

March 21, 1984

841056

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for an SC-D-1 Shopping Center-Dry District zoning which was approved by the City Council on January 4, 1984, on Zoning Case #Z823-391/6291-E on property at the southeast corner of Buckner Boulevard and John West Road; 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, TEXAS:

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 an SC-D-1 Shopping Center-Dry District as described in Ordinance **18206**.

Section 2. That said deed restrictions shall be filed with the County Clerk of Dallas County, Texas, 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

MAR 21 1984

City Secretary

cc: Planning and Development - 2
Building Inspection - 2

Approved as to form:
ANALESLIE MUNCY, City Attorney

By Assistant City Attorney

APPROVED HEAD OF DEPARTMENT
APPROVED _____ CITY CONTROLLER
APPROVED _____ CITY MANAGER

DEED RESTRICTIONS

THE STATE OF TEXAS §
 COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

4065

DEED
 1 04/04/84

That the undersigned, GREAT SOUTHWEST COMMERCIAL, INC., a Texas corporation, OLDE TOWNE MARKET VENTURE, a Texas joint venture, and CULLUM DEVELOPMENT COMPANY, a Texas corporation, are the owners of the following-described property situated in Dallas County, Texas, being in particular a tract of land out of the Isaac Beeman Survey, Abstract No. 82, City Block 7365, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to GREAT SOUTHWEST COMMERCIAL, INC. and OLDE TOWNE MARKET VENTURE, respectively, by Jane Motley Ashmore by deeds dated February 14, 1984 and February 14, 1984, such deeds being recorded respectively in Volume 84036, Page 1669 and Volume 84036, Page 1682, both in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof.

That the undersigned, GREAT SOUTHWEST COMMERCIAL, INC., OLDE TOWNE MARKET VENTURE, and CULLUM DEVELOPMENT COMPANY, do hereby impress all of the above-described property with the following deed restrictions, to-wit:

1. Multiple family uses shall not be permitted on the property.
2. The height of all buildings and structures on Tract 1 (described in Exhibit "B" attached hereto and made a part hereof) shall be no more than forty (40) feet.
3. The height of all buildings and structures on Tract 2 (described in Exhibit "C" attached hereto and made a part hereof) shall be no more than seventy-two (72) feet.
4. A hedge composed of plants of a waxed leaf variety shall be placed and maintained in the landscape easement (described in Exhibit "D" attached hereto and made a part hereof).
5. A concrete or masonry wall shall be placed and maintained along the entire eastern boundary of the property. Ivy shall be placed and maintained along the eastern side of the wall.
6. A minimum of one tree of a four inch caliper or greater shall be provided for each 500 square feet of the landscape easements described in Exhibit "D" and Exhibit "E" attached hereto and made a part hereof. These trees shall be placed and maintained in the landscape easements.

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 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.

84067 1988

7823-391/6291-E

These restrictions inure to the benefit of the City of Dallas, and the undersigned owners hereof do hereby grant to the City of Dallas the right to prosecute, at law or 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 property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this the 27 day of February, 1984.

GREAT SOUTHWEST COMMERCIAL, INC.,
a Texas corporation

By: Charles C. Carey
Charles C. Carey, Vice President

OLDE TOWNE MARKET VENTURE,
a Texas joint venture

By: GREAT SOUTHWEST COMMERCIAL, INC.,
a Texas corporation and joint
venturer

By: Charles C. Carey
Charles C. Carey, Vice President

By: Larry Robert Taylor
Larry Robert Taylor,
Joint Venturer

CULLUM DEVELOPMENT COMPANY, a Texas
corporation

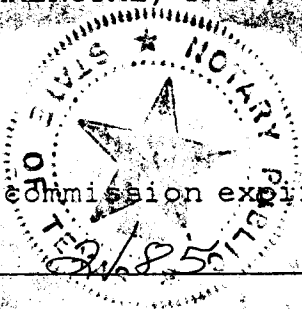
By: Houston E. Holmes, Jr.
Houston E. Holmes, Jr.,
President

Approved as to form:
ANALESLIE MUNCY, City Attorney

By: [Signature]
Assistant City Attorney

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 27 day of February, 1984, by Charles C. Carey, the Vice President of GREAT SOUTHWEST COMMERCIAL, INC., a Texas corporation, on behalf of said corporation.



Sue Penshaw
Notary Public

My commission expires:

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 24 day of February, 1984, by Charles C. Carey, the Vice President of GREAT SOUTHWEST COMMERCIAL, INC., a Texas corporation and joint venturer of OLDE TOWNE MARKET VENTURE, a Texas joint venture, on behalf of said joint venture.

Sue Genshaw
Notary Public

My commission expires:

2/85

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 24 day of February, 1984, by LARRY ROBERT TAYLOR, a joint venturer of OLDE TOWNE MARKET VENTURE, a Texas joint venture, on behalf of said joint venture.

Sue Genshaw
Notary Public

My commission expires:

2/85

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 27 day of February, 1984, by HOUSTON E. HOLMES, JR., the President of CULLUM DEVELOPMENT COMPANY, a Texas corporation, on behalf of said corporation.



Houston E. Holmes, Jr.
Notary Public

My commission expires:

2/85

DESCRIPTION

BEING a tract of land lying and being situated in the Isaac Beeman Survey, Abstract No. 82, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast intersection of the North R.O.W. line of Chenault Street and the East R.O.W. of State Highway Loop 12 (Buckner Boulevard).

THENCE N 00°07'38" W, along the East R.O.W. line of said Loop 12, 836.30 feet, a point for corner;

THENCE continuing along the East R.O.W. line of said Loop 12, with a curve to the left having a central angle of 06°48'48", a radius of 2930.79 feet, for a length of 348.52 feet, a point for corner;

THENCE N 89°15'10" E, 190.10 feet, a point for corner;

THENCE N 05°42'45" W, 315.41 feet, a point for corner in the South R.O.W. line of John West Road;

THENCE N 89°30'00" E, along the South R.O.W. line of said John West Road, 642.95 feet, a point for corner;

THENCE S 00°02'45" E, 1505.25 feet, a point for corner in the North R.O.W. line of said Chenault Street;

THENCE S 89°57'15" W, along the North R.O.W. line of said Chenault Street, 779.49 feet to the POINT OF BEGINNING and containing 25.860 acres of land, more or less.

Exhibit A

84067 1991

DESCRIPTION (TRACT 1)

BEING part of a 25.860 acre tract of land lying and being situated in the Isaac Beeman Survey, Abstract No. 82, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the Northeast intersection of the North R.O.W. line of Chenault Street (60' R.O.W.) and the Last R.O.W. line of State Highway Loop 12 (Buckner Boulevard), thence N 00°07'38" W, 505.26 feet along the East R.O.W. of said Loop 12 to the POINT OF BEGINNING;

THENCE N 00°07'38" W, continuing along the East R.O.W. line of said Loop 12, 331.04 feet, a point for corner;

THENCE, along a curve to the left which has a central angle of 06°48'48", a radius of 2430.79 feet, for a length of 348.52 feet, a point for corner;

THENCE N 89°15'10" E, 190.10 feet, a point for corner;

THENCE N 05°42'45" W, 315.41 feet, to a point in the South R.O.W. line of John West Road;

THENCE N 89°30'00" E, continuing along the South R.O.W. line of said John West Road, 642.95 feet to a point for corner;

THENCE S 00°02'45" E, 1000.00 feet to a point for corner;

THENCE S 89°57'15" W, 780.21 feet to the POINT OF BEGINNING and containing 16.815 acres of land, more or less.

Exhibit B

84067 1992

DESCRIPTION (TRACT 2)

BEING part of a 25.860 acre tract of land lying and being situated in the Isaac Beeman Survey, Abstract No. 82, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast intersection of the North R.O.W. line of Chenault Street (60' R.O.W.) and the East R.O.W. line of State Highway Loop 12 (Buckner Blvd.), a point for corner;

THENCE N 00°07'38" W, along the East R.O.W. line of said Loop 12, 505.26 feet, a point for corner;

THENCE N 89°57'15" E, 780.21 feet, a point for corner;

THENCE S 00°02'45" E, along the East line of said 25.860 acre tract, 505.25 feet, a point for corner:

THENCE S 89°57'15" W, along the North R.O.W. line of said Chenault Street, 779.49 feet to the POINT OF BEGINNING and containing 9.046 acres of land, more or less.

Exhibit C

84067 1993

15' LANDSCAPE EASEMENT
(ALONG JOHN WEST ROAD)

BEING part of a 25.860 acre tract of land lying and being situated in the Isaac Beeman Survey, Abstract No. 82, City of Dallas, Dallas County, Texas and being more particularly described as follows:

BEGINNING at the most northern Northwest corner of said 25.860 acre tract of land, a point for corner, in the South R.O.W. line of John West Road;
THENCE N 89°30'00" E, along the South R.O.W. line of said John West Road, 642.95 feet, a point for corner;
THENCE S 00°02'45" E, 15.00 feet, a point for corner;
THENCE S 89°30'00" W, 641.46 feet, a point for corner;
THENCE N 05°42'45" W, 15.06 feet, to the POINT OF BEGINNING and containing 9632.79 square feet of land or 0.221 acres of land, more or less, save and except that land used for driveways.

Exhibit D

84067 1994

15' LANDSCAPE EASEMENT
(ALONG CHENAULT ST. & BUCKNER BLVD.)

BEING part of a 25.860 acre tract of land lying and being situated in the Isaac Beeman Survey, Abstract No. 82, City of Dallas, Dallas County, Texas and being more particularly described as follows:

BEGINNING at the Northeast intersection of the North R.O.W. line of Chenault St. (60' R.O.W.) and the East R.O.W. line of State Highway Loop 12 (Buckner Boulevard).

THENCE N 00°07'38" W, along the East R.O.W. line of said Loop 12, 836.30 feet, a point for corner;

THENCE continuing along the East R.O.W. line of said Loop 12, a curve to the left which has a central angle of 06°48'48", a radius of 2930.79 feet, for a length of 248.52 feet, a point for corner;

THENCE N 89°15'10" E, 15.09 feet, to a point for corner;

THENCE along a curve to the right which has a central angle of 06°46'54", a radius of 2945.79 feet, for a length 348.67 feet, a point for corner;

THENCE S 00°07'38" E, 821.32 feet, a point for corner;

THENCE N 89°57'15" E, 764.51 feet, a point for corner;

THENCE S 00°02'45" E, 15.00 feet to a point in the North R.O.W. line of said Chenault Street;

THENCE S 89°57'15" W, along the North R.O.W. line of said Chenault Street, 779.49 feet, to the POINT OF BEGINNING and containing 29,241.47 square feet of land or 0.671 acres of land, more or less, save and except that land used for driveways.

Exhibit E

84067 1995

9661 1996 79048 FILED

Earl Burck
COUNTY CLERK
DALLAS COUNTY

'84 APR 3 AM 9:49

COUNTY CLERK, Dallas County, Texas

Earl Burck



APR 4 1984

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

No. 84-1056
Return to City Secretary
City Hall
Dallas, Texas 75201

RECEIVED
FEB 29 1984
ZONING OFFICE