

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for an MU-2 Mixed Use District which was approved by the City Council on March 28, 1990, on Zoning Case #Z890-129/8813-E on property on Shady Brook Lane and Twin Hills Avenue, south of Park 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 an MU-2 Mixed Use District as described in Ordinance \_\_\_\_\_.

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 & Development - 2

Approved as to form:  
ANALESIE MUNCY, City Attorney

By

  
Assistant City Attorney

90-14/tr

APPROVED

  
HEAD OF DEPARTMENT

APPROVED

\_\_\_\_\_  
DIRECTOR OF FINANCE

APPROVED

\_\_\_\_\_  
CITY MANAGER

DEED RESTRICTIONS

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

That the undersigned, Riverpark/Park Lane Corporation is the owner of a portion of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the William Jenkins Survey, Abstract No. 702, Dallas County, Texas, and being in Dallas City Block No. 12/5203, which property was conveyed by FDIC as manager of the FSLIC Resolution Fund as receiver for San Marino Savings and Loan Association on September 6, 1989 and is recorded in the Deed Records of Dallas County, Texas in Volume 89190, Pages 799 through 803 and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes and the undersigned Melody/Brook Partners I, Ltd. is the owner of the remaining portion of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the William Jenkins Survey, Abstract No. 702, Dallas County, Texas, and being in Dallas City Block No. 12/5203, which property was conveyed by PCS Service Corp., Trustee on January 2, 1990 and is recorded in the Deed Records of Dallas County, Texas in Volume 90018, Page 2821 and being more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

That the undersigned, Riverpark/Park Lane Corporation and Melody/Brook Partners I, Ltd. hereby impress all of the above described property, "the Property", with the following restrictions to-wit:

1. The total combined floor area of all uses on the property must not exceed 656,000 square feet.
2. No building on the Property may exceed 90 feet in height as defined in the DALLAS DEVELOPMENT CODE, as amended.
3. No building on the Property within 100 feet of the west right-of-way line of Shadybrook Lane may exceed 50 feet in height as defined in the DALLAS DEVELOPMENT CODE, as amended.
4. No application for a building permit for office uses as defined in the DALLAS DEVELOPMENT CODE, as amended, that exceeds 178,000 square feet on the Property will be filed and no application for a building permit for retail uses as defined by the DALLAS DEVELOPMENT CODE, as amended, that exceeds 178,000 square feet on the Property will be filed except as provided in paragraph 5 below. A mini warehouse use as defined by the DALLAS DEVELOPMENT CODE, as amended, will not be included in the computation of either office floor area or retail floor area.
5. Up to 178,000 square feet of office floor area may be converted to retail floor area and up to 178,000 square feet of retail floor area may be converted to office floor area at a

ratio of 2.53 square feet of office floor area to one square foot of retail floor area. Under no circumstances may the office floor area exceed 628,000 square feet nor may the retail floor area exceed 248,000 square feet.

6. No application for a certificate of occupancy that would allow the total amount of non-residential floor area on the Property to exceed 59,677 square feet will be filed until Shadybrook Lane is reconstructed to a four lane secondary thoroughfare between Park Lane and Blackwell Street and there exists a five foot easement for street purposes along the north line of the Property adjacent to Park Lane.

7. No application for a certificate of occupancy for more than 300,000 square feet of non-residential uses will be filed unless:

- a. Park Lane is reconstructed to meet the special DIVIDED standard pursuant to Ordinance No. 19955 between Greenville Avenue and Fair Oaks.
- b. Either of the following is constructed - a right turn lane from westbound Northwest Highway to northbound Shadybrook Lane or a right turn lane from southbound Shadybrook Lane to westbound Northwest Highway.
- c. A residential component is constructed on the Property based on a ratio of 1.2 dwelling units per 1000 square feet of floor area for all non-residential uses exceeding 300,000 square feet.

8. No SEXUALLY ORIENTED BUSINESS, as defined by Chapter 41A of the Dallas City Code, as amended, will be allowed on the Property.

9. No bar, lounge, or tavern use, as defined by the DALLAS DEVELOPMENT CODE, as amended, will be allowed on the Property within 150 feet of the west right-of-way line of Shadybrook 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 shall 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 shall be given as would be required by law for a zoning change on the Property described herein.

These 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 from so doing or to correct such violations 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 13<sup>th</sup> day of March, 1990.

Riverpark/Park Lane Corporation

By: [Signature]  
Leon J. Backes  
Vice President

Melody/Brook Partners I, Ltd.

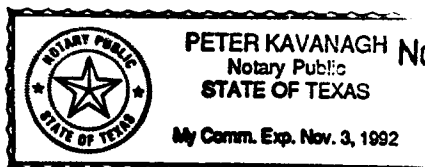
By: [Signature]  
Louis H. Lebowitz  
General Partner

THE STATE OF TEXAS }

COUNTY OF DALLAS }

BEFORE ME, the undersigned authority, on this day personally appeared Leon J. Backes, Vice-President of Riverpark/Park Lane Corporation, 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, in the capacities therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 13<sup>th</sup> day of March, 1990.



[Signature]  
Notary Public, State of Texas

Notary's name printed:

Peter Kavanagh

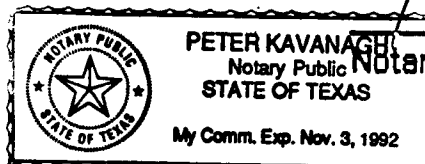
My commission expires 11-3-92

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 Louis H. Lebowitz, known to me to be the person whose name and capacity is subscribed to in the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 13<sup>th</sup> day of March, 1990.



*Peter Kavanagh*  
\_\_\_\_\_  
Notary's name printed:

*Peter Kavanagh*  
\_\_\_\_\_

My commission expires 11-3-92

Approved as to form:

**ANALESIE MUNCY, City Attorney**

By *Angela Washington*  
\_\_\_\_\_  
Assistant City Attorney

#### EXHIBIT A

Being all of Lots 2, 2A, 3, and 4 in the City of Dallas Block 12/5203, fronting 300.00 feet on the south line of Park Lane, beginning at a point 95.00 feet west of the west line of Shady Brook Lane and having a depth of 300.00 feet from the south line of Park Lane; being all of Lots 10, 11, 12, 13, 21, 22, and 23 in the City of Dallas Block 12/5203, fronting 700.00 feet on the east line of Twin Hills Avenue, beginning at a point 600.00 feet south of the south line of Park Lane, and having a depth of 300.00 feet from the east line of Twin Hills Avenue; being all of Lots 19 and 20 and the northernmost 75.00 feet of Lot 18 in the City of Dallas Block 12/5203, fronting 275.00 feet on the west line of Shady Brook Lane, beginning at a point 300.00 feet south of the south line of Park Lane, and having a depth of 300 feet from the west line of Shady Brook Lane; and being all of Lots 41, 42, 43 and 14 and the southernmost 95.00 feet of Lot 15 in the City of Dallas Block 12/5203, fronting 495.00 feet on the west line of Shady Brook Lane, beginning at a point 805.00 feet south of the south line of Park Lane, and having a depth of 300.00 feet from the west line of Shady Brook Lane, said property containing approximately 12.19 acres of land.

#### EXHIBIT B

Being all of Lots 16 and 17, the northernmost 5 feet of Lot 15 and the southernmost 25 feet of Lot 18 in the City of Dallas Block 12/5203, fronting 230.00 feet on the west line of Shady Brook Lane, beginning at a point 575 feet south of the south line of Park Lane, and having a depth of 300.00 feet from the west line of Shady Brook Lane, said property containing approximately 1.58 acres of land.