

August 26, 1992

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for an MF-1(A) Multifamily District which was approved by the City Council on August 26, 1992, on Zoning Case #Z912-223/9146-E on property on the northwest side of Swiss Avenue, northeast of Carroll Avenue; 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 MF-1(A) Multifamily District as described in Ordinance 21397.

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.

APPROVED BY  
CITY COUNCIL

AUG 26 1992

*Robert T. Brown*  
City Secretary

Approved as to form:  
SAM LINDSAY, City Attorney

By *John Rogers*  
Assistant City Attorney

APPROVED *Michael Cloh* APPROVED \_\_\_\_\_ APPROVED \_\_\_\_\_  
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

DEED RESTRICTIONS

923070

THE STATE OF TEXAS)  
 )  
COUNTY OF DALLAS )

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Maddox & Associates CPAs ("the Owner"), by its duly authorized general partner, Dirk N. Maddox, is the owner of the following described property ("the Property"):

BEING a tract 83 by 168 feet out of Block 737 according to the Official Map of the City of Dallas, Texas and being more particularly described by metes and bounds as follows:  
BEGINNING at a stake in the Northwest line of Swiss Avenue, 168 feet Northeasterly from the intersection of said line of Swiss Avenue with the Northeast line of Carroll Avenue;  
THENCE in a Northeasterly along the Northwest line of Swiss Avenue, 83 feet to a stake for corner;  
THENCE Northwesterly parallel with Carroll Avenue, 168 feet to a stake for corner;  
THENCE Southwesterly parallel with Swiss Avenue, 83 feet to a stake for corner;  
THENCE in a Southeasterly parallel with Carroll Avenue, 168 feet to the Place of Beginning.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The portion of the above property described in Attachment A shall be developed only as a landscaped area and driveway access to an eight unit parking garage to be constructed at the rear of 4515 Swiss Avenue and the Property.

III.

These restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of then (10) years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated only after a public hearing before the City Plan Commissions and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located

at his or her sole cost and expense before the amendment or termination becomes effective.

## V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

## VI.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

## VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

## VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

## IX.

Unless stated otherwise in this document, the definitions and provisions of CHAPTER 51A, "PART II OF THE DALLAS DEVELOPMENT CODE," as amended, apply and are incorporated into this document as if recited in this document.

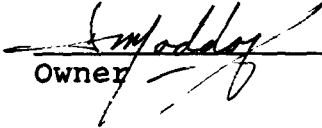
X.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

XI.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

EXECUTED at the City of Dallas, Dallas County, Texas, on this the 21<sup>st</sup> day of August, 1992.

  
\_\_\_\_\_  
Owner

ATTACH APPROPRIATE SHORT FORM STATUTORY ACKNOWLEDGMENT

0042M  
Revised 7/1/91

DEED RESTRICTIONS - PAGE 3

THE STATE OF TEXAS )  
 )  
COUNTY OF DALLAS )

923070

This instrument was acknowledged before me on Aug 21st, 1992  
by Dirk N. Maddox, partner, on behalf of Maddox & Associates CPAs, a  
partnership.

By:

Paul A Bowen

Title:

Notary Public

My commission expires:

09-26-92

Approved as to form:  
SAM LINDSAY, City Attorney

By

John Rogers  
Assistant City Attorney

BEING a tract of land out of Block 737 in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at point on the northwest line of Swiss Avenue, said point being 62 feet southwest of the southwest line of Moreland Avenue;

THENCE in a southwesterly direction along the northwest line of Swiss Avenue, a distance of 23 feet to a point for corner on a line, said line being 249 feet northeast of and parallel to the northeast line of Carroll Avenue;

THENCE in a northwesterly direction along said line, a distance of approximately 164.5 feet to a point for corner on a line, said line being 120 feet southeast of and parallel to the southeast line of Sycamore Street;

THENCE in a northeasterly direction along said line, a distance of 85 feet to a point for corner on the southwest line of Moreland Avenue;

THENCE in a southeasterly direction along the southwest line of Moreland Avenue, a distance of approximately 42.5 feet to a point for corner on a line, said line being approximately 122 feet northwest of and parallel to the northwest line of Swiss Avenue;

THENCE in a southwesterly direction along said line, a distance of 62 feet to a point for corner on a line, said line being 62 feet southeast of and parallel to the southwest line of Moreland Avenue;

THENCE in a southeasterly direction along said line, a distance of approximately 122 feet to a point on the northwest line of Swiss Avenue, the PLACE OF BEGINNING, and containing approximately 6,418.5 square feet or .15 acres of land.

