

JUL 27 11 09 30

DEED RESTRICTIONS  
DALLAS TEXAS

STATE OF TEXAS  
COUNTY OF DALLAS

§  
§ KNOW ALL BY THESE PRESENTS:  
§

That the undersigned, Safeway Stores 81, Inc., a Delaware Corporation (hereinafter referred to as "owner"), is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land of the C. A. Lovejoy survey, Abstract No. 829, being part of City Block 4414, City of Dallas, Dallas County, Texas, which property was conveyed by Safeway Stores, Incorporated, a Delaware Corporation, to Safeway Stores 81, Inc., and is recorded in the Deed Records of Dallas County, Texas, in Volume \_\_\_\_\_, Page \_\_\_\_\_, and being more particularly described in field notes marked Exhibit "A" attached hereto and made a part hereof for all purposes.

That the undersigned, Safeway Stores 81, Inc., does hereby impress all of the said property with the following deed restrictions, to-wit:

- (1) Tract I shall be restricted to parking uses only;
- (2) A 6 foot high screening wall or fence along the northwest property line of Tract I adjacent to the existing Multiple Family-2 district, as required by Dallas Development Code § 51A-4.602(b) shall be constructed within 180 days of the adoption of the ordinance granting a zoning change to Community Retail district on the property;

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- (3) Vehicular ingress and egress from Tract I onto Magellan Circle shall be restricted to one access point located on the southeastern half of Tract 1; and
- (4) Landscaping shall be installed on Tract II in accordance with the landscape plan attached hereto as Exhibit "B". Landscaping shall be maintained in a healthy and growing condition at all times.

These restrictions shall take effect upon the adoption and publication of an ordinance establishing a Community Retail zoning district for the property pursuant to zoning request No. Z889-165/1308-E.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the effective date, and shall automatically be extended for additional periods of ten (10) years unless altered, amended, or terminated in the manner specified herein.

These restrictions shall not be altered, amended or terminated without a public hearing before the City Council of the City of Dallas, State of Texas. Notice of such 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 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/or in equity, against the person violating or attempting to violate such restrictions 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 property, 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 26th day of June, 1989.

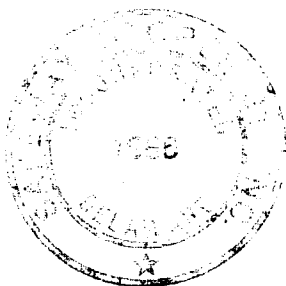
SAFEWAY STORES 81, INC.

By: *Larry D. Scott*

Its: Assistant Vice President

By: *[Signature]*

Its: Assistant Secretary



APPROVED AS TO FORM:

Analeslie Muncy, City Attorney

By: *[Signature]*  
Assistant City Attorney

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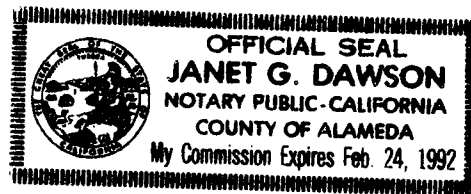
STATE OF CALIFORNIA §  
  §  
COUNTY OF ALAMEDA §

BEFORE ME, the undersigned Notary Public in and for the State of ~~Texas~~, on this day personally appeared Gary D. Scott, 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 and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 26th day of June, 1989.

*Janet G. Dawson*  
\_\_\_\_\_  
Notary Public in and for  
the State of California

My Commission Expires:  
2/24/92



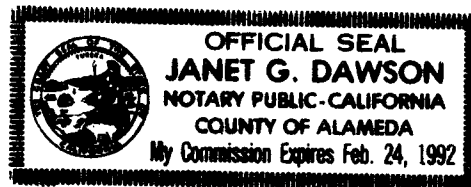
STATE OF CALIFORNIA §  
  §  
COUNTY OF ALAMEDA §

BEFORE ME, the undersigned Notary Public in and for the State of ~~Texas~~, on this day personally appeared Jerome P. Harrison, 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 and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 26th day of June, 1989.

*Janet G. Dawson*  
\_\_\_\_\_  
Notary Public in and for  
the State of California

My Commission Expires:  
2/24/92



\*California

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Exhibit "A"

## SCHEDULE "A" -- REAL PROPERTY

## LEGAL DESCRIPTION

## TRACT I

Being a tract of land out of the C. A. Lovejoy Survey, Abstract No. 829, being part of City Block 4414, as shown by an Easements and Street Dedications Plat filed June 14, 1955, in Volume 27, Page 119, Map Records, Dallas, Dallas County, Texas, and being more particularly described as follows:

Beginning at the intersection of the Northwest ROW line of Gaston Parkway (a 50' ROW) with the Southwest ROW line of Magellan Circle (a 36' ROW);

THENCE: S 45 44'00" W, 8.08 feet with the Northwest ROW line of Gaston Parkway to a point for corner in the North line of a tract deeded to Sinclair Refining Company as recorded in Volume 3889, Page 134, Deed Records, Dallas County, Texas;

THENCE: S 81 15'00" W, with the North line of said Sinclair Tract passing its Northwest corner at 245.65 feet, in all a distance of 371.34 feet to a point for corner, said point being the intersection of the South ROW line of Sangamon Drive (a 36' ROW) with the South line of a 22.00 foot alley;

THENCE: N 17 58'00" E, 341.64 feet with the Southeast ROW line of Sangamon Drive to a point for corner, said point being the intersection of the Southeast ROW line of Sangamon Drive with the Southwest ROW line of Magellan Circle;

THENCE: S 62 23'00" E, 41.81 feet with the Southwest ROW line of Magellan Circle to the beginning of a curve to the right having a central angle of 24 20'00", a radius of 353.06 feet;

THENCE: Continuing with the Southwest ROW line of Magellan Circle, in a Southeasterly direction, a distance of 149.94 feet to the end of said curve;

THENCE: S 38 03'00" E, along the Southwest ROW line of Magellan Circle, a distance of 188.25 feet to the PLACE OF BEGINNING.

## TRACT II

Being a tract of land out of the C. A. Lovejoy Survey, Abstract No. 829 and being a part of City Block 4413, also being the same tract deeded to Sinclair Refining Company as recorded in Volume 3889, Page 134, Deed Records, Dallas, Dallas County, Texas, and being more particularly described as follows:

Beginning at a point in the Northwest ROW line of Garland Road (a 100' ROW) said point also being the most Southerly corner of the above-referenced Sinclair tract:

THENCE: N 45 44'00" E, 270.00 feet along the Northwest ROW line of Garland Road to a point for corner;

THENCE: S 81 15'00" W, 331.72 feet to a point for corner;

THENCE: S 44 16'00" E, 192.71 feet to the PLACE OF BEGINNING.

UNIVERSITY OF MARYLAND  
 CITY BLOCK 413  
 C. L. LORETT STREET NE  
 CITY OF UMUMAS, MARYLAND CO.  
 PAW WILLIAMS & LORETT  
 6122 KUMBLIN STREET  
 UMUMAS, MARYLAND  
 (213) 845-0812  
 BY: RUMBO, L. NAME  
 DATE: 5/21/02

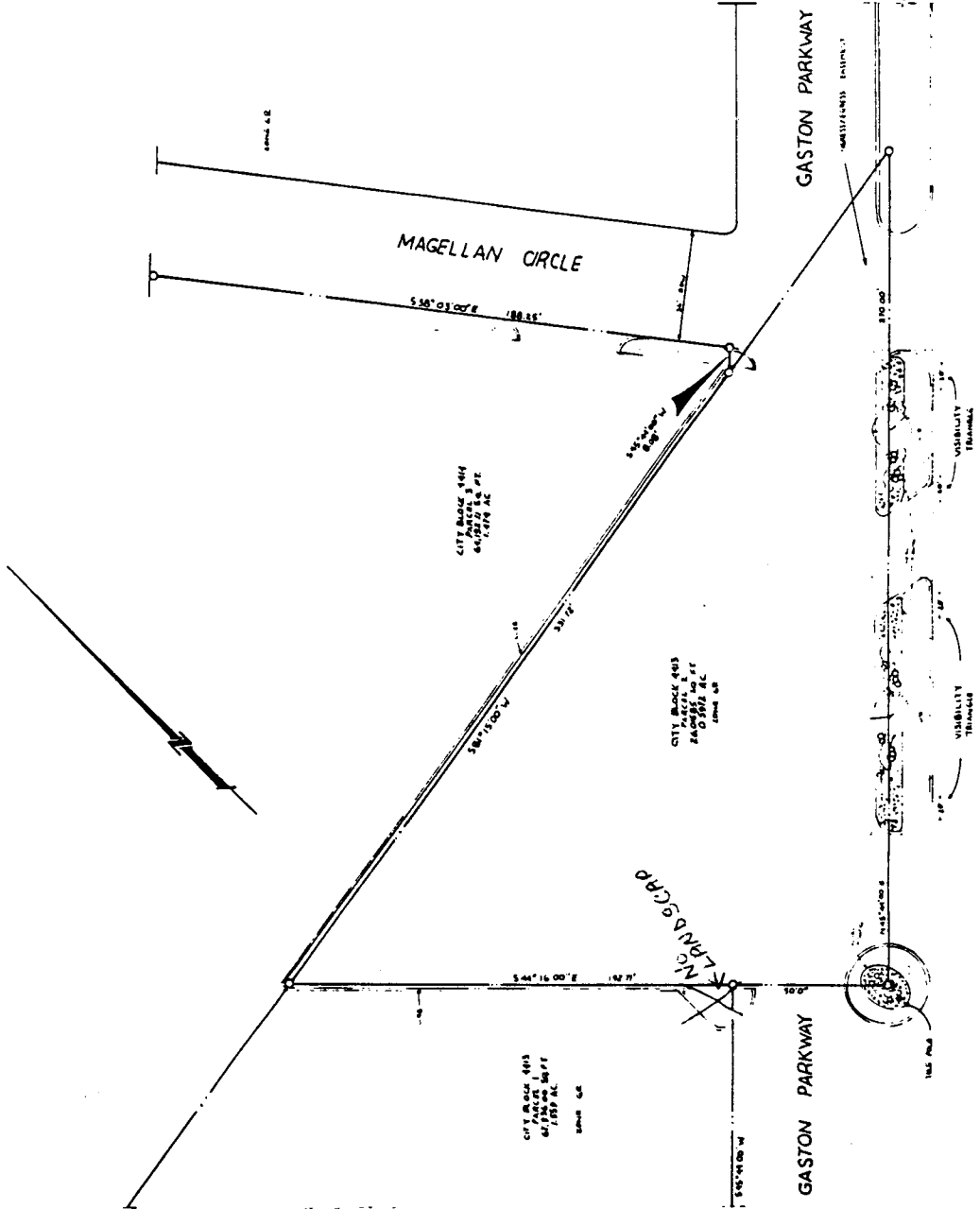
**PLANT LEGEND**

KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	QUALITY	SPACING
	LIVE OAK	QUERCUS VIRGINICA	3" GAL MB	2	AS SHOWN
	CREPE MYRTLE	LAGERSTROMIA INDICA	6" B" PLANT	3	AS SHOWN
	BARFORD HOLLY	ILEX CORNUTA 'BARFORD'	5 GAL	36	4' OC
	VARIATED LIRIODIE	MUSCARI	1 GAL	50	18" OC
	ADAM JASMINE	FRAXINUS PENNYNANCIANA	4" GAL	450	12" OC

**POINT TABULATION**

CATEGORY	POINTS
Buffer Strip Minimum Average Width Greater than 15'	3
Landscape Buffer Strip contains one large canopy tree, two small trees, and evergreen shrubs	15
<b>Total Points Earned</b>	<b>18</b>

**EXHIBIT B**



GARLAND ROAD

SCALE: 1" = 20'