

BLK 5/1973

811717

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a Light Commercial District and a General Retail District which was approved by the City Council on May 20, 1981 on property located on the northeast corner of Richard Street and Henderson 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 and a General Retail District, as described in Ordinance # **17002**

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.

cc: Urban Planning - 1
Building Inspection - 2
City Secretary - 1

Approved as to form:

LEE E. HOLT, City Attorney

By *Barry R. Knight*
Assistant City Attorney

APPROVED BY
CITY COUNCIL

JUN 17 1981

Robert B. Sloan
City Secretary

APPROVED *E. Jack Schap* APPROVED _____ APPROVED _____
HEAD OF DEPARTMENT CITY CONTROLLER CITY MANAGER

5/1973

DEED RECORD

DEED RESTRICTIONS

811717

A

6215

0

7.00 DEED
1 09/16/8

STATE OF TEXAS)
)
COUNTY OF DALLAS)

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, J. S. McKENNEY, is the owner of the following described property, situated in Dallas County, Texas, being in particular a tract of land out of the J. Mart Survey, Abstract No. 578, City Block 5/1973, City of Dallas, Dallas County, Texas, and being more particularly described as follows:

Being a tract of land out of the J. Mart Survey, Abstract No. 578, Dallas County, Texas, also being Lots 17 and 18, Block 5/1973, Vickery Park Addition, an addition to the City of Dallas as filed in Volume 2, page 255, Map Records of Dallas County, Texas, also being that certain tract of land conveyed to J. S. McKenney by Deed recorded in Volume 71102, page 2185, Deed Records of Dallas County, Texas, and that certain tract of land conveyed to J. S. McKenney by Deed recorded in Volume 72189, page 457, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set for corner at the intersection of the North right-of-way line (50 ft. R.O.W.) of Richard Avenue with the Northeast right-of-way line (50 ft. R.O.W.) of Henderson Avenue;

THENCE, in a Northwesterly direction, along the said Northeast right-of-way line of Henderson Avenue, a distance of 45.22 feet to an iron rod set for corner, said corner being the Southwest corner of said Lot 18;

THENCE, in a Northerly direction, along the West line of said Lot 18, a distance of 123.36 feet to an iron rod set for corner, said corner lying on the South right-of-way line (15 ft. R.O.W.) of an alley;

THENCE, in an Easterly direction, along the said South right-of-way line of an alley, a distance of 100.00 feet to an iron rod found for corner, said corner being the Northeast corner of said Lot 17;

THENCE, in a Southerly direction, along the East line of said Lot 17, a distance of 156.00 feet to an iron rod set for corner, said corner lying on the said North right-of-way line of Richard Avenue;

THENCE, in a Westerly direction, along the said North right-of-way line of Richard Avenue, a distance of 68.70 feet to the POINT OF BEGINNING AND CONTAINING 15,089.184 square feet or 0.346 acres of land, more or less.

That the undersigned, J. S. McKenney, does hereby impress all of the above described property with the following deed restrictions, to-wit:

VOL - PAGE

81180 1425

2801-177/5461-E

1. That no building to be constructed on the above described property shall exceed thirty-six (36) feet in height.

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 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 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 27th day of May,

1981.

J. S. McKENNEY
J. S. McKENNEY

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared J. S. MCKENNEY, 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 27th day of May, 1981.



Anita Watson
Notary Public, Dallas County,
Texas.

My Commission expires:

2/15/85

Approved as to form:

LEE E. HOLT, City Attorney

By Barry R. Knight
Assistant City Attorney

FILE PAGE
51180 1427

61380 1428


2076

STATE OF TEXAS
 COUNTY CLERK
 I hereby certify that this instrument was
 filed on the date and time specified herein
 and the duty required in the office
 of the County Clerk, Dallas County, Texas
 has been performed by me.

SEP 16 1981

L. E. Maddox

COUNTY CLERK, Dallas County, Texas



81 SEP 15 PM 12:12

FILED
L. E. Maddox
 COUNTY CLERK
 DALLAS COUNTY

RECEIVED

MAY 26 1981

RECEIVED

Return to
 CITY SECRETARY
 CITY HALL
 DALLAS, TEXAS 75201