

081441

COUNCIL CHAMBER

May 14, 2008

WHEREAS, the deed restrictions in the attached instrument have been volunteered in connection with property located at the southeast corner of Northwest Highway and Solta Drive, which is the subject of zoning case No. Z078-164; and

WHEREAS, the City Council desires to accept the deed restrictions in the attached instrument; Now, Therefore,

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

Section 1. That the deed restrictions in the attached instrument are accepted by the City Council of the City of Dallas to be used in conjunction with the development of property that is the subject of Zoning Case No. Z078-164.

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

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

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney


By _____
Assistant City Attorney

APPROVED



HEAD OF DEPARTMENT

APPROVED

DIRECTOR OF FINANCE

APPROVED

CITY MANAGER

DEED RESTRICTIONS

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

I.

The undersigned, Jennifer Wilcox, an individual, ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the William C. Jackson Survey, Abstract No. 704, City Block A/7080, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by the County of Dallas, by deed dated August 9, 2006, and recorded County Clerk File Number 200600292137, Official Public Records of Dallas County, Texas, and being more particularly described in the attached Exhibit A.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit: Ingress and egress is permitted only from Northwest Highway. No other ingress or egress is permitted.

III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating 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 or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VII.

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 the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A of the Dallas City Code, as amended, apply and are incorporated into this document as if recited in this document.

X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

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.

XII.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED this the 14 day of ^{May}~~April~~, 2008.

Owner: Jennifer Wilcox, an individual

By: Jennifer Wilcox
Printed Name: Jennifer Wilcox
Title: Owner

CONSENT AND CONCURRENCE OF LIENHOLDER OR MORTGAGEE

Property Lienholder or Mortgagee

By:
Printed Name: NONE
Title:

APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney

By: [Signature]
Assistant City Attorney

State of Texas

County of Dallas

This instrument was acknowledged before me on May 14, 08 by Suzanne W. Berger



Suzanne W. Berger (Notary's signature)
Notary Public in and for the State of Texas

ZONING BOUNDARY DESCRIPTION

WHEREAS JENNIFER WILCOX is the owner of a tract of land situated in the City of Dallas, Dallas County, Texas in the William C. Jackson Survey, Abstract No. 704 and being a part of City of Dallas Blocks No. 7080, and being a part of a 1.7335 acre tract of land as described in a Special Warranty Deed with Vendor's Lien to Jennifer Wilcox, recorded under County Clerk File Document No. 200600292137, Official Public Records of Dallas County, Texas, and being more fully described as follows:

BEGINNING at 1/2 inch iron rod found with a red plastic cap stamped RPLS 5199 at the northwest corner of the said 1.7335 acre tract, said iron rod also being in the intersection of the south right-of-way line of Northwest Highway (S.H. Spur 244)(100 foot right-of-way width) and the east right-of-way line of Solta Drive (50 foot right-of-way width);

THENCE North 89 degrees 46 minutes 00 seconds East, along the north line of the said 1.7335 acre tract and the south right-of-way line of said Northwest Highway, a distance of 109.21 feet to a point for a corner;

THENCE South 00 degrees 57 minutes 52 seconds East, leaving the south line of the said Northwest Highway, a distance of 195.67 feet to a point for a corner, said point also being in the south line of the said 1.7335 acre tract and the north right-of-way line of a 15 foot alley;

THENCE South 89 degrees 28 minutes 18 seconds West, along the south line of the said 1.7335 acre tract, and along the north right-of-way line of the said alley, a distance of 109.20 feet to a 1/2 inch iron rod found for a corner at the southwest corner of the said 1.7335 acre tract in the intersection of north right-of-way line of said alley and the east right-of-way line of said Solta Drive;

THENCE North 00 degrees 57 minutes 52 seconds West, along the west line of the said 1.7335 acre tract and the east right-of-way line of said Solta Drive, a distance of 199.74 feet to the point of beginning and containing 21,780 square feet or 0.50 acres of land.

Basis of bearing is the west line of the 1.7335 acre tract of land as described in a Special Warranty Deed with Vendor's Lien to Jennifer Wilcox, recorded under County Clerk File Document No. 200600292137, Official Public Records of Dallas County, Texas
