

WHEREAS, the deed restrictions in the attached instrument have been volunteered in conjunction with a request for an MF-3(A) Multifamily District 3 which was approved by the City Council on February 28, 1990, on Zoning Case No. Z890-110/2858-E on property on the northeast side of Gaston Avenue, southeast of Loving 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 an MF-3(A) Multifamily District 3 as described in Ordinance 20574.

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.

c: Building Inspection - 2
Planning and Development - 2

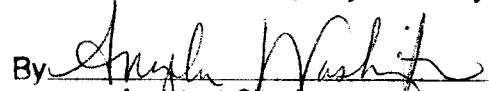
**APPROVED BY
CITY COUNCIL**

90-14/tr

FEB 28 1990


City Secretary

Approved as to form:
ANALES LIE MUNCY, City Attorney

By 
Assistant City Attorney

APPROVED 
HEAD OF DEPARTMENT

APPROVED _____
DIRECTOR OF FINANCE

APPROVED _____
CITY MANAGER

COUNTY CLERK'S MEMO
PORTIONS OF THIS
DOCUMENT NOT
REPRODUCIBLE
WHEN RECORDED

900801

DEED RESTRICTIONS

THE STATE OF TEXAS

1990 APR -2 PM 10:35

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

7916

2

7.00 DEED
1 03/09/90

CITY SECRETARY
DALLAS, TEXAS

That the undersigned, Lakewood Project Partnership, a Texas partnership, is the owner of the following described property situated in Dallas County, Texas, being in particular a tract of land out of the A.T. Nanny Survey, Abstract No. 1094, Dallas County, Texas, and being in the City of Dallas Block No. 2748, which property was conveyed by John R. Sullivan Trust to Lakewood Project Partnership on October 2, 1989 and is recorded in the Deed Records of Dallas County, Texas, in Volume 89197 Page 2899 and being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

That the undersigned, Lakewood Project Partnership, does hereby impress all of the above described property, "the Property", with the following restrictions, to-wit:

1. No building on the Property may exceed 52 feet in height as defined in the DALLAS DEVELOPMENT CODE, as amended.
2. Uses permitted on the Property are limited to MF-2(A) uses as defined in the DALLAS DEVELOPMENT CODE, as amended and if any building exceeds 36 feet in height, those MF-3(A) retail and personal service uses allowed by Sec. 51A-4.116(c)(2)(J) of the DALLAS DEVELOPMENT CODE, as amended, except that no motor vehicle fueling station is allowed on the Property. No retail or personal service use shall exceed 1000 square feet. No retail store is allowed to sell alcohol exclusively, and any retail store selling alcohol is limited to 25 square feet of floor area for the display of alcoholic beverages.
3. If any building exceeds 36 feet in height as defined in the DALLAS DEVELOPMENT CODE, as amended, the maximum number of dwelling units on the Property is limited to 315 units. If no building on the Property exceeds 36 feet in height as defined in the DALLAS DEVELOPMENT CODE, as amended, the following minimum lot areas per dwelling unit will be used.

Type of Structure	Minimum Lot Area per Dwelling Unit
No seperate bedroom	800 sq. ft.
One bedroom	1000 sq. ft.
Two bedrooms	1200 sq. ft.
More than two bedrooms	1200 sq. ft. plus 150 sq. ft per bedroom over two

4. If any building on the Property exceeds 36 feet in height as defined in the DALLAS DEVELOPMENT CODE, as amended, no more than 30% of the Property may be covered by buildings. For purposes of this paragraph no covered parking spaces shall be included in the calculation of coverage.
5. Parking is not allowed in the required front yard, as defined in the DALLAS DEVELOPMENT CODE, as amended and all parking shall be on a "Building Site", created in accordance with Sec. 51A-4.601, that is used for buildings containing residential dwelling units.
6. If any building on the Property exceeds 36 feet in height as defined by the DALLAS DEVELOPMENT CODE, as

amended, there shall be a minimum of 32% open space on the Property. For purposes of these restrictions open space shall include all areas not covered by a building, a driveway or parking spaces.

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.

These 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 or to correct such violations 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 are fully binding upon all persons acquiring property within the above described tract, and any person by acceptance of title to any of the Property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this 26th day February, 1990.

Lakewood Project Partnership

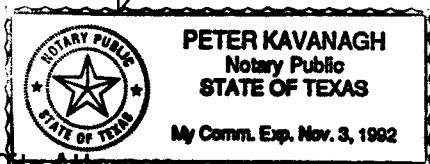
By: [Signature]
Robert Shaw, President of the
Managing General Partner,
Columbus-Fidelity, Inc.

THE STATE OF TEXAS }

COUNTY OF DALLAS }

BEFORE ME, the undersigned authority, on this day personally appeared Robert Shaw, President of Columbus-Fidelity, Inc., a Delaware corporation and General Partner in Lakewood Project Partnership, a Texas Partnership, 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, in the capacities therein stated and as the act and deed of said corporation and said Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 26 day of February, 19 90.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

Notary's name printed:
Peter Kavanagh

My commission expires 11-3-92

Approved as to form:
ANALESIE MUNCY, City Attorney
[Signature]
Assistant City Attorney

LEGAL DESCRIPTION

BEING a 7.284 acre tract of land as described by deed recorded in Volume 84183, Page 5236 of the deed records of Dallas County, Texas, said tract being in a portion of City Block 2748, and being out of the A.T. Nanny Survey, Abstract No. 1094, located in the City of Dallas, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the most easterly corner of Lakeshore Hills Addition, an addition to the City of Dallas as filed in Volume 17, Page 247 of the plat records of Dallas County, Texas, said point being South 45° 51' 00" East a distance of 15.00 feet from the most easterly corner of Lot 19, Block 6/2748 of said Lakeshore Hills Addition, and being in the southwesterly right-of-way line of Winsted Avenue (a 60 foot right-of-way);

THENCE along said southwesterly right-of-way line of Winsted Avenue South 45° 51' 00" East a distance of 290.50 feet to set ½" iron rod for the POINT OF BEGINNING;

THENCE continuing along said southwesterly right-of-way line of Winsted Avenue South 45° 51' 00" east a distance of 271.84 feet to a set ½" iron rod being on the west line of H&TC Railroad as described by deed recorded in Volume 811, Page 187 of the deed records of Dallas County, Texas;

THENCE departing said southwesterly right-of-way line of Winsted Avenue and continuing along said west line of the H&TC Railroad South 11° 40' 45" East a distance of 279.00 feet to a set ½" iron rod for the most northerly corner of Lake Villa Condominiums as recorded in Volume 84081, Page 2185 of the deed records of Dallas County, Texas;

THENCE departing said west line of the H&TC Railroad and continuing along the north line of said Lake Villa Condominiums South 89° 35' 15" West a distance of 294.56 feet to a set ½" iron rod;

THENCE continuing along the northwesterly line of said Lake Villa South 44° 51' 30" West a distance of 706.70 feet to a found ½" iron rod being in the northwesterly right-of-way line of Gaston Parkway (a 50 foot right-of-way), said ½" iron rod also being the beginning of a non-tangent curve to the left having a central angle of 02° 43' 43", a radius of 4991.07 feet, a chord bearing of North 57° 49' 09" West, and a chord distance of 237.66 feet;

THENCE departing said northwesterly line of Lake Villa Condominiums and continuing along said northeast line of Gaston Parkway and continuing along said non-tangent curve to the left an arc distance of 237.68 feet to a found ½" iron rod being the most southeasterly corner of the Oaks of Lakewood Phase I, an addition to the City of Dallas as recorded in Volume 82154, Page 0003 of the plat records of Dallas County, Texas;

THENCE departing said northeast right-of-way line of Gaston Parkway and continuing along said line of said Oaks of Lakewood Addition the following calls:

North 30° 08' 52" East a distance of 46.94 feet to a found ½" iron rod;

North 43° 46' 00" East a distance of 158.19 feet to a found ½" iron rod;

North 48° 08' 58" East a distance of 18.93 feet to a set ½" iron rod;

THENCE North 43° 46' 00" East in passing a distance of 335.44 feet to a found ½" iron rod for the most northeasterly corner of said Oaks of Lakewood Phase I and the most southerly corner of a 3.9557 acre tract described by deed recorded in Volume 85017, Page 3075 of the deed records of Dallas County, Texas in all a distance of 744.19 feet to a set ½" iron rod;

THENCE continuing along said line of said 3.9557 acre tract the following calls:

North 46° 14' 00" West a distance of 34.51 feet to a set ½" iron rod;

North 43° 46' 00" East a distance of 152.89 feet to the POINT OF BEGINNING and containing 7.284 acres (317,277 square feet) of land more or less.

1990 8:006

FILED
Earl Busch
COUNTY CLERK
DALLAS COUNTY
90 MAR -9 AM 8:29

900801

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
STATE OF TEXAS COUNTY OF DALLAS
I hereby certify this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of Dallas County, Texas as stamped hereon by me.

MAR 9 1990



Earl Busch

COUNTY CLERK, Dallas County, Texas

No. 90-0801
Return to City Secretary
City Hall
Dallas, Texas 75201