

June 14, 1995

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for a CR Community Retail District which was approved by the City Council on June 14, 1995, on Zoning Case #Z945-202/9835-E on property at the southwest corner of Hudson Street and Hope Street; 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 a CR Community Retail District as described in Ordinance 22457.

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

JUN 14 1995

*Robert T. Hooper*  
City Secretary

Approved as to form:  
SAM LINDSAY, City Attorney

By *Alejandro Fernandez*  
Assistant City Attorney

APPROVED

*[Signature]*  
HEAD OF DEPARTMENT

APPROVED

DIRECTOR OF FINANCE

APPROVED

CITY MANAGER

RECEIVED

~~DEED RESTRICTIONS~~

DEED 15.00  
TOL 15.00  
3393 0000000 5275 10:23AM 6/21/95

CITY SECRETARY  
DALLAS, TEXAS

THE STATE OF TEXAS §  
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Ross/Henderson Development Group, LLC, a Texas limited liability company ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the R. Ray Survey, Abstract No. 1242, City Block P/1481, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Sears Roebuck and Co., by deed dated February 23, 1995, and recorded in Volume 95041, Page 03600, in the Deed Records of Dallas, County, Texas, and being more particularly described as follows:

Being a tract or parcel containing 0.4439 acre (19,336 square feet) of land situated in the R. Ray Survey, Abstract Number 1242, Dallas County, Texas; being all of Lots 3 and 4 of Block P/1481 of Ross Avenue Heights Addition, an addition to the City of Dallas recorded in Volume 118, Page 63, Dallas County Map Records, and being all of a tract conveyed to Sears, Roebuck and Company by deed recorded in Volume 4429, Page 537, Dallas County Deed Records; said 0.4439 acre tract being more particularly described as follows (bearings are oriented to the City of Dallas datum for Ross Avenue):

BEGINNING at a 1/2-inch iron pipe found marking the intersection of the westerly Right-of-Way (R.O.W.) line of Hope Street (50 feet wide) with the southerly R.O.W. line of Hudson Street (60 feet wide) and marking the northeasterly corner of said Lot 4 and herein described tract;

THENCE, South 00°44'00" East (called South 00°26'45" East), along the westerly R.O.W line of said Hope Street, a distance of 193.37 feet to a 1/2-inch iron pipe found in the northerly R.O.W. line of a called 22.89 foot alley and marking the southeasterly corner of said Lot 4 and the herein described tract;

THENCE, North 89°50'56" West (called North 89°51'49" West), along the northerly R.O.W line of said alley, a distance of 100.00 feet to a PK nail found marking the southwesterly corner of the aforesaid Lot 3 and the herein described tract;

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THENCE, North 00°44'00" West (called North 00°26'45" West), departing said northerly R.O.W line and along the westerly line of said Lot 3, a distance of 193.37 feet to a cross in concrete found in the southerly R.O.W line of the aforesaid Hudson Street and marking the northwesterly corner of said Lot 3 and the herein described tract;

THENCE, South 89°50'56" East (called South 89°51'49" East), along the southerly R.O.W line of said Hudson Street, a distance of 100.00 feet to the POINT OF BEGINNING and containing 0.4439 acre (19,336 square feet) of land. This description is based on the Land Title Survey and plat made by Terra Surveying Company, Inc., dated February 10, 1995, TSC Project Number 0470-9501-A.

## II.

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

The Property shall be used solely to satisfy the required and excess surface parking needs of those uses made and located now or in the future, on the property described on Exhibit A, attached hereto and made a part hereof for all purposes.

## 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 ten (10) years unless amended or terminated in the manner specified in this document.

## IV.

These restrictions may be amended or terminated only after public hearing before the City Plan Commission 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 Dallas County, Texas at its 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 Owner certifies and represents that there are no mortgagees or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

XII.

The invalidation of any provision of this instrument 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 this the 12<sup>th</sup> day of June, 1995.

ROSS/HENDERSON DEVELOPMENT GROUP, LLC,  
a Texas limited liability company

By: Edwin Freedman, President  
Edwin Freedman, President  
OWNER

APPROVED AS TO FORM:

SAM A. LINDSAY, City Attorney

By: Alejandro Fernandez  
Assistant City Attorney

STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on June 12, 1995 by Edwin Freedman, President of Ross/Henderson Development Group, LLC, a Texas limited liability company on behalf of said Company.

Brenda L. Reed  
(Signature of notary and notary stamp)



Being a tract or parcel containing 7.041 acres (306,684 square feet) of land situated in the J.M. Patterson Survey, Abstract Number 678, Dallas County, Texas; being all of Lots 1 through 19, Block A/1485, out of and a part of Block B/1486, out of and a part of Block 1487, all of a 15-foot alley (as abandoned by Ordinance Number 6571) and all of Hudson Street (as abandoned by ordinance number 22348) of East Point Addition, an addition of the City of Dallas as Recorded in Volume 106, Page 262, Dallas County Map Records, and being out of and a part of the tracts conveyed from Sears, Roebuck and Co. to Ross/Henderson Development Group, LLC, by instrument executed on February 23, 1995; said 7.041 acre tract being more particularly described as follows (bearings are oriented to the City of Dallas datum for Ross Avenue):

**BEGINNING** at a PK nail found marking the intersection of the southeasterly Right-of-Way (R.O.W.) line of Ross Avenue (80 feet wide) with the northeasterly R.O.W. line of Henderson Avenue (50 feet wide) and marking the westerly corner of said Block A/1485 and the herein described tract;

**THENCE**, North 45°01'47" East, along the southeasterly R.O.W. line of said Ross Avenue, a distance of 525.00 feet to a cross in concrete found marking the northerly corner of the herein described tract;

**THENCE**, South 44°48'00" East, departing said southeasterly R.O.W. line, a distance of 297.45 feet to a 5/8-inch iron rod found marking the most northerly corner of the aforesaid Hudson Street Abandonment and marking an angle point in the herein described tract;

**THENCE**, South 44°42'30" East, along an easterly line of said Hudson Street Abandonment, a distance of 1.57 feet to a point in the westerly R.O.W. line of Greenville Avenue (width varies) and for the northeasterly corner of the herein described tract;

**THENCE**, in a southerly direction, along the westerly R.O.W. line of said Greenville Avenue, the following courses:

South 01°47'45" West, a distance of 70.36 feet to a point in the northwesterly line of a City of Dallas street easement, as recorded in Volume 4356, Page 479, Dallas County Deed Records, from which a cross in concrete found marking the northwesterly corner of said street easement bears South 45°17'30" West, 16.95 feet;

North 45°17'30" East, a distance of 22.38 feet to a point for the northerly corner of said Block B/1486, and said street easement, and angle point in the herein described tract;

South 00°26'45" East, along the easterly line of said street easement, a distance of 709.86 feet to a point in the northeasterly R.O.W. line of the aforesaid Henderson Avenue, for the southerly corner of said Block B/1486, said street easement and the herein described tract;

**THENCE**, North 44°48'00" West, departing said westerly R.O.W. line and along the northeasterly R.O.W. line of said Henderson Avenue, at a distance of 107.24 feet passing a 60d nail found marking a southwesterly corner of said street easement, at a distance of 508.37 feet passing a 60d nail found marking the westerly corner of said block B/1486 and the southerly corner of the aforesaid Hudson Street Abandonment, at a distance of 558.37 feet passing a cross in concrete found marking the westerly corner of said Hudson Street Abandonment and the southerly corner of the aforesaid block A/1485, and continuing, in all a distance of 853.42 feet to the POINT OF BEGINNING and containing 7.041 acres (306,684 square feet) of land. This description is based on the Land Title Survey and plat made by Terra Surveying Company, Inc., dated February 10, 1995, and Revised March 30, 1995, TSC Project Number 0470-9501-S.