

1/6929 P5 Termination

WHEREAS, the deed restrictions in the attached instrument were volunteered in conjunction with the granting of an LC Light Commercial District on property generally located at the southeast corner of Marvin D. Love Freeway and Camp Wisdom Road involving Zoning File No. Z834-202/6427-S; and

WHEREAS, the City Council on July 18, 1984 accepted the deed restriction instrument by resolution; and

WHEREAS, application has been made to terminate a portion of said deed restrictions in conjunction with an application for a change of zoning to an RR Regional Retail District on the subject property involving Zoning File No. Z912-257/9290-S; and

WHEREAS, the City Council on October 28, 1992 approved the termination of a portion of said deed restrictions in conjunction with the granting of a change of zoning to an RR Regional Retail District; and

WHEREAS, the instrument providing for the termination of 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 providing for the termination of a portion of the existing deed restrictions be and is hereby accepted by the City Council of the City of Dallas, Texas.

Section 2. That said termination instrument 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

JAN 27 1993

*Robert T. Brown*  
City Secretary

Approved as to form:  
SAM LINDSAY, City Attorney

By: *John Roberts*  
Assistant City Attorney

APPROVED *Michael Klofe*  
HEAD OF DEPARTMENT

APPROVED *J.M. Wolf*  
DIRECTOR OF FINANCE

APPROVED *Robert J. Brown*  
CITY MANAGER

TERMINATION OF DEED RESTRICTIONS

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

## I.

The undersigned, BLEDCO, LTD., a Texas limited liability company (the "Owner"), is the owner of the following described property (the "Property"), being in particular a tract of land out of the John R. Bell Survey, Abstract No. 123, City Block 1/6929, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to Owner from the Federal Deposit Insurance Corporation by deed dated November 16, 1992 and recorded in Volume 92225, Page 3900, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(See Exhibit A attached hereto and made a part hereof for all purposes.)

## II.

The Property was impressed with certain deed restrictions ("Restrictions") as shown in an instrument dated July 3, 1984, signed by Independent American Corporation and recorded in Volume 84142, Pages 1266-70, of the Deed of Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B" and made a part of this instrument.

## III.

The Owner does hereby terminate and release all of the Restrictions as they apply to the Property, save and except for those restrictions requiring a screening fence and certain landscaping as more fully described in Paragraphs 2 and 3 of Exhibit "B" attached hereto, and as recorded in Volume 84142 at

Page 1266-70 of the Deed Records of Dallas County, Texas. Such retained Restrictions may only be altered, amended or terminated in the manner provided in said instrument.

## IV.

The above termination was made following a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City of Dallas. 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 termination becomes effective.

## V.

The termination of these Restrictions is not 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.

## VI.

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 termination.

## VII.

Unless stated otherwise in this instrument, the definitions and provisions of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," as amended, apply and are incorporated into this instrument as if recited in this instrument.

## VIII.

The invalidation of any provision in this instrument 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 at the City of Dallas, Dallas County, this the 7<sup>th</sup> day of December, 1992.

BLEDCO, LTD., a Texas Limited Liability Company

OWNER

By: *R. Courtney*  
RANDALL P. COURTNEY  
Title: President

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By: *John Rowan*  
Assistant City Attorney

STATE OF TEXAS     )  
                                  )  
COUNTY OF DALLAS    )

This instrument was acknowledged before me on December 7<sup>th</sup>, 1992, by RANDALL P. COURTNEY, the President of BLEDCO, LTD., a Texas limited liability company, on behalf of said company.

*John Rowan*  
Notary Public, State of Texas  
Commission Expires: 3/2/94  
Notary Public, State of Texas  
My Comm. Expires 3-2-94

## PROPERTY DESCRIPTION

BEING a tract of land situated in the JOHN R. BELL SURVEY, ABSTRACT NO. 123 and lying in City Block 1/6929 of the City of Dallas, Dallas County, Texas, said tract being a part of Tracts No.1 and 4 of Canterbury Village Addition, an Addition to the City of Dallas according to the plat thereof recorded in Volume 70071, Page 1444 of the Map Records of Dallas County, and being more particularly described as follows:

BEGINNING at a concrete monument found at the intersection of the easterly right-of-way line of Marvin D. Love Freeway (U.S. Highway 67) and the southerly right-of-way line of Camp Wisdom Road, said monument being the northwest corner of said Tract No. 1 of Canterbury Village Addition;

THENCE along the southerly right-of-way line of said Camp Wisdom Road as follows:

N 89°58'00" E, 189.30 feet to an "x" cut in concrete pavement set for corner;  
 N 00°49'00" E, 3.66 feet to an "x" cut in concrete pavement set for corner;  
 S 89°38'45" E, 111.45 feet to an iron rod found for corner;  
 S 89°48'56" E, 109.74 feet to an iron rod found for corner, said iron rod being on the westerly right-of-way line of Chaucer Place (60 foot R.O.W.);

THENCE S 00°37'00" E, along the westerly right-of-way line of said Chaucer Place, 349.22 feet to an iron rod set for corner, said iron rod being on the northerly right-of-way line of St. George Drive (60 foot R.O.W.);

THENCE along the northerly right-of-way line of said St. George Drive as follows:

S 89°57'00" W, 3.88 feet to an iron rod set for corner;  
 Along a curve to the left, said curve having a central angle of 43°20'38", a radius of 430.00 feet and an arc length of 325.29 feet, said curve also having a chord bearing of S 68°16'40" W and a chord distance of 317.59 feet to an iron rod set for corner;  
 S 46°36'20" W, 400.09 feet to an iron rod set for corner;  
 N 87°46'10" W, 267.40 feet to an iron rod set for corner;  
 Along a curve to the right, said curve having a central angle of 34°43'52", a radius of 150.00 feet and an arc length of 90.93 feet, said curve also having a chord bearing of N 70°24'15" W, and a chord distance of 89.54 feet to an iron rod set for corner, said iron rod being on the easterly right-of-way line of hereinbefore mentioned Marvin D. Love Freeway;

THENCE along the easterly right-of-way line of said Marvin D. Love Freeway as follows:

N 36°57'40" E, 305.50 feet to an iron rod found for corner;  
 N 37°04'00" E, 569.40 feet to the POINT OF BEGINNING, and containing 8.3134 acres or 362,134 square feet of land.

EXHIBIT "B"

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DEED RESTRICTIONS

THE STATE OF TEXAS  
COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, INDEPENDENT AMERICAN CORPORATION, a Texas corporation, is the owner of the following described property situated in Dallas County, Texas, being in particular an 8.3855 acre tract of land out of the John R. Bell Survey, Abstract No. 123, City Block No. 1/6929, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to INDEPENDENT AMERICAN CORPORATION by Canterbury Village Joint Venture by Warranty Deed dated March 22, 1983, Vol. 83066, Page 2027, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A" (attached hereto and incorporated herein for all purposes) and hereinafter referred to as the "Subject Tract."

That the undersigned does hereby impress the Subject Tract with the following deed restrictions, to-wit:

1. The undersigned, their successors and/or assigns, do hereby agree to limit development of the Subject Tract to an automobile dealership (automobile or motorcycle display, sales and service [outside display]), as described in Section 51-4.212(2) of the Dallas Development Code, in addition to uses authorized in a General Retail District, as set forth in the Dallas Development Code;
2. The undersigned, their successors and/or assigns, do hereby agree to construct a solid screening fence not less than seven (7) feet in height on the Subject Tract adjacent to St. George Drive from its intersection with Chaucer Place on the east to its intersection with Marvin D. Love Freeway (State Highway 67) on the west;
3. The undersigned, their successors and/or assigns do hereby agree to landscape the area between the screening fence and the street right-of-way and the area adjacent to Marvin D. Love Freeway (State Highway 67). A landscape plan reflecting same must be approved by the City Plan Commission prior to the issuance of a building permit; and,
4. The undersigned, their successors and/or assigns do hereby agree to limit development to single story construction, including a possible loft area, not to exceed thirty (30) feet in height for the automobile dealership and related uses. Otherwise, height shall be limited to that authorized in a General Retail District, as set forth in the Dallas Development Code.

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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.

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 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 the persons acquiring property within the described tract, and any person by acceptance of title to any of the described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this 20 day of July, 1984

Approved as to form:  
ANALESLIE MUNCY, City Attorney

INDEPENDENT AMERICAN CORPORATION

By [Signature]  
Assistant City Attorney

By: [Signature]  
TCS: [Signature]

THE STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared [Signature]

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of INDEPENDENT AMERICAN CORPORATION, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said INDEPENDENT AMERICAN CORPORATION, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 3rd day of July, 1984.

[Signature]  
Notary Public in and for  
The State of Texas

[Name]  
(Print Name of Notary Public Here)

My Commission Expires:  
5-16-87

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EXHIBIT "A"

BEING a tract of land situated in the John R. Bell Survey, Abstract No. 123 and which was previously described as Tract No. 1 and Tract No. 4, City of Dallas Block 1/6929, Canterbury Village Addition, as filed in Vol. 70071, Page 1444, Dallas County Deed Records, and being more particularly described as follows:

**BEGINNING** at an iron rod for the Northwest corner of Tract No. 1, CANTERBURY VILLAGE ADDITION, which is the Northwest corner of this tract and is the intersection point of the East R.O.W. line of Marvin D. Love Freeway (U.S. Highway 67), and the South R.O.W. line of Camp Wisdom Road;

**THENCE** North 89 deg 58 min East, 189.30 feet along Camp Wisdom Road R.O.W. to an iron rod for corner;

**THENCE** North 00 deg 49 min East, 3.66 feet to an iron rod for corner;

**THENCE** North 89 deg 58 min East, 110.00 feet to an iron rod for a point of intersection;

**THENCE** North 09 deg 58 min East, 110.00 feet to an iron rod for corner in the West R.O.W. of Chaucer Place, a 60' R.O.W.;

**THENCE** South 00 deg 37 min East, 350.13 feet along said Chaucer Place to an iron rod for corner in the North R.O.W. of St. George Drive, a 60' R.O.W.;

**THENCE** South 89 deg 57 min West, 3.85 feet along said Chaucer Place to an iron rod beginning a curve to the left, having a central angle of 43 deg 30 min 40 sec, a radius of 430.00 feet, and an arc length of 325.30 feet to an iron rod for corner;

**THENCE** South 46 deg 36 min 30 sec West, 400.09 feet along said Chaucer Place to an iron rod for corner;

**THENCE** North 87 deg 46 min 10 sec West, 267.40 feet along said Chaucer Place R.O.W. to an iron rod beginning a curve to the right, having a central angle of 34 deg 43 min 50 sec, a radius of 150.00 feet and an arc length of 90.92 feet to an iron rod in the Southwest R.O.W. of said Marvin D. Love Freeway;

**THENCE** North 36 deg 57 min 40 sec East, 305.50 feet along said R.O.W. of Marvin D. Love Freeway to an iron rod for a point of intersection;


**THENCE** North 37 deg 04 min East, 569.34 feet along said R.O.W. of Marvin D. Love Freeway to the PLACE OF BEGINNING, containing 364,303.43 square feet or 8.38325 acres of land, more or less.

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FILED  
*Earl Bush*  
COUNTY CLERK  
DALLAS COUNTY

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STATE OF TEXAS COUNTY OF DALLAS  
I hereby certify that this instrument was filed on the  
date and time stamped herein by me and was duly re-  
corded in the volume and page of the named records  
of Dallas County, Texas as stamped herein by me.

 *Earl Bush*  
COUNTY CLERK, Dallas County, Texas

No. 89-2347  
Return to City Secretary  
City Hall  
Dallas, Texas 75201

RECEIVED  
JUL 10 1984  
ZONING OFFICE