

May 8, 1985

851511

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for an HC Heavy Commercial District zoning which was approved by the City Council March 20, 1985, on Zoning Case #Z845-128/3282-N on property at the northwest corner of Harry Hines Boulevard and Inwood Road; and,

WHEREAS, said deed restrictions have been approved as to form and content.

Now, Therefore,

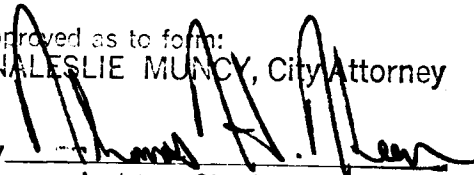
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS;

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 HC Heavy Commercial District as described in Ordinance 18691.

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 as to form:  
ANALESIE MUNCY, City Attorney

By   
Assistant City Attorney

**APPROVED BY  
CITY COUNCIL**

cc: Building Inspection - 2  
Planning & Development - 2

MAY 8 1985

  
City Secretary

APPROVED

  
HEAD OF DEPARTMENT

APPROVED

  
DIRECTOR OF FINANCE

APPROVED

  
CITY MANAGER



regard to any amendments adopted after November 8, 1984, shall hereinafter be referred to as the "Development Code"). A partial summary of permitted uses is more particularly set forth for purposes of example, and without limitation of the uses permitted under this paragraph (1), on Exhibit B attached hereto and incorporated herein for all purposes. It is specifically provided, however, that those uses of the Property which are permitted in a district zoned with the "shopping center" designation only upon the granting of a specific use permit by the City of Dallas are permitted and are not by this restriction limited, conditioned or prohibited in any way. Provided further, that notwithstanding any term or provision hereof to the contrary, any use of the Property which is operated as an accessory use (as the term "accessory use" is defined in the Development Code) to the main use thereof as a hospital or medical facility shall not be prohibited by this instrument, including the following uses (which are set forth for purposes of example, only, and without intention of limiting the generality of the foregoing general proviso): (a) lodging or boarding house; (b) ambulance service; (c) laundry and dry cleaning; (d) building repair and maintenance; (e) warehousing; and (f) technical schooling.

(2) The aggregate floor area within buildings constructed on the Property (including buildings now in existence and buildings hereafter constructed, but exclusive of parking structures, above, at or below ground level), measured to the outside faces of the exterior walls (the "Aggregate Floor Area"), shall be no more than 1,600,000 square feet.

(3) The Aggregate Floor Area which is sold or leased to medical practitioners for use as offices, for general office use, or for use as a medical clinic, as defined by the Development Code, may not exceed 700,000 square feet.

(4) No more than forty percent (40%) of the Property shall be covered by a roof, floor or other structure, exclusive of parking structures (above, at or below ground level) and grade level parking, and exclusive of roof eaves up to 24 inches and other ordinary building projections up to 12 inches.

(5) All buildings erected after the date hereof shall be erected no less than fifteen feet from the nearest public right-of-way line. This provision shall not be deemed to require modification, removal or destruction of any existing structures.

(6) No outdoor signs erected for the purpose of advertising products or services are permitted on the Property other than those which relate and refer to the name, location, services or activities of or products, persons, accommodations on the Property or any part thereof, or the sale or lease of or construction on the Property or any part thereof.

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 or any tract thereof. There is hereby reserved, however, the power to amend these restrictions by a recording by the owners of the Property, or any tract thereof, of an instrument in the Deed Records of Dallas County, with the consent of the City of Dallas, and after the public hearings described above, which instrument shall be executed by the owner or owners of the specific tract or tracts to which the amendment applies and by the City of Dallas, but the consent of the owners of portions of the Property to which the amendment does not apply shall not be required. A certified copy of any amendments, alterations, or termination of these restrictions, executed by the City of Dallas and the owners of the property which is the subject of the amendment, alteration or termination, or a certified copy of a City of Dallas Ordinance amending, altering or terminating these restrictions, shall be deemed sufficient evidence of the approval by the City of Dallas of such amendments, alterations or termination of these restrictions.

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 owners hereof do 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 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 25 day of March, 1985.

ST. PAUL HOSPITAL d/b/a  
ST. PAUL MEDICAL CENTER

By: *Anthony L. Bunker*  
Name: Anthony L. Bunker  
Title: Administrator

ST. PAUL PROFESSIONAL BUILDING

By: *A.C. Moser, Jr.*  
Name: A.C. Moser, Jr.  
Title: President

City of Dallas

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS           §

Before me the undersigned authority on this day personally appeared Anthony L. Buder, 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 said ST. PAUL HOSPITAL d/b/a ST. PAUL MEDICAL CENTER, 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.

Katherine A. Potter  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
Katherine A. Potter  
(Printed Name of Notary)

My Commission Expires:

12/27/88

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS           §

Before me the undersigned authority on this day personally appeared A.C. Moser, Jr., 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 said ST. PAUL PROFESSIONAL BUILDING, 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.

Katherine A. Potter  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
Katherine A. Potter  
(Printed Name of Notary)

My Commission Expires:

12/27/88

EXHIBIT A

STATE OF TEXAS |

COUNTY OF DALLAS |

WHEREAS, ST. PAUL HOSPITAL, ST. PAUL PROFESSIONAL BUILDING, INC., and CHILDREN'S ONCOLOGY SERVICES OF TEXAS, INC. are the owners of a tract of land situated in the H. Bennett Survey, Abstract No. 83 and the W. B. Coat Survey, Abstract No. 236, Dallas, Dallas County, Texas, also being all of City of Dallas Block No. 6058 and all of Block 1/7915 in Arlington Park Estates, an Addition to the City of Dallas, according to the plat recorded in Volume 8, Page 283, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" diameter iron rod set at the Southeast corner of the intersection of Record Crossing Road (an 80 foot right-of-way at this point) and Lee Hall Drive (a 50 foot right-of-way);

THENCE with the South line of said Record Crossing Road the following:

N 88°43'52" E, 481.06 feet to a 1/2" diameter iron rod set;  
N 74°46'39" E, 118.00 feet to a 1/2" diameter iron rod found;  
N 65°52'39" E, 199.00 feet to a 1/2" diameter iron rod found in the Southwest line of Harry Hines Blvd. (U.S. Highway No. 77);

THENCE with the said Southwest line of Harry Hines Blvd. the following:

S 44°53'31" E, 124.27 feet to a 1/2" diameter iron rod found;  
S 33°34'55" E, 101.98 feet to a 1/2" diameter iron rod found;  
S 44°53'31" E, 296.83 feet to a 1/2" diameter iron rod found;  
S 03°00'32" W, 206.59 feet to a 1/2" diameter iron rod set at the beginning of a curve to the left having a central angle of 24°46'56" and a radius of 365.00 feet;  
With said curve in a Southwesterly and Southeasterly direction an arc distance of 157.87 feet to a 1/2" diameter iron rod found at the end of said curve;  
S 21°46'24" E, 18.64 feet to a 1/2" diameter iron rod found at the beginning of a curve to the right having a central angle of 64°33'29" and a radius of 138.00 feet;  
With said curve in a Southeasterly and Southwesterly direction an arc distance of 155.49 feet to a 1/2" diameter iron rod found in the Northwest line of Inwood Road (a variable width right-of-way), said iron also being the beginning of a curve to the right having a central angle of 01°34'15", a radius of 1078.29 feet and a tangent bearing S 63°35'21" W;

THENCE with said curve in a Southwesterly direction and with said Northwest line of Inwood Road an arc distance of 29.56 feet to a 1/2" diameter iron rod found at the end of said curve

THENCE S 65°10'36" W, 894.39 feet, with the said Northwest line of Inwood Road to a 1/2" diameter iron rod set at the beginning of a curve to the left having a central angle of 08°15'26" and a radius of 1596.16 feet;

THENCE with said curve in a Southwesterly direction and with the said Northwest line of Inwood Road an arc distance of 230.03 feet to a 1/2" diameter iron rod set in the Northeast line of Arlington Park Drive (a 50 foot right-of-way);

THENCE N 54°56'07" W, 277.32 feet, with the said Northeast line of Arlington Park Drive to a 1/2" diameter iron rod set in the Southeast line of said Lee Hall Drive;

THENCE N 35°03'53" E, 128.32 feet, with the said Southeast line of Lee Hall Drive to a 1/2" diameter iron rod set at the beginning of a curve to the left having a central angle of 34°00'00" and a radius of 287.14 feet;

THENCE with said curve in a Northeasterly direction and with the said Southeast line of Lee Hall Drive an arc distance of 170.39 feet to a 1/2" diameter iron rod set at the end of said curve;

THENCE N 01°03'53" E, 859.08 feet, with the East line of said Lee Hall Drive to the PLACE OF BEGINNING and containing 27.6282 acres of land, more or less.

SAVE AND EXCEPT Lots 12, 13, 14, 15 and 16, Block 1/7915 in Arlington Park Estates, an Addition to the City of Dallas as hereinabove described, which lots are currently owned by Children's Oncology Services of Texas, Inc.

## EXHIBIT B

The City of Dallas Development Code Use Regulations provide for shopping center district uses which include, but are not limited to, the following:

- (1) Community Service Uses—including (a) post office, (b) community, welfare or health center, (c) foster home, (d) day care center;
- (2) Medical Uses—including (a) hospital, (b) establishment for the care of alcoholic, narcotic, or psychiatric patients, (c) nursing home, (d) residence home for the aged, (e) medical clinic, (f) medical or scientific laboratory, (g) optical shop, (h) medical appliance fitting and sales;
- (3) Religious Uses—including (a) church, (b) rectory, (c) convent or monastery, (d) establishment of a religious, charitable or philanthropic nature;
- (4) Educational Uses—including (a) public, denominational or private school, (b) institution for special education, (c) business school, (d) college, university or seminary, (e) college fraternity or sorority house, (f) college dormitory, (g) library, art gallery or museum;
- (5) Recreation and Entertainment Uses—including (a) public park or playground, (b) game court center, (c) private recreation club or area, (d) inside commercial amusement, (e) theater, (f) wax museum;
- (6) Transportation Uses - including (a) airport or landing field, (b) short take-off or landing port, (c) bus passenger shelter and (d) helistop;
- (7) Bar and Restaurant Uses—including (a) bar, lounge or tavern, (b) restaurant without drive-in service, (c) restaurant with alcoholic beverages and/or entertainment, (d) private club, (e) catering service;
- (8) Professional, Personal Service and Custom Crafts Uses—including (a) offices, (b) temporary construction or sales office, (c) bank or savings and loan office, (d) barber and beauty shop, (e) health studio, (f) custom cleaning shop, (g) self-service laundry or dry cleaning, (h) laundry or cleaning pick up or receiving station, (i) key shop, (j) shoe repair, (k) tailor custom sewing and millinery, (l) travel bureau, (m) broadcasting or recording studio, (n) instructional arts studio, (o) handcrafted art work studio, (p) handcraft bookbinding, (q) photography studio, (r) safe deposit boxes, (s) wedding chapel;
- (9) Retail Uses—including (a) retail stores other than those specifically listed, (b) antique shops, (c) retail food store, (d) bakery or confectionery shop, (e) book and stationery store, (f) camera shop, (g) cigar, tobacco and candy store, (h) clothing store, (i) drugstore, (j) beverage store, (k) florist store, (l) pet shop, (m)

furniture store, (n) second-hand store, (o) pawn shop, (p) hardware or sporting goods store, (q) home improvement center, (r) hobby and art supply store, (s) paint and wallpaper store;

(10) Motor Vehicle Related Uses—including (a) automobile or motorcycle display, sales, and service (inside display), (b) auto glass, muffler or seat cover shop, (c) auto parts sales (inside only), (d) auto repair garage (inside), (e) car wash, (f) service station;

(11) Commercial Uses—including (a) appliance fix-it shop, (b) tool and equipment rental (inside display only), (c) duplication shop, (d) garden shop, plant sales or greenhouse, (e) wholesale diamond and precious stones sales;

(12) Accessory Uses—including (a) private game court, (b) private swimming pool, (c) private stable, (d) home occupation, (e) private community center, (f) amateur communication tower.