

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for an MU-1 Mixed Use District which was approved by the City Council on June 13, 1990, on Zoning Case #Z890-132/1446-E on property at the southwest corner of John West Road and Dilido Road; and

WHEREAS, said deed restrictions have been approved as to form; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the deed restrictions 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 MU-1 Mixed Use District described as Tract I in Ordinance ~~_____~~ **20690**.

Section 2. That said deed restrictions 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.

cc: Building Inspection - 2
Planning and Development - 2

**APPROVED BY
CITY COUNCIL**

JUL 25 1990

Robert S. Glavin
City Secretary

90-14/ct

APPROVED AS TO FORM:

Chris Bowers
CITY ATTORNEY

APPROVED *[Signature]*
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

DEED RESTRICTION §

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THE STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

That the undersigned, Charles C. Blaylock, is the owner of the following described property situated in Dallas County, Texas, being in particular two tracts of land comprising 5.038 acres of land out of the William Chenault Survey, Abstract No. 276, City Block 7374, City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to Charles C. Blaylock by Beaver Productions, Inc. a/k/a Beaver Productions of Texas, Inc. by deed dated June 17, 1986, and recorded in Volume 86119, Page 5210 in the Deed Records of Dallas County, Texas, and being more particularly described in Exhibit "A" attached hereto for all purposes.

That the undersigned, Charles C. Blaylock, does hereby impress all of the above described property, hereinafter referred to as "THE PROPERTY", with the following deed restriction, to wit:

No residential uses are permitted on THE PROPERTY except for retirement housing.

Unless otherwise stated herein, the definitions and provisions of Chapter 51A, Part II of the Dallas Development Code, as amended, apply.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution,

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2890-132/1446-E

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 a public hearing before and approval by 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 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 to title to any of THE PROPERTY shall thereby agree and

covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this 14th day of JUNE 1990.

By: Charles C. Blaylock
Charles C. Blaylock

THE STATE OF TEXAS

COUNTY OF DALLAS

Before me, the undersigned authority, on this day personally appeared Charles C. Blaylock, 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 on this 14 day of June, 1990.

Frank S. [Signature]
Notary Public, State of Texas

APPROVED AS TO FORMS

Chris Bowers
ANALESLIE MUNCY, CITY ATTORNEY

6/22/93

My commission expires:

EXHIBIT "A"

TRACT I: BEING a tract of land situated in the WILLIAM CHENAULT SURVEY, Abstract No. 276, City Block 7374, City of Dallas, Dallas County, Texas and being also recorded in Volume 75167, page 0313 of the Dallas County Deed Records and being more particularly described as follows:

COMMENCING at the Southwest corner of the intersection of John West Road (a 100 foot right-of-way) and Dilido Road (a 60 foot right-of-way), said point being a found cross cut in a concrete sidewalk for a corner;

THENCE, South 01° 12' 00" West along the West right-of-way line of said Dilido Road, a distance of 150.08 feet to the Place of Beginning of this description;

THENCE, South 01° 12' 00" West, along the said West right-of-way line of Dilido Road, a distance of 309.71 feet to an iron rod found for a corner;

THENCE, departing the West right-of-way line of Dilido Road South 89° 21' 00" West, a distance of 565.22 feet to an iron rod found for a corner;

THENCE, North 02° 04' 00" East, a distance of 309.90 feet to an iron rod found for a corner in the South right-of-way line of Miland Drive (a 60 foot wide dedicated street);

THENCE, North 89° 21' 00" East a distance of 560.53 feet to the Place of Beginning and containing 4.000 Acres of Land, more or less.

TRACT II: BEING a tract of land situated in the WILLIAM CHENAULT SURVEY, Abstract No. 276, City Block 7374, City of Dallas, Dallas County, Texas and being also recorded in Volume 75167, page 0313 of the Dallas County Deed Records and being more particularly described as follows:

BEGINNING at the Southwest corner of the intersection of John West Road (a 100 foot right-of-way) and Dilido Road (a 60 foot right-of-way), said point being the Northeast corner of said tract, a found cross cut in a concrete sidewalk for a corner;

THENCE, South 01° 12' 00" West, along the West right-of-way line of said Dilido Road, a distance of 150.08 feet to an iron rod found for a corner;

THENCE, departing the West right-of-way line of Dilido Road, South 89° 21' 00" West, a distance of 302.50 feet to an iron rod found at the Southeast corner of White Rock Business Park No. 2;

THENCE, North 02° 04' 00" East, along the East property line of said White Rock Business Park No. 2, a distance of 150.17 feet to a found cross cut in a concrete sidewalk of the South right-of-way line of John West Road;

THENCE, North 89° 21' 00" East along the said South right-of-way line of John West Road, a distance of 300.23 feet to the Place of Beginning and containing 1.038 Acres of Land, more or less.