

July 17, 1985

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a GR General Retail District zoning which was approved by the City Council June 26, 1985, on Zoning Case #Z845-152/6559-E on property at 5426 Lewis Street, west of Greenville Avenue; and,

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


Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF 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 GR General Retail District as described in Ordinance 18789.

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:  
ANALESLIE MUNCY, City Attorney  
By   
Assistant City Attorney

cc: Building Inspection - 2  
Planning & Development - 2

**APPROVED BY  
CITY COUNCIL**

JUL 17 1985

0899P/bja

  
City Secretary

APPROVED  HEAD OF DEPARTMENT      APPROVED \_\_\_\_\_ DIRECTOR OF FINANCE      APPROVED \_\_\_\_\_ CITY MANAGER

DEED RESTRICTIONS

852275

STATE OF TEXAS §  
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

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21.00 DEED  
1 07/26/85

That the undersigned, George P. Macatee, III, is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of City Block No. A/1472, City of Dallas, Dallas County, Texas, and being the same tract of land conveyed to George P. Macatee, III by deed dated October 3, 1983 from Merchants Properties Association, and recorded in Volume 83197, Page 0987 in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEING a part of City Block A/1472 in the City of Dallas, Dallas County, Texas, and being a tract of land conveyed to Ted Norwood by deed filed May 16, 1977 and recorded in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South line of Lewis Street (a 50 foot right-of-way), said point being West a distance of 226.97 feet from the intersection of the said South line of Lewis Street with the West line of Greenville Avenue as widened, an iron stake found for corner;

THENCE South with the West line of a tract of land conveyed to O'Connell and Staples Properties by deed recorded on December 1, 1976 in the Deed Records of Dallas County, Texas, a distance of 150.00 feet, an iron stake found for corner;

THENCE West on a line parallel with the said South line of Lewis Street a distance of 75.00 feet, an iron stake found for corner;

THENCE North with the West line of said Norwood tract a distance of 150.00 feet to a point in the said South line of Lewis Street, an iron stake found for corner;

THENCE East with the said South line of Lewis Street a distance of 75.00 feet to the place of beginning, and containing 11,250 square feet of land.

That the undersigned, George P. Macatee, III, does hereby impress all of the above described property with the following deed restrictions, to-wit:

- (1) That the uses of the above described property shall be limited to those uses permitted in an Multiple Family-2 District, as defined in the Dallas Development Code, as amended, and for a commercial parking lot.
- (2) Landscaping shall be provided as shown on the site plan that is attached to and made a part of these restrictions. All plant material must be maintained in a healthy growing condition at all times by the owner of the property.

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.

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2-845-152/6559-E

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 14<sup>th</sup> day of April, 1985.

George P Macatee III

GEORGE P. MACATEE, III  
Approved as to form:  
ANALESLIE MUNCY, City Attorney

STATE OF TEXAS §  
                                          §  
COUNTY OF DALLAS §

By [Signature]  
Assistant City Attorney

BEFORE ME, the undersigned a notary public, in and for Dallas County, State of Texas, on this day personally appeared GEORGE P. MACATEE, III, 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 14th day of April, 1985.

Molly G. Granaghan

Notary Public in and for  
Dallas County, State of Texas

Molly G. Granaghan

My commission expires:  
2/19/89

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FILED  
*Earl Burtch*  
COUNTY CLERK  
DALLAS COUNTY

1985 JUL 26 AM 8:18

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.

JUL 26 1985



*Earl Burtch*  
COUNTY CLERK, Dallas County, Texas

No. \_\_\_\_\_  
Return to City Secretary  
City Hall  
Dallas, Texas 75201

Received

MAY 9 1985

ZONING ADMINISTRATION