

July 16, 1980 801925

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a change of zoning to a Heavy Commercial District which was approved by the City Council on May 14, 1980 involving Zoning File #Z790-190/599-N on property on the northeast line of Lemmon Avenue, southeast of Hopkins Street; 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 Heavy Commercial District, as described in Ordinance # 16628.

Section 2. That said deed restrictions shall be filed with the County Clerk 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.

APPROVED BY  
CITY COUNCIL

JUL 16 1980

*Robert Sloan*  
City Secretary

cc: Urban Planning  
Building Inspection  
City Secretary

Approved as to form:

LEE E. HOLT, City Attorney

By *Barry R. Knight*  
Assistant City Attorney

APPROVED *E Jackisch*  
HEAD OF DEPARTMENT

APPROVED  
CITY AUDITOR

APPROVED *De Ould*  
CITY MANAGER

DEED RESTRICTIONS

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

That the undersigned, LEMMON AVENUE LIMITED, a Texas Limited Partnership, is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the C. G. Cole Survey, Abstract No. 320, City Block No. 4993, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South line of Hopkins Avenue that is 150.0 feet West of the point of intersection of the South line of Hopkins Avenue with the West line of Bristol Avenue;

THENCE South 111.96 feet;

THENCE South 56 degrees 55 minutes 30 seconds West, 598.53 feet to a point in the Northeast line of Lemmon Avenue;

THENCE North 43 degrees 51 minutes 10 seconds West, along the Northeast line of Lemmon Avenue, 180.49 feet;

THENCE North 56 degrees 55 minutes 30 seconds East, 565.2 feet to a point in the South line of Hopkins Avenue;

THENCE East, along the South line of Hopkins Avenue 152.97 feet to the POINT OF BEGINNING and containing 111,728.5 square feet of land, more or less.

That the undersigned, LEMMON AVENUE LIMITED, does hereby impress all of the described property with the following deed restrictions to-wit:

(1) The undersigned owner and its successors or assigns do hereby agree that said tract shall only be developed in uses authorized in a Light Commercial District (LC) as defined in the Comprehensive General Zoning Ordinance of the City of Dallas, as amended.

(2) The undersigned owner and its successors or assigns do hereby agree to comply with the minimum front, side and rear yard standards authorized in a Light Commercial District (LC) as defined in the Comprehensive General Zoning Ordinance of the City of Dallas, as amended.

(3) The undersigned owner and its successors or assigns do hereby agree that no vehicular access will be permitted to the subject tract from Hopkins Street unless specifically required by the City of Dallas, Dallas County, Texas.

(4) The undersigned owner and its successors or assigns do hereby agree to construct a wrought iron fence with solid landscaping along Hopkins Street to screen said tract from adjoining residential areas.

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 the 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 from so doing and 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 shall be fully binding upon all persons acquiring property within the above-described tract, and any person by acceptance of title to any of the above-described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 16<sup>th</sup> day of June, 1980.

LEMMON AVENUE LIMITED

By: *Arthur Taylor*  
Its: *General Partner*

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 A. STARKE TAYLOR III, a member of the partnership of LEMMON AVENUE LIMITED, a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said LEMMON AVENUE LIMITED, a Texas Limited Partnership, and that he executed the same as its General Partner and as act of such partnership for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 16<sup>th</sup> day of June, 1980.

Dancy B. Perdue  
 Notary Public in and for  
 Dallas County, Texas

My commission expires:

1-31-81

Approved as to form:

LEE E. HOLT, City Attorney

By Barry R. Knight  
 Assistant City Attorney