

August 29, 1979

792559

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a Light Commercial District on Tract I and a Parking District on Tract II zoning which was approved by the City Council on August 29, 1979, on Zoning Case #Z789-237/4818-E on property generally located on Carroll Avenue between Gaston Avenue and Swiss Avenue; 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 a Light Commercial District on Tract I and a Parking District on Tract II, as described in Ordinance # 16338.

Section 2. That said deed restrictions shall be filed with the County Clerk 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:

LEE E. HOLT, City Attorney

By *John E. Stahl*
Assistant City Attorney

cc: Urban Planning ✓
Building Inspection
City Secretary

APPROVED BY
CITY COUNCIL

AUG 29 1979

Robert S. Glavin
City Secretary

APPROVED

HEAD OF DEPARTMENT

E. Jack Schoop

APPROVED

CITY AUDITOR

APPROVED

CITY MANAGER

DEED RECORD

DEED RESTRICTIONS

5617 0 11.00 DEED
1 10/24/79

THE STATE OF TEXAS |
|
COUNTY OF DALLAS |

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, SCOFIELD MEMORIAL CHURCH, a corporation, of the County of Dallas, State of Texas, is the owner of the following described property situated in Dallas County, Texas, and being comprised of two tracts of land, Tract 1 being a part of Lot 5 and a part of Lot 6 of City of Dallas Block 8/768, and Tract 2 being a part of Lot 3 of City of Dallas Block 1/769, Dallas County, Texas, and said two tracts of land being more particularly described by metes and bounds on the attached Exhibit "A" (describing Tract 1) and Exhibit "B" (describing Tract 2), which are attached hereto, incorporated herein by reference and made a part hereof for all purposes; and

That the undersigned, SCOFIELD MEMORIAL CHURCH, acting by and through its Trustees, does hereby impress upon the above described tracts of land the following deed restrictions, to-wit:

TRACT 1

The property herein designated and described as Tract 1 shall be restricted to use as a private school for instruction and training of apprentice electricians, and to any other use permitted in an Office 1 District, as provided in the Comprehensive General Zoning Ordinance of the City of Dallas, Texas.

TRACT 2

The property herein designated and described as Tract 2 shall only be used for parking in connection with the above described use of Tract 1. Tract 2 shall not be used for any other purpose than parking.

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of execution hereof, and shall automatically be extended for additional periods of ten (10) years each 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 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 of the above described property 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 or 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 tracts, 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 the 23rd day of August, 1979.

SCOFIELD MEMORIAL CHURCH

By: W. F. Tandy
Trustee,
and Chairman of the Board of Trustees

By: E. E. Moore
Trustee

By: B. J. Jensen
Trustee

Approved as to form:
LEE E. HOLT, City Attorney
By: John E. Skatt
Assistant City Attorney

THE STATE OF TEXAS |
COUNTY OF DALLAS |

BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared W. L. TODD, JR., 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 the 23rd day of August, 1979.

My commission expires:

5/17/81

THE STATE OF TEXAS |
COUNTY OF DALLAS |

Cynthia A. Brumm
Notary Public in and for
Dallas County, Texas

BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared E. E. MOORE, 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 the 23rd day of August, 1979.

My commission expires:

5/17/81

THE STATE OF TEXAS |
COUNTY OF DALLAS |

Cynthia A. Brumm
Notary Public in and for
Dallas County, Texas

BEFORE ME, the undersigned, a Notary Public in and for Dallas County, Texas, on this day personally appeared B. H. ELMORE, 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 the 23rd day of August, 1979.

My commission expires:

5/17/81

Cynthia A. Brumm
Notary Public in and for
Dallas County, Texas

EXHIBIT "A"

PROPERTY DESCRIPTIONTRACT 1

BEING a tract or parcel of land out of City Block 8/768 of the Jefferson Peak Subdivision, an addition to the City of Dallas as it is recorded in Volume 45, Page 56, of the Map Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the southwest line of North Carroll Avenue (60 foot R.O.W.) with the southeast line of Swiss Avenue (80 foot R.O.W.);

THENCE S 44° 18' E, 100.0 feet along said southwest line of North Carroll Avenue to the place of beginning;

THENCE, continuing along said southwest line of North Carroll Avenue, S 44° 18' E, 152.5 feet to a point for corner;

THENCE, S 45° W, approximately 174 feet to a point for a corner, in a line; said line also being the common line between Lots 4 and 5;

THENCE, N 44° 54' W along said line, 77.5 feet to a point for corner;

THENCE, N 45° E, 96.5 feet to a point for corner;

THENCE, N 44° 54' W, 75.0 feet to a point for corner;

THENCE, N 45° E, 83.0 feet to the place of beginning, and containing approximately 21,172 square feet of land.

EXHIBIT "B"

PROPERTY DESCRIPTIONTRACT 2

BEING a tract or parcel of land out of City Block 1/769 of the A. C. Ardreys Subdivision, an addition to the City of Dallas as it is recorded in Volume 1, Page 89, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the southeast line of Swiss Avenue (80 foot R.O.W.) with the northeast line of North Carroll Avenue (60 foot R.O.W.);

THENCE S 44° 18' E, 100.0 feet along said northeast line of North Carroll Avenue to the place of beginning;

THENCE N 45° E, 150.0 feet to a point for corner;

THENCE S 44° 18' E, 105.0 feet to a point for corner;

THENCE S 45° W, 150.0 feet to a point in the northeast line of North Carroll Avenue;

THENCE N 44° 18' W, 105.0 feet along said northeast line of North Carroll Avenue to the place of beginning, and containing 0.3615 acres (15,749 sq. ft.) of land.

79208 1380

PAGE 001

RETURN TO:
OFFICE OF THE CITY SECRETARY
ATTN: LESTER G. FORD
CITY HALL
DALLAS, TX 75201

COUNTY CLERK, Dallas County, Texas

L. E. Murrain



OCT 24 1979

STATE OF TEXAS
COUNTY OF DALLAS
I hereby certify that the within and last of the
date and time set forth herein and was duly
executed in the presence and view of the
of Dallas County, Texas as stamped herein by me.

79 OCT 23 AM 11:05

FILED
L. E. Murrain
COUNTY CLERK
DALLAS COUNTY