

004640

COUNCIL CHAMBER

October 8, 2003

WHEREAS, the deed restrictions in the attached instrument have been volunteered in connection with property located between Central Expressway and McKinney Avenue south of Armstrong Street, which is the subject of Zoning Case No. Z023-154(RB), Zoning Case No. Z023-271(MJF), Zoning Case No. Z023-272(MJF), and Zoning Case No. Z023-273(MJF); 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 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 that is the subject of Zoning Case No. Z023-154(RB), Zoning Case No. Z023-271(MJF), Zoning Case No. Z023-272(MJF), and Zoning Case No. Z023-273(MJF).

Section 2. That the deed restrictions in the attached instrument shall 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, Texas, and it is accordingly so resolved.

APPROVED AS TO FORM:

MADELEINE B. JOHNSON, City Attorney

By John Reynolds  
Assistant City Attorney

APPROVED BY  
CITY COUNCIL

OCT 08 2003

Shirley Geig  
City Secretary

APPROVED Paul Connor  
HEAD OF DEPARTMENT

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

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

SN 753-036-006

SUP-00055A

V O P 1 1 1

DEED RESTRICTIONS

THE STATE OF TEXAS )  
 )  
COUNTY OF DALLAS )

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, KNOX STREET PROMENADE, LTD., a Texas limited partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular the following tracts of land out of the W.B. Coats Survey, Abstract No. 237, in the City of Dallas ("City"), Dallas County, Texas:

Being part of Lots 4 and 5 in City Block G/1533, and being that same tract of land conveyed to the Owner by Edward B. Tomlinson, II, et al, by deed dated August 28, 2003, filed September 2, 2003, and recorded in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit A attached hereto;

Being part of Lot 6 and 7 and all of Lot 8 in City Block G/1533, and being all of Lot 15 and the northeast 55 feet of Lot 16 in City Block G/1533, and being those same tracts of land conveyed to the Owner by AAA Texas, LLC, by deed dated December 18, 2002, filed January 2, 2003, and recorded in Volume 2003001, Page 03950, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit B attached hereto;

Being all of Lot 9 in City Block G/1533, and being that same tract of land conveyed to the Owner by Stonccourt Inc. by deed dated August 26, 2003, filed September 2, 2003, and recorded in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit C attached hereto;

Being part of Lots 10, 11 and 12 in City Block G/1533, and being that same tract of land conveyed to the Owner by KNOX 75 DEVELOPMENT VENTURE, L.P., by deed dated December 31, 2002, filed January 2, 2003, and recorded in Volume 2003001, Page 03864, in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit D attached hereto; and

Being all of Lot 14 in City Block G/1533, and being that same tract of land conveyed to the Owner by the Estate of Milton Roberson by deed dated August 26, 2003, filed September 2, 2003, and recorded in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit E attached hereto.

03274

**II.**

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

Note: In these deed restrictions Tracts A-1, A-2, A-3, B, C-1, C-2, C-3, and D are illustrated on Exhibit F and defined in Exhibit G.

Note: In these deed restrictions, a restaurant means a drive-in restaurant, a drive-through restaurant, and a restaurant without drive-in or drive-through service.

Note: In these deed restrictions, retail means those uses listed in Section 51P-193.107 (k) of Chapter 51P of the Dallas City Code, as amended.

1. A bar, lounge, or tavern use or restaurant use in Tracts A-2, A-3, B, C-1, C-2 or C-3 must not: a) have speakers that transmit any sound outside of the building; b) allow any doors or windows to remain open; and c) allow any outside entertainment events.
2. A bar, lounge, or tavern use or restaurant use in Tracts A-2 or A-3 must not have outdoor seating.
3. A bar, lounge, or tavern use or restaurant use in Tracts C-1 or C-2 must not have outdoor seating anywhere other than the east side of the building.
4. Structures for retail uses in Tract A-1 must not have any openings facing south except for emergency exits.
5. Structures for retail use, restaurant use, or bar, lounge or tavern use in Tracts C-1, C-2 or C-3 must not have any openings facing west or south except for service or emergency exits.
6. A minimum of six evergreen site trees with a minimum caliper size of 3 inches each must be planted and maintained along the southern perimeter of Tract A-1.
7. A minimum of six evergreen site trees with a minimum caliper size of 3 inches each must be planted and maintained along the western perimeter of Tracts C-1, C-2 and D combined.
8. A restaurant use on Tracts A-2, A-3, B, C-1, C-2 or C-3 must enhance its filtration system with charcoal or equivalent filters to mitigate the amount of odor generated by a restaurant use from going beyond the property line.
9. In all parts of the Property except for Tract B, garbage dumpsters and compactors on the Property must be screened on all four sides, enclosed with a roof structure, and placed on the alley side of the tract at the most northern end of the building on the tract.
10. Internally lighted signs are prohibited on the west wall of any building in Tracts C-1, C-2 or C-3 and on the south side of any building in Tract A-1. All attached signs must be mounted below the top of the building.
11. Internally lighted detached signs are prohibited in Tract A-1.
12. Detached signs on Tracts C-1, C-2, C-3 and D are prohibited anywhere other than in the area between the east building facade and Central Expressway.
13. Driveway access to the alley from a retail use in Tract A-1 is prohibited. Driveway access to the alley from retail, restaurant, or bar, lounge or tavern uses in Tract C-1 is prohibited, and curbs and landscaping must be used to prohibit such driveway access.

U S A ± U

14. For purposes of this paragraph Tracts B, C-1, C-2, C-3 and D will be considered as one development tract and known as the "East Development Tract" (EDT). Tracts A-1, A-2, and A-3 will be considered as one development tract and known as the "West Development Tract" (WDT). Only two driveways having access to the alley are permitted, one on the EDT and one on the WDT. The driveway to the alley from the EDT must be on Tracts B or C-3. The driveway to the alley from the WDT must be on Tracts A-2 or A-3. These two driveways may be used for circulation and emergency purposes only. The main entry to Tracts A-1, A-2 and A-3 combined must be one or more driveways from McKinney Avenue and there must be a minimum of two entrances to the combination of Tracts B, C-1, C-2, C-3 and D from the Central Expressway southbound service road and Armstrong Avenue, one of which must be from the Central Expressway southbound service road.
15. A restaurant use or bar, lounge or tavern use in Tracts A-2, A-3 or C-1 must close on or before 11:00 pm Sunday through Thursday and 11:59 pm on Friday and Saturday.
16. A restaurant use or bar, lounge or tavern use on the Property must have insulated exterior walls and insulated-glass-glazed exterior windows. Entrances to any restaurant uses in Tracts A-2 and A-3 must have a double door vestibule.
17. A retail use, restaurant use, or bar, lounge or tavern use in Tracts C-1, C-2 or C-3 must locate a majority of the parking east or north of the building façade line of structures on Tracts C-1, C-2 or C-3.
18. A retail use, restaurant use, or bar, lounge or tavern use in Tract C-1 must locate its building entrances on the east façade of the building. A retail use, restaurant use, or bar, lounge or tavern use in Tracts C-1, C-2 and C-3 must locate its building entrances on the east façade of the building and/or within the most easterly 33% of the north façade of the building.
19. The following uses are not permitted on the Property (Tracts A-1, A-2, A-3, B, C-1, C-2, C-3, D):

Lodging or boarding house  
 Overnight general purpose shelter  
 Sewage pumping station  
 Sewage treatment plant  
 Water treatment plant  
 Airport or landing field  
 Passenger bus station and terminal  
 Heliport  
 Foster home  
 Halfway house  
 Ambulance service  
 Public golf course  
 Outside commercial amusement  
 Theatre  
 Catering service  
 Commercial cleaning shop  
 Self service laundry or dry cleaning  
 Feed store

Pawn Shop  
Home improvement center  
Swimming pool sales and supply  
Autos glass, muffler or seat cover shop  
Autos parts sales (outside display)  
Auto repair garage (inside)  
Car wash  
Service station  
Building repair and maintenance shop  
Plumbing, electrical, air conditioning and heating shop  
Gummed label printing  
Garden shop, plant sales or greenhouse  
Mortuary or funeral home  
Commercial wedding chapel  
Veterinarians Office  
Inside commercial amusement

20. The following additional uses are not permitted on Tracts A-1 and D:

Restaurant  
Bar, lounge or tavern  
Private club

21. The following additional uses are not permitted on Tract C-1:

Bar, lounge or tavern  
Private club

22. The following additional provisions apply to Tract D:

- A. Parking on the lot shall be used only for required parking for uses on Tract D or employee parking for employees of businesses located on Tracts A-1, A-2, A-3, B, C-1, C-2 and C-3.
- B. The parking lot located on Tract D shall have no driveway access to the alley and will have landscaping along the west property line.
- C. The entrance to the existing parking lot on Tract D shall be controlled by some type of physical means to insure its use complies with A above.

### 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.