recorded in Volume 30, Page 145, Plat Records, Dallas County, Texas; and

TRACT II, BEING LOTS 6 and 7 of BLOCK A/6226 of MARSH HILL ESTATES NO. 3 ADDITION, an addition to the City of Dallas, Texas, according to the plat thereof file 7/23/65, and recorded in Volume 617, Page 2479, Plat Records, Dallas County, Texas.

That, Morgan Investment Company, does hereby impress all of the above described property, herein after referred to as "THE PROPERTY", with the following deed restrictions, to-wit:

1. Prior to application for a Certificate of Occupancy, for Community Retail use, the owner shall erect along its Betty Jane Lane frontage an eight (8) foot masonry screening wall with the Betty Jane Lane side of the wall being brick.
2. The screening wall erected in accordance with the above restriction must be maintained for the duration of these restrictions.
3. Upon issuance of a Certificate of Occupancy for Community Retail use there shall be no access to or from "THE PROPERTY" permitted along Betty Jane Lane.

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 must 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 must 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 or her from so doing or to correct such violation and for further remedy, the City of Dallas may 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 are fully binding upon all persons acquiring property within the above described tract, and any person by acceptance of title to any of THE PROPERTY shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 17th day of November, 1989.

MORGAN INVESTMENT COMPANY

By: *Doris B. Morgan*
Doris B. Morgan, Partner

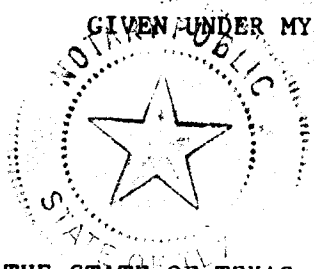
By: *Richard L. Morgan*
3635 INVESTMENT COMPANY, Partner
Richard L. Morgan, President

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 Doris B. Morgan known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17th day of November, 1989.



Marilyn B. Bueffel
NOTARY PUBLIC in and for
DALLAS COUNTY, TEXAS
My Commission Expires 4/1/92

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 Richard L. Morgan known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17th day of November, 1989.



Marilyn B. Bueffel
NOTARY PUBLIC in and for
DALLAS COUNTY, TEXAS
My Commission Expires 4/1/92

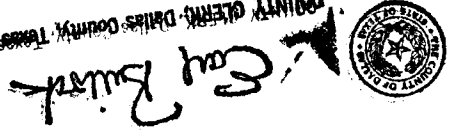
Approved as to form:
ANALESIE MUNCY, City Attorney

By: *Annela Washif*
Assistant City Attorney

90004 3805

FILED
Eug B. Smith
COUNTY CLERK
DALLAS COUNTY
90 JAN -5 AM 9:55

COUNTY CLERK, DALLAS COUNTY, TEXAS



JAN 5 1990

any provision herein which restricts the sale, rental, or use of the property described under federal law.
STATE OF TEXAS
COUNTY OF DALLAS
I hereby certify this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the public records of Dallas County, Texas, as stamped hereon by me.

No. 89-4015
Return to City Secretary
City Hall
Dallas, Texas 75201