

BLK 1/5571

WHEREAS, deed restrictions were volunteered in conjunction with a request for a Planned Development District for Shopping Center Uses on property at the northeast corner of Northwest Highway and Midway Road which was approved by the City Council on February 25, 1974, on Zoning Case No. Z73-218/949-A, with said deed restrictions being placed on property to the north and to the east of the property zoned as a Planned Development District; and

WHEREAS, application has been made to amend the deed restrictions as they pertain to the property designated as Tract III in the deed restriction instrument as part of Zoning File No. Z967-281/10099-NC(RB); and

WHEREAS, the City Council at a public hearing on December 10, 1997 approved the amendment to the deed restrictions in accordance with the recommendation of the City Plan Commission; and

WHEREAS, an instrument providing for the amendment to said deed restrictions has been approved as to form; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the attached instrument entitled "FIRST AMENDMENT TO DEED RESTRICTIONS" be and is hereby accepted by the City Council of the City of Dallas, Texas.

Section 2. That said deed restrictions shall be filed in the Deed Records of Dallas County, Texas.

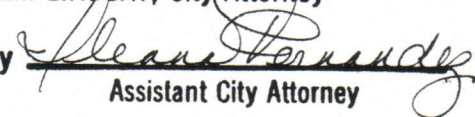
Section 3. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

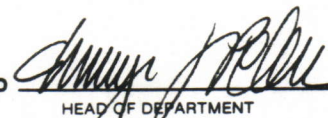
APPROVED BY
CITY COUNCIL

DEC 10 1997


City Secretary

Approved as to form:
SAM LINDSAY, City Attorney

By 
Assistant City Attorney

APPROVED  APPROVED _____ APPROVED _____
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

IV.

The preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City. Notice of the public hearings was given as would have been required by law for a zoning change on the Property. The Owner must file this 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 becomes effective.

V.

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 this amendment.

VI.

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.

VII.

It is expressly stipulated and understood that the preceding amendment of restriction number three, regarding lot area requirements for Tract III, accomplished hereby shall in no manner operate to impair or reduce the enforceability of the Original Restrictions, as originally written, and that all restrictions and provisions contained in the deed restriction instrument dated July 31, 1974, and recorded in Volume 85127, Page 32567 of the Deed Records of Dallas County, Texas, shall remain in full force and effect except as amended by Paragraph III of this instrument. Furthermore, it is expressly stipulated and understood that all provisions contained in the aforementioned deed restriction instrument apply to this instrument as if recited herein.

EXECUTED at the City of Dallas, Dallas County, Texas, this the 29 day of October, 1997.

Carmen Carl Guido, Builder and Designer, Inc.
a Texas corporation, OWNER

by: Carmen Carl Guido, President
Carmen Carl Guido, President

CONSENT AND CONCURRENCE OF
LIENHOLDER OR MORTGAGEE

Community Bank
Property Lienholder or Mortgagee

By: M. McGallum

Printed name: MIKE MCGALLUM

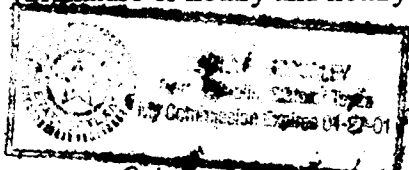
Title: PRESIDENT & CEO

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on Oct 29, 1997 by
(date)
Carmen Carl Guido, President of Carmen Carl Guido, Builder and Designer, Inc., a Texas
corporation, on behalf of said corporation.

Carmen Carl Guido
(Signature of notary and notary stamp)



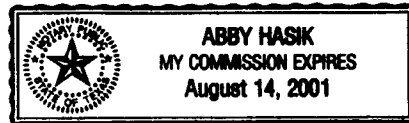
STATE OF TEXAS

COUNTY OF ~~DALLAS~~ ROCKWALL

This instrument was acknowledged before me on October 30, 1997 by
(date)
MIKE McCALLUM, PRESIDENT & CEO
(name of officer) (title of officer)

COMMUNITY BANK, a Texas corporation, on behalf of said corporation.

Abby Hasik
(Signature of notary and notary stamp)



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

By [Signature]
Assistant City Attorney

recorded in Volume 9, Page 235, of the Map and Deed Records of Dallas County;

THENCE South $89^{\circ} 46' 10''$ East along the southerly line of Manchester Downs a distance of 653.61 feet to a point for corner;

THENCE South $0^{\circ} 30'$ East a distance of 297.52 feet to a point for corner;

THENCE North $89^{\circ} 46' 10''$ West a distance of 576.87 feet to the PLACE OF BEGINNING and containing 4.2162 Acres.

TRACT II.

Being a tract or parcel of land situated in the City of Dallas, Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner in the southerly line of Manchester Downs, an addition to the City of Dallas as recorded in Volume 9, Page 235, of the Map and Deed Records of Dallas County, Texas; said point being the northwesterly corner of Lansdowne Estates, an addition to the City of Dallas as recorded in Volume 7, Page 253, of the Map and Deed Records of Dallas County, Texas;

THENCE South $0^{\circ} 33'$ East along the westerly line of said Lansdowne Estates a distance of 1614.74 feet to a point for corner;

THENCE North 83° West a distance of 201.73 feet to a point for corner;

THENCE North $0^{\circ} 30'$ West a distance of 590.96 feet to a point for corner in the southerly line of said Manchester Downs addition;

THENCE South $89^{\circ} 46' 10''$ East along the southerly line of said addition a distance of 200.02 feet to the PLACE OF BEGINNING and containing 4.6045 Acres.

TRACT III.

Being a tract or parcel of land situated in the City of Dallas, Dallas County, Texas; and being a part of Block 5571 in the City of Dallas, and being more particularly described as follows:

BEGINNING at a point for corner in the northerly line of Northwest Highway, said point being in a westerly direction along the northerly line of Northwest Highway a distance of 232.19 feet from the intersection of the northerly line of Northwest Highway and the northerly line of Midway Road;

THENCE North $0^{\circ} 30'$ West a distance of 161.60 feet to a point for corner;

THENCE South $83^{\circ} 00'$ East a distance of 201.73 feet to a point for corner in the westerly line of Lansdowne Estates, an addition to the City of Dallas as recorded in Volume 7, Page 253, of the Map Records of Dallas County;

THENCE South 0° 30' East along the westerly line of said addition a distance of 161.60 feet to a point for corner in the northerly line of Northwest Highway;

THENCE North 83° 00' West along the northerly line of Northwest Highway a distance of 201.73 feet to the PLACE OF BEGINNING and containing 0.7420 acres.

1. No lot in Tract I shall have a depth of less than 120 feet. Each lot in Tract I 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. No lot in Tract II shall have a lot area of less than 16,000 square feet. Each lot in Tract II 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.

3. No lot in Tract III shall have a lot area of less than 16,000 square feet. Each lot in Tract III 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.

4. The above restrictions as to each tract shall be inviolate except with the concurrence of the City Council of the City of Dallas, Texas, and the owners of the respective tract. 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.

5. 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.

6. 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 273-218/949-A, permitting a Planned Development District for Shopping Center uses on property immediately south of Tract I and west of Tracts II and III, 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 DALLAS, TEXAS this 31 day of July, 1974.

Joan L. Stansbury

JOAN L. STANSBURY

Jack W. Lively

JACK W. LIVELY

THE CITY OF DALLAS

By *[Signature]*

City Manager

W. Alex. Pickley