

ORDINANCE NO. 28259

An ordinance changing the zoning classification on the following property:

BEING a tract of land in the John Clay Survey, Abstract No. 223, City of Dallas, Collin County, Texas and being part of U.T.D. Synergy Park - Phase I Industrial Addition; fronting approximately 300 feet on the west line of Waterview Parkway; and containing approximately 4.8209 acres,

from an LI Light Industrial District to Planned Development District No. 780; amending Article 780, "PD 780," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code to reflect the expansion of the planned development district; amending the property location and size, exhibit, conceptual plan, development plan, main uses, yard, lot, and space, screening fence, traffic management plan, and additional provisions in Sections 51P-780.102, 51P-780.104, 51P-780.105, 51P-780.106, 51P-780.107, 51P-780.109, 51P-780.114, 51P-780.116, 51P-780.117; deleting the zoning map provision in Section 51P-780.119; providing a new conceptual plan for Tract 1/development plan for Tract 2 and conditions for the new tract; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the property described in this ordinance; and

WHEREAS, the city council finds that it is in the public interest to change the zoning classification and amend Article 780 as specified in this ordinance; Now, Therefore,

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning classification is changed from an LI Light Industrial District to Planned Development District No. 780 on the property described in Exhibit A, which is attached to and made a part of this ordinance.

SECTION 2. That Section 51P-780.102, "Property Location and Size," of Article 780, "PD 780," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"SEC. 51P-780.102. PROPERTY LOCATION AND SIZE.**

PD 780 is established on property located on the west side of Waterview Parkway, south of Frankford Road. The size of PD 780 is approximately 18.6469 [~~13.826~~] acres."

SECTION 3. That Section 51P-780.104, "Exhibit," of Article 780, "PD 780," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"SEC. 51P-780.104. EXHIBITS.**

The following exhibits are [~~is~~] incorporated into this article:

- (1) Exhibit 780A: conceptual plan for Tract 1/development plan for Tract 2.
- (2) Exhibit 780B: traffic management plan for Tract 2."

SECTION 4. That Section 51P-780.105, "Conceptual Plan," of Article 780, "PD 780," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**“SEC. 51P-780.105.****CONCEPTUAL PLAN FOR TRACT 1/  
DEVELOPMENT PLAN FOR TRACT 2.**

(a) Development and use of the Property must comply with the conceptual plan for Tract 1/development plan for Tract 2 (Exhibit 780A). If there is a conflict between the text of this article and the conceptual plan for Tract 1/development plan for Tract 2, the text of this article controls.

(b) The locations of the ingress/egress points shown on the conceptual plan for Tract 1 are approximate. The actual locations of the ingress/egress points must be shown on the development plan.”

SECTION 5. That Section 51P-780.106, “Development Plan,” of Article 780, “PD 780,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

**“SEC. 51P-780.106.****DEVELOPMENT PLAN.**

(a) A development plan that complies with the conceptual plan for Tract 1 must be approved by the city plan commission before the issuance of any building permit to authorize work in this district.

(b) If the Property is developed in phases, a development plan for each phase must be approved by the city plan commission before the issuance of a building permit to authorize work in that phase of development.

(c) If there is a conflict between the text of this article and a development plan, the text of this article controls.”

SECTION 6. That Section 51P-780.107, “Main Uses Permitted,” of Article 780, “PD 780,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

**“SEC. 51P-780.107.****MAIN USES PERMITTED.**

The following main uses are the only main uses permitted in this district:

- Childcare facility.
- College, university, or seminary.
- Office. [Tract 2 only.]
- Public or private school.”

SECTION 7. That Section 51P-780.109, “Yard, Lot, and Space Regulations,” of Article 780, “PD 780,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

**“SEC. 51P-780.109.****YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

- (a) Front yard. Minimum front yard is 15 feet.
- (b) Side and rear yard. No minimum side yard. Minimum rear yard in Tract 1 is 30 feet, and minimum rear yard in Tract 2 is 20 feet.
- (c) Density. No maximum dwelling unit density.
- (d) Floor area. Maximum floor area ratio in Tract 1 is 0.25[-] with a m[M]aximum total floor area of [is] 150,000 square feet. Maximum floor area ratio in Tract 2 is 0.35 with a maximum total floor area of 133,000 square feet.
- (e) Height. Maximum structure height in Tract 1 is 72 feet, and maximum structure height in Tract 2 is 80 feet.
- (f) Lot coverage. Maximum lot coverage in Tract 1 is 25 percent, and the maximum lot coverage in Tract 2 is 30 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.
- (g) Lot size. No minimum lot size.
- (h) Stories. Maximum number of stories above grade is five [four].”

SECTION 8. That Section 51P-780.114, "Screening Fence," of Article 780, "PD 780," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

**"SEC. 51P-780.114. SCREENING FENCE.**

(a) An eight-foot-high decorative iron or solid masonry screening fence is required on the northern boundary of the Property prior to the issuance of a certificate of occupancy. The screening fence must be constructed of decorative iron, brick, stone, a similar material, or a combination of materials, but may not be constructed of smooth face concrete masonry units. If decorative iron is used, the fence pickets may not be spaced more than five inches apart, and shrubs must be planted on the inside of the fence in a manner that will obscure the view through the fence.

(b) An eight-foot-high decorative iron ~~[solid wood]~~ or masonry screening fence is required on the western boundary of the Property prior to the issuance of a certificate of occupancy. ~~[Within two years of the date of the issuance of a certificate of occupancy,]~~ The screening fence must be constructed of brick, stone, wrought iron, a similar material, or a combination of materials, but may not be constructed of smooth face concrete masonry units. If decorative iron is used, the fence pickets may not be spaced more than five inches apart, and shrubs must be planted on the inside of the fence in a manner that will obscure the view through the fence. All athletic fields which are adjacent to vehicle circulation areas must be fenced with an eight-foot tall decorative iron fence.

(c) A minimum four-foot high decorative iron fence must be constructed along the southern property line up to the drive cut leading to the adjacent property. If the drive cut is closed, the fence must be extended across the drive cut. ~~[six foot high solid wood, masonry, or wrought iron fence with brick columns is required on the southern boundary of the Property, excluding the Waterview Parkway front yard, prior to the issuance of a certificate of occupancy. Within two years of the date of the issuance of a certificate of occupancy, the screening fence must be constructed of brick, stone, wrought iron, a similar material, or a combination of materials, but may not be constructed of smooth face concrete masonry units.]~~

(d) Fences must be maintained in a state of good repair and neat appearance."

SECTION 9. That Paragraph (1) of Subsection (c), "Traffic Study," of Section 51P-780.116, "Traffic Management Plan," of Article 780, "PD 780," of Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended to read as follows:

“(a) In general. The operation of uses on Tract 2 must comply with the traffic management plan (Exhibit 780B). The operation of uses on Tract 1 must comply with a traffic management plan to be submitted as part of a [the] development plan approved by city plan commission.”

SECTION 10. That Paragraph (1) of Subsection (c), “Traffic Study,” of Section 51P-780.116, “Traffic Management Plan,” of Article 780, “PD 780,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

“(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director within one year after approval of the traffic management plan by the city plan commission. After the initial traffic study, the Property owner or operator shall submit ~~[annual]~~ updates of the traffic study to the director by November 1 every year for the first three years after approval of the traffic management plan and by November 1 of every odd-numbered [of ~~each]~~ year after that.”

SECTION 11. That Section 51P-780.117, “Additional Provisions,” of Article 780, “PD 780,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is amended to read as follows:

**“SEC. 51P-780.117. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) For a public or private school use, the maximum number of homeroom classrooms is 93 ~~[68]~~ and the maximum number of all classrooms is 121 ~~[96]~~.

(d) Uses on the Property may only operate between 7:00 a.m. and 11:00 p.m., Monday through Friday, and between 8:00 a.m. and 10:00 p.m., Saturday.

(e) For a public or private school use, lighting of athletic fields and use of outdoor loudspeakers ~~are [is]~~ permitted:

(1) Monday through Friday [~~Thursday~~] until 10:00 p.m. for school-sponsored athletic events; and

(2) a maximum of 20 days each calendar year until 10:00 p.m. for school-sponsored non-athletic events.

(f) Athletic fields may only be used for public or private school uses.

(g) For a private school use, enrollment may not exceed 1,700 [~~1,200~~] students.

(h) Trash pick-up is limited to the hours between 9:00 a.m. and 6:00 p.m., Monday through Saturday.

(i) Dumpsters are prohibited within 75 feet of the western boundary of the Property.”

SECTION 12. That Section 51P-780.119, “Zoning Map,” of Article 780, “PD 780,” of Chapter 51P, “Dallas Development Code: Planned Development District Regulations,” of the Dallas City Code is deleted as follows:

~~“[SEC. 51P-780.119. — ZONING MAP.~~

~~PD 780 is located on Zoning Map No. A-8.]”~~

SECTION 13. That, pursuant to Section 51A-4.701 of Chapter 51A of the Dallas City Code, as amended, the property description in Section 1 of this ordinance shall be construed as including the area to the centerline of all adjacent streets and alleys.

SECTION 14. That the conceptual plan, Exhibit 780A of Article 780, “PD 780,” of Chapter 51P of the Dallas City Code, is replaced by the conceptual plan for Tract 1/development plan for Tract 2, Exhibit 780A, attached to this ordinance.

SECTION 15. That development of this district must comply with the full-scale version of Exhibit 780A (conceptual plan for Tract 1/development plan for Tract 2) attached to this ordinance. A reduced-sized version of this plan shall be provided in Chapter 51P. Permits shall be issued based on information provided on the full-scale version of the plan.

SECTION 16. That Exhibit A attached to Ordinance No. 27191 (property description of Planned Development District No. 780) is replaced by Exhibit A attached to this ordinance.

SECTION 17. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.


SECTION 18. That the zoning ordinances of the City of Dallas and Chapter 51P of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 19. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 20. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By   
Assistant City Attorney

Passed JUN 22 2011



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EXHIBIT A

## 17811 Waterview Parkway Tract:

Being a tract or parcel of land situated in the City of Dallas, Collin County, Texas, and being part of the John Clay Survey, Abstract No. 223, Collin County, Texas, and also being part of the tract of land conveyed to The Board of Regents, The University of Texas System, as recorded in Volume 72177, Page 1643, of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

Commencing at a iron rod for corner at the intersection of the Westerly right-of-way line of Waterview Parkway (200 feet wide) and the Northerly right-of-way line of Cullum Street (40 feet wide); said point also being South 89 degrees 35 minutes 40 seconds West a distance of 197.77 feet from the Northeasterly corner of the First Installment of the Technology Park Addition, an addition to the City of Dallas as recorded in Volume 67123, Page 1283 of the Deed Records of Dallas County, Texas;

Thence North 10 degrees 20 minutes 39 seconds East along the Westerly right-of-way line of Waterview Parkway (80.00 feet wide) a distance of 13.35 feet to an iron rod at the beginning of a curve to the right;

Thence in a Northeasterly direction continuing along the said Westerly right-of-way line of Waterview Parkway and along said curve to the right, having a radius of 1080.62 feet, a central angle of 19 degrees 30 minutes 21 seconds and an arc length of 367.89 feet to an iron rod at the end of said curve to the right;

Thence North 30 degrees 00 minutes 00 seconds East along the said Westerly line right-of-way of Waterview Parkway a distance of 132.70 feet to an iron rod at the beginning of a curve to the left;

Thence in a Northeasterly and Northerly direction along the Westerly right-of-way line of Waterview Parkway and along a curve to the left, having a radius of 600.00 feet, a central angle of 30 degrees 12 minutes 12 seconds and an arc length of 316.29 feet to an iron rod at the end of said curve to the left;

Thence North 00 degrees 12 minutes 12 seconds West along the said Westerly right-of-way line of Waterview Parkway a distance of 222.78 feet to an iron rod for corner, said point also being the Northeasterly corner of the Dresser Addition, an addition to the City of Dallas as recorded in Volume 81203, Page 0273 of the Deed Records of Dallas County, Texas;

Thence North 00 degrees 12 minutes 12 seconds West continuing along the Westerly line of Waterview Parkway (80.00 feet wide) a distance of 1863.00 feet to the Point of Beginning, of the herein described tract;

Thence North 90 degrees 00 minutes 00 seconds West a distance of 700.00 feet to an iron rod for corner, said point being in the Easterly line of tract of land as conveyed to the Texas A & M University System as recorded in the Deed Records of Dallas County, Texas;

Thence North 00 degrees 12 minutes 12 seconds West along the said Easterly line of the said Texas A & M tract a distance of 300.00 feet to an iron rod for corner;

Thence South 90 degrees 00 minutes 00 seconds East a distance of 700.00 feet to an

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iron rod for corner in the said Westerly line of Waterview Parkway;

Thence South 0 degrees 12 minutes 12 seconds East along the said Westerly line of Waterview Parkway a distance of 300.00 feet to the Point of Beginning and containing 210,000.00 square feet or 4.8209 acres, more or less and also being a part of V.T.D Synergy Park, an addition in Collin County and Dallas County, Texas according to the plat thereof recorded in Volume 7, Page 551, Map Records, Collin County, Texas and Volume 85243, Page 4874, Map Records, Dallas County, Texas

# HKS

**ARCHITECT**  
HKS, INC.  
1000 MAIN STREET  
DALLAS, TX 75202

**STRUCTURAL ENGINEER**  
STANLEY, GORDON & CO.  
1000 MAIN STREET, SUITE 100  
DALLAS, TEXAS 75202

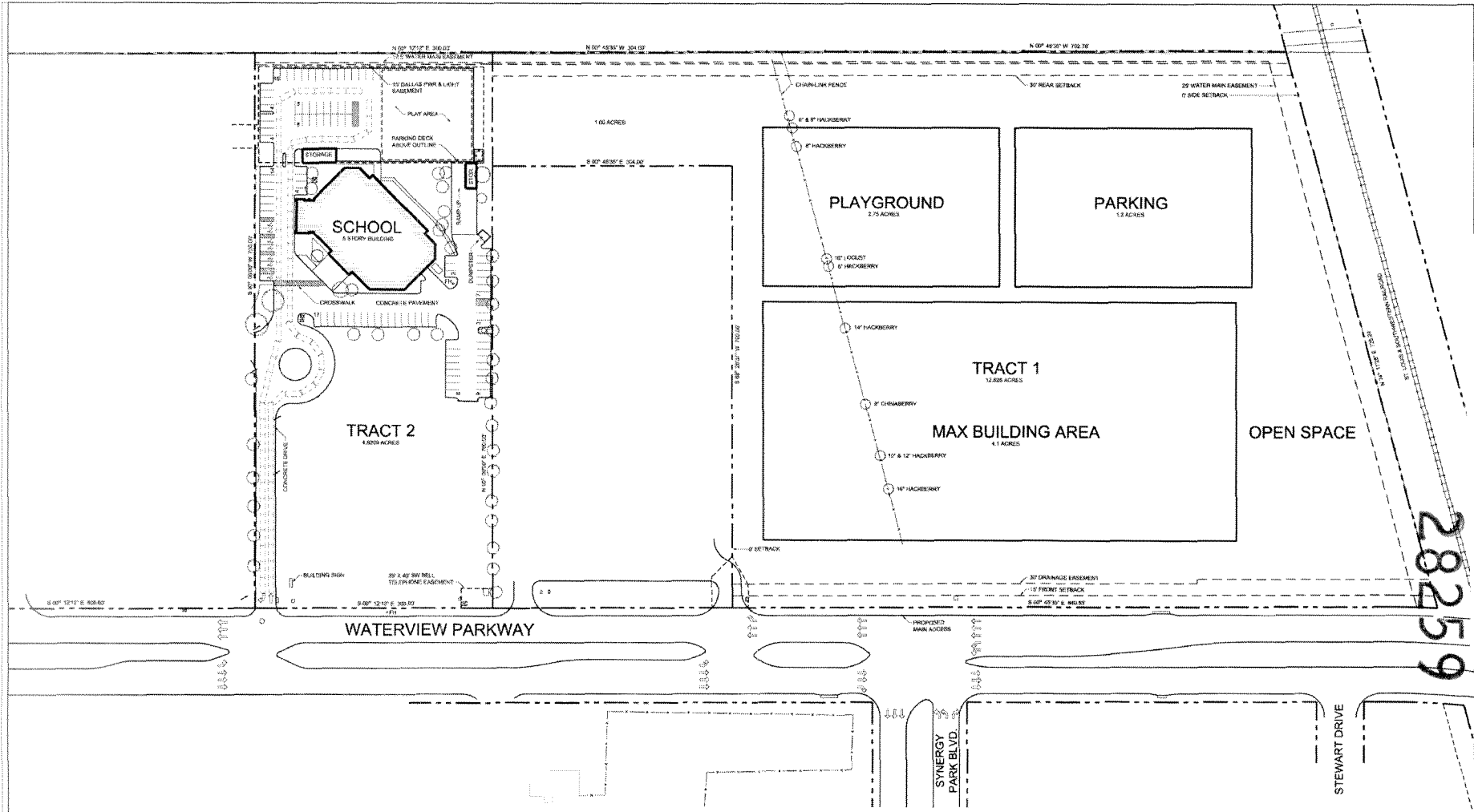
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DALLAS, TEXAS 75202

## CONCEPTUAL PLAN FOR TRACT 1 AND DETAILED DEVELOPMENT PLAN FOR TRACT 2

Exhibit 780A

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### TRACT 1 SITE INFORMATION:

FRONT YARD: 15 FEET  
SIDE YARD: NONE  
REAR YARD: 30 FEET

DENSITY: NO DWELLING UNIT DENSITY  
FAR: 0.25  
AREA: 150,000 SF  
HEIGHT: 12 FEET OR 5 STORIES  
LOT COVERAGE: 25 PERCENT

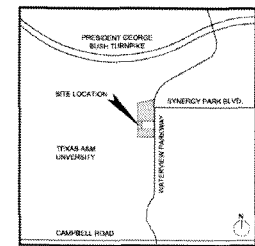
### TRACT 2 SITE INFORMATION:

FRONT YARD: 15 FEET  
SIDE YARD: NONE  
REAR YARD: 30 FEET

DENSITY: NO DWELLING UNIT DENSITY  
FAR: 0.35  
AREA: 133,000 SF  
HEIGHT: 12 FEET OR 5 STORIES  
LOT COVERAGE: 30 PERCENT

### 01 DETAILED DEVELOPMENT PLAN

1" = 10' - 0"



### 01 VICINITY MAP

1" = 10' - 0"

**INTERIM REVIEW ONLY**  
These documents are preliminary and are not intended for regulatory review. Staking points are approximate locations.

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
FOR: \_\_\_\_\_

KEY PLAN

REVISION NO. DESCRIPTION DATE

PROJECT NUMBER: 13958.003  
DATE: FEB 15, 2011

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Approved  
City Plan Commission  
May 19, 2011

Planned Development  
District No. 780

28259

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**TRAFFIC MANAGEMENT PLAN FOR  
DALLAS INTERNATIONAL SCHOOL  
(MIDDLE & HIGH SCHOOL)  
IN DALLAS, TEXAS**

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Prepared for:

**Pritchard Associates**

2500 Routh Street  
Dallas, TX 75201

Prepared by:

**DeShazo Group, Inc.**

Texas Registered Engineering Firm F-3199

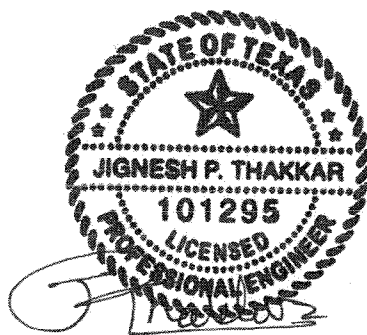
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Dallas, Texas 75202

Phone 214/748-6740



06-21-2011

*June 21, 2011*

Planned Development  
District No. 780

 **DeShazo Group**

DeShazo #11050

Approved  
City Plan Commission  
May 19, 2011

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Traffic Management Plan for  
**Dallas International School (Middle & High School)**  
Dallas, Texas  
< DeShazo Project No. 11050 >

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## **Technical Memorandum**

**To:** Roger Dahlin — Pritchard Associates  
**From:** DeShazo Group, Inc.  
**Date:** June 21, 2011  
**Re:** Traffic Management Plan for Dallas International School (Middle & High School)  
in Dallas, Texas  
(DeShazo Project No. 11050)

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### **INTRODUCTION**

The services of **DeShazo Group, Inc. (DeShazo)** were retained by Pritchard Consultants on behalf of the Dallas International School to conduct a traffic management plan (TMP) for the new middle & high school campus of the 350-student Dallas International School (DIS) in Dallas, Texas. DeShazo is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering.

The middle school classes for the DIS are currently being conducted at the school's existing campus on Churchill Way and the high school classes are being conducted at the University of Texas at Dallas campus. The DIS is proposing to relocate the middle and high school grades to a new campus, which is planned to be located in an existing office building located at 17811 Waterview Parkway in Dallas, Texas. The office building is located in the City of Dallas however; the adjacent segment of Waterview Parkway is under the jurisdiction of the City of Richardson. The DIS plans for the new campus to accommodate a potential maximum of approximately 350 students - 150 middle school students (grades 6-9) and 200 high school students (grades 10-12). DIS plans to begin classes at the proposed campus in August 2011. A site location map is provided in **Exhibit 1**.

### **Purpose**

The purpose of this report is to develop procedures to promote traffic safety and efficiency to be used by the school during the morning drop-off and afternoon pick-up hours. The study will be provided to the City of Dallas staff ("the Staff") for review as to fulfill the associated requirements of the local approval process.

## TRAFFIC MANAGEMENT PLAN

A Traffic Management Plan (TMP) is important to maintain an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up. The City of Dallas strives for all drop-off and pick-up carpool activity to occur on private property rather than in the public right-of-way. The analysis summarized below utilizes the proposed site plan to identify the projected queuing (i.e., vehicle stacking) space needed on site to accommodate the projected peak demands related to drop-off/pick-up for the School. A concerted effort by the school administration and the parents is encouraged to provide and maintain safe and efficient traffic operations.

### ***School Hours***

The school is expected to operate on a uniform daily schedule. Classes on typical school days for all grades will begin at 8:15 AM and conclude at 3:30 PM. While these are the scheduled class times, it can be assumed that not all students will enter /exit the site at these exact times based upon normal distribution patterns. Occasional special events at the school that generate traffic may also occur outside the traditional peak drop-off and pick-up periods; while some of the measures presented in this report may be applicable in conjunction with special events, these traffic characteristics are not covered in this analysis. For the purposes of this study, it was assumed that all school students begin and end school at the same time.

### ***Passenger Vehicles***

#### ***Queue Lengths***

The City of Dallas strives for all vehicular queuing and drop-off/pick-up procedures to take place on private property (i.e., off public right-of-way). A standardized technique for projecting necessary queue length does not exist, however DeShazo has developed a proprietary methodology for estimating peak vehicular queue at private middle & high schools based upon historical studies conducted by DeShazo at various similar school sites.

Maximum queuing at schools consistently occurs during the afternoon peak period when students are being picked-up by private automobile – the morning period is typically not a significant traffic issue since the drop-off activity is more temporally distributed and occurs much more quickly than student pick-up. The DeShazo model projects the peak queue conditions experienced during the afternoon peak hour.

Based upon the DeShazo model, the maximum number of vehicles in queue during the PM peak hour is equivalent to approximately 35% of the total inbound PM peak hour traffic volume. The PM peak hour inbound volume is calculated as follows:

- Calculate the site generated trip ends for “private schools (K-12)” based upon the projected number of students using the ITE *Trip Generation* equations. [ITE *Trip Generation* is a compilation of actual traffic generation data by land use as collected over several decades by creditable sources across the country, and it is accepted as

the standard methodology to determine trip generation volumes for various land uses where sufficient data exists.]

For the Dallas International School (middle & high school), the following assumptions were employed in the DeShazo Model:

- 150 middle school students
- 200 high school students
- No students will be bused
- No [significant number of] students will be walking to and from school

*NOTE #1: DIS indicated that the student population at the proposed campus will grow gradually in next six to seven years to the maximum capacity (350 students) in year 2018. This TMP is designed to accommodate the maximum student capacity.*

*NOTE #2: Based on the information provided by DIS, at maximum capacity, approximately 17% of the students may drive themselves to/from the school and approximately 43% of the students may stay at the school after 3:30 PM for after-school activities such as music, sports, etc. effectively reducing the need for the PM pick-up related queue. However, some of these percentages are assumed to be built into the ITE equations. Therefore, no discounts were applied to the total number of students used in the calculations for the PM inbound trips.*

Trip generation equations/rates for the ITE Land Use Code 536 - Private School (K-12) were used in the DeShazo model (excerpts from the ITE *Trip Generation* are provided in **Appendix A**). Based on DeShazo's methodology the maximum passenger vehicle queue for the school was estimated to be **34 vehicles** or 680 linear feet (@ 20 feet/vehicle). The proposed site plan provides approximately 1,255 linear feet or **62 vehicles** of stacking space as shown in **Exhibit 2**. More information and detailed queue calculations are also provided in **Appendix A**.

### **Circulation**

Site access to the proposed school site will be provided via an existing driveway on Waterview Parkway located along the southern perimeter of the subject property. This driveway will facilitate a two-way circulation (inbound & outbound) within the site. The existing full median on Waterview Parkway will allow both left- & right-turn movements out of the school.

The drop-off/pick-up area is located on the upper deck of the two-level parking garage that is located west of the proposed school building. Passenger vehicles dropping-off/picking-up students should enter the school from Waterview Parkway, form a single queue lane and circulate along the school perimeter and through the parking isle of the upper deck of the parking garage to reach the designated drop-off/pick-up area. To exit vehicles should circulate along the parking isle on the upper deck of the parking garage and along the school perimeter and exit on Waterview Parkway via the school driveway.



NOTE: The existing access to/from the driveway connecting the proposed school site with the property located to the south of the school is planned to be closed. This will help facilitate the traffic efficiency on the school site and maintain the desired circulation route.

Internal site circulation should be one-way (counter-clockwise, as the site plan is viewed in plan view) and provide loading on the "passenger-side" of all vehicles for safety and efficiency. [NOTE: Staff assistance is essential in order to ensure pedestrian safety. Also see "Staff Assistance" section, below.] The designated passenger unloading/loading area is located on the upper deck of the parking garage. It is important to only allow passenger loading/unloading in the designated areas in order to provide adequate oversight for safety purposes.

Detailed illustrations of the proposed circulation plan are provided in **Exhibit 2**.

### **Staff Assistance**

It is important to have a staff presence wherever students are dropped-off or picked-up. The responsibility of the authorized staff is to ensure all vehicles in the immediate vicinity of the designated loading area are in a fully stopped condition before loading/unloading occurs and to provide general oversight. At the appropriate interval, the authorized staff should instruct motorists when it is safe to advance/exit.

In the morning, there should be at least two staff members at each drop-off/pick-up area to guide vehicles to designated locations and direct students into the school building. Because this is a middle school, students do not need as much assistance finding and loading into their vehicle in the afternoon as compared to younger grades, but staff should still be present at all times in sufficient numbers to monitor all loading operations. A greater presence is needed in the afternoon due to the increased traffic and pedestrian activity. It is recommended that the staff should oversee operations and ensure traffic flows according to the TMP. [NOTE: No school representatives may direct traffic within public rights-of-way – only deputized officers of the law may do so.]

### **SUMMARY/CONCLUSIONS**

This TMP is to be used by Dallas International School beginning in August 2011 to provide safe and efficient transportation of students, staff, and faculty to and from the site. The Plan was developed with the intent of accommodating passenger vehicle loading/unloading within the site and to discourage/minimize queuing of passenger vehicle within the City right-of-way. The details of the TMP shall be reviewed by the school on a regular basis to confirm its effectiveness and compliance and to consider adjustments as needed to provide overall safety.

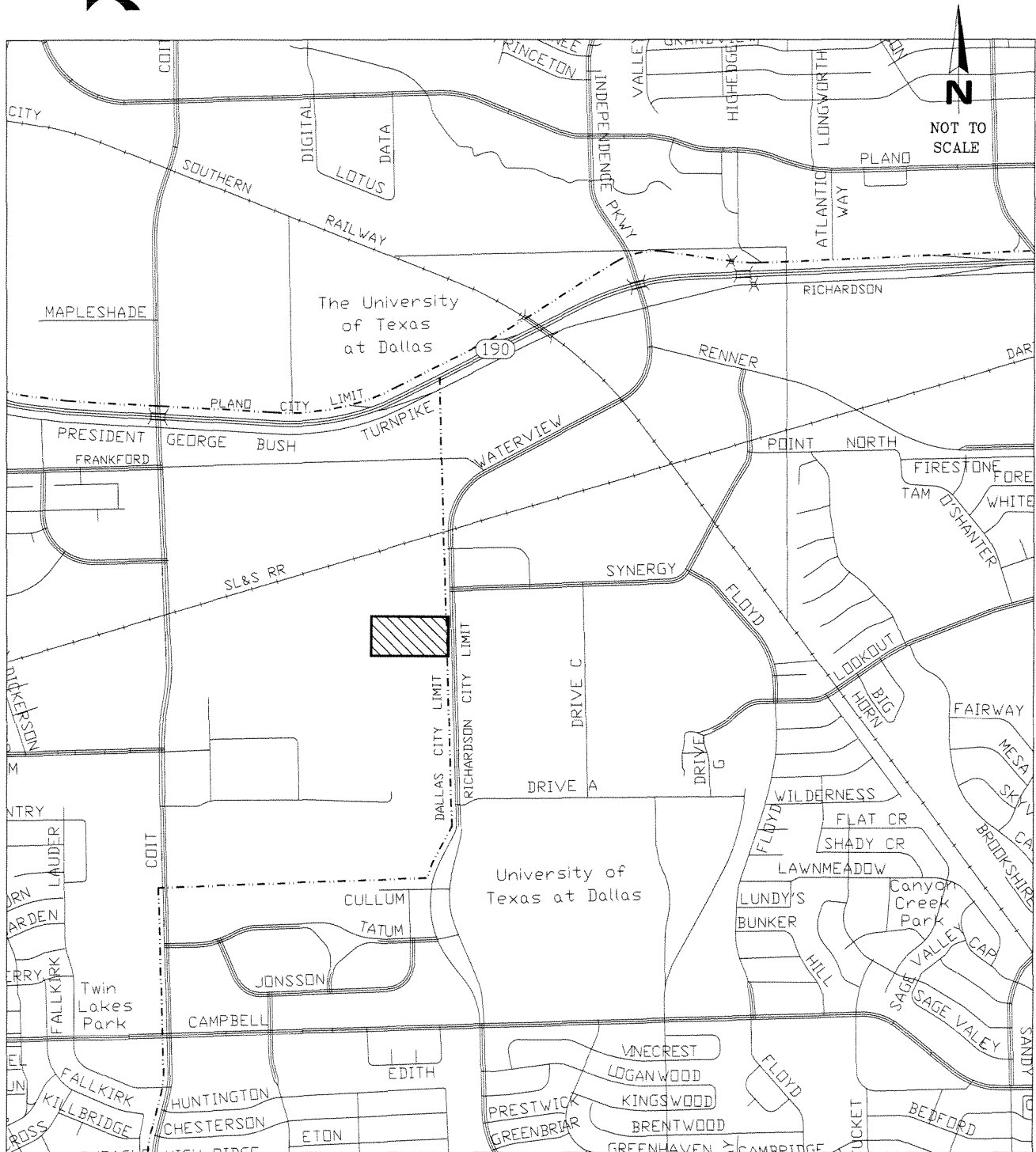
**END OF MEMO**

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DeShazo Group, Inc. Job No. 11050 Exhibit Created on 04-12-2011


**LEGEND**

- Subject Site
- City Limits

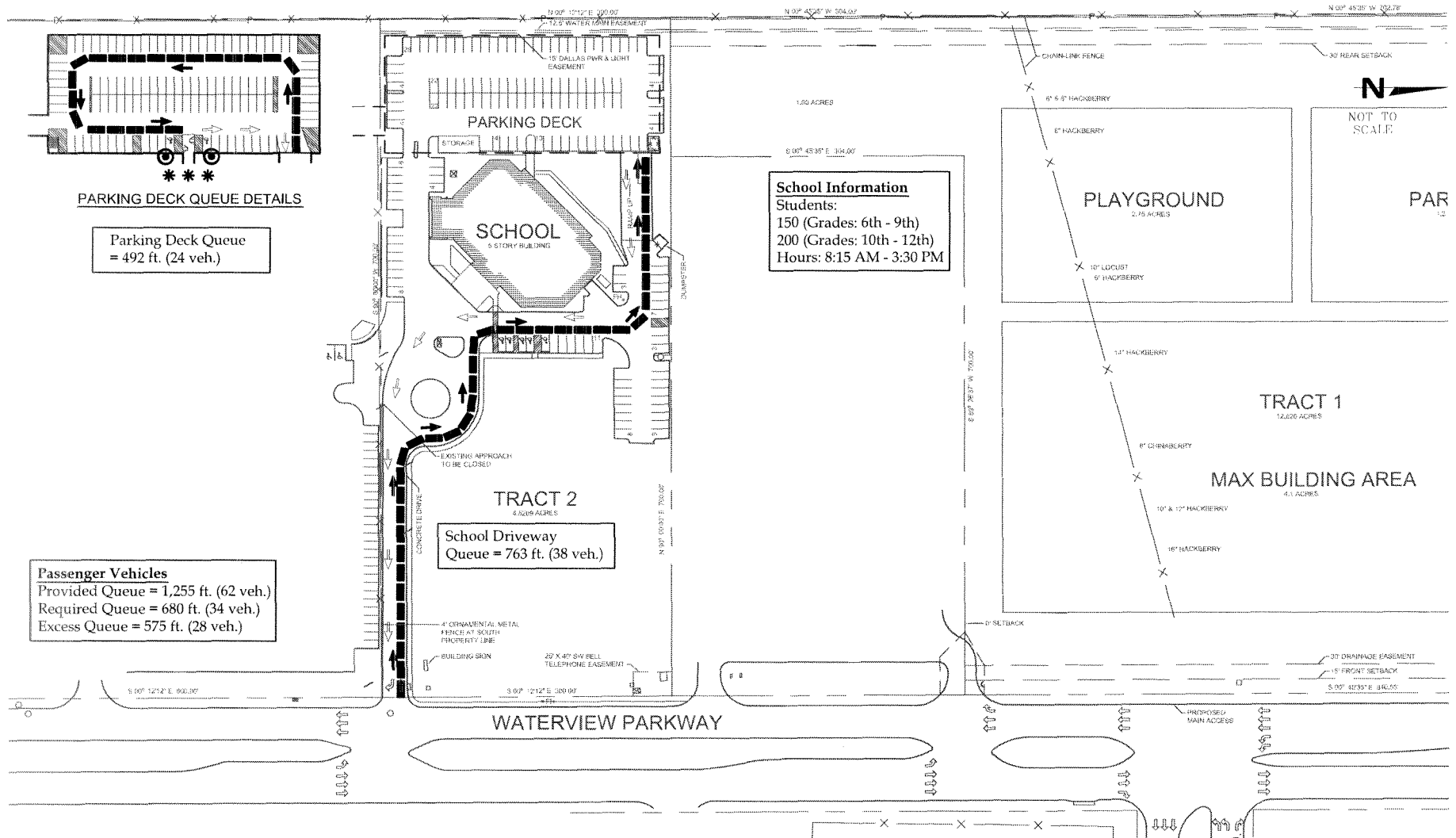
NOTE: The map used to generate this exhibit was obtained from the Texas Natural Resources Information System (2003) Maps. The depiction of streets may not accurately reflect current conditions but is considered sufficient for location reference only. DT&A is responsible for data shown on this exhibit that is used to illustrate technical information from this traffic analysis only.

**SITE LOCATION MAP**

Dallas International School (Middle &amp; High School) Traffic Management Plan

**EXHIBIT**
**1**

Page 5



## TRAFFIC MANAGEMENT PLAN

Dallas International School (Middle & High School) Traffic Management Plan

EXHIBIT

**2**

Page 6

28259

111770

28259

111770

**APPENDIX A**

DeShazo Model: Private Middle &amp; High School

DeShazo No. 11050

**PROJECT INFORMATION**School Name: Dallas International SchoolCity, State: Dallas, TexasGrades: 6th-12thSchool Type: Private School (Middle & High)Anticipated Enrollment: 350 students**TRIP GENERATION**

i) ITE Data Curve Fit (LU 536):

$$PM: T = 0.43(X) + 79.59 \quad \begin{matrix} IN & OUT \\ 42\% & 58\% \end{matrix} \quad \text{where } X = \frac{350}{230} \text{ students} \\ \rightarrow T = \underline{230} \text{ (PM)}$$

ii) DeShazo Adjustment Factor\*: 100%

\* "DeShazo Adjustment Factor" is an adjustment to the standard ITE trip generation values for the corresponding uses and is based upon DeShazo's historical observations of similar sites.

iii) Adjusted Trip Generation:

	Total	Inbound	Outbound
PM Peak	230	97 (42%)	133 (58%)

**QUEUE MODEL**

i) Projected Inbound PM Peak Hour Trips:

 $T_{in} = \underline{97}$ ii) Estimated % of  $T_{in}$  in Peak Queue: $F_Q = \underline{35\%}$ *( $F_Q$  is based upon DeShazo's historical observations of similar sites.)*

iii) Theoretical Peak Queue:

$$Q_{min} = T_{in} \times F_Q = \underline{97} \times \underline{35\%} = \underline{34} \text{ vehicles in theoretical peak queue}$$

iv) Adjusted Peak Queue:

• Traffic Management In Effect? yes  $\rightarrow F_m = \underline{0.00}$

*[i.e., coordinated inbound traffic/queuing plan; range: 0.00-0.47]*

• Segregated Traffic Circulation? yes  $\rightarrow F_c = \underline{0.00}$

*[i.e., separate loading area for each mode of transp.; range: 0.00-0.25]*

v) Projected Peak Queue:

$$Q_{proj} = Q_{min} \times (1 + F_c + F_m) = \underline{34} \text{ vehicles} \\ \underline{680} \text{ linear feet @ } \underline{20} \text{ feet/vehicle}$$

28259  
**Private School (K-12)**  
 (536)

111770

**Average Vehicle Trip Ends vs: Students**  
**On a: Weekday,**  
**P.M. Peak Hour of Generator**

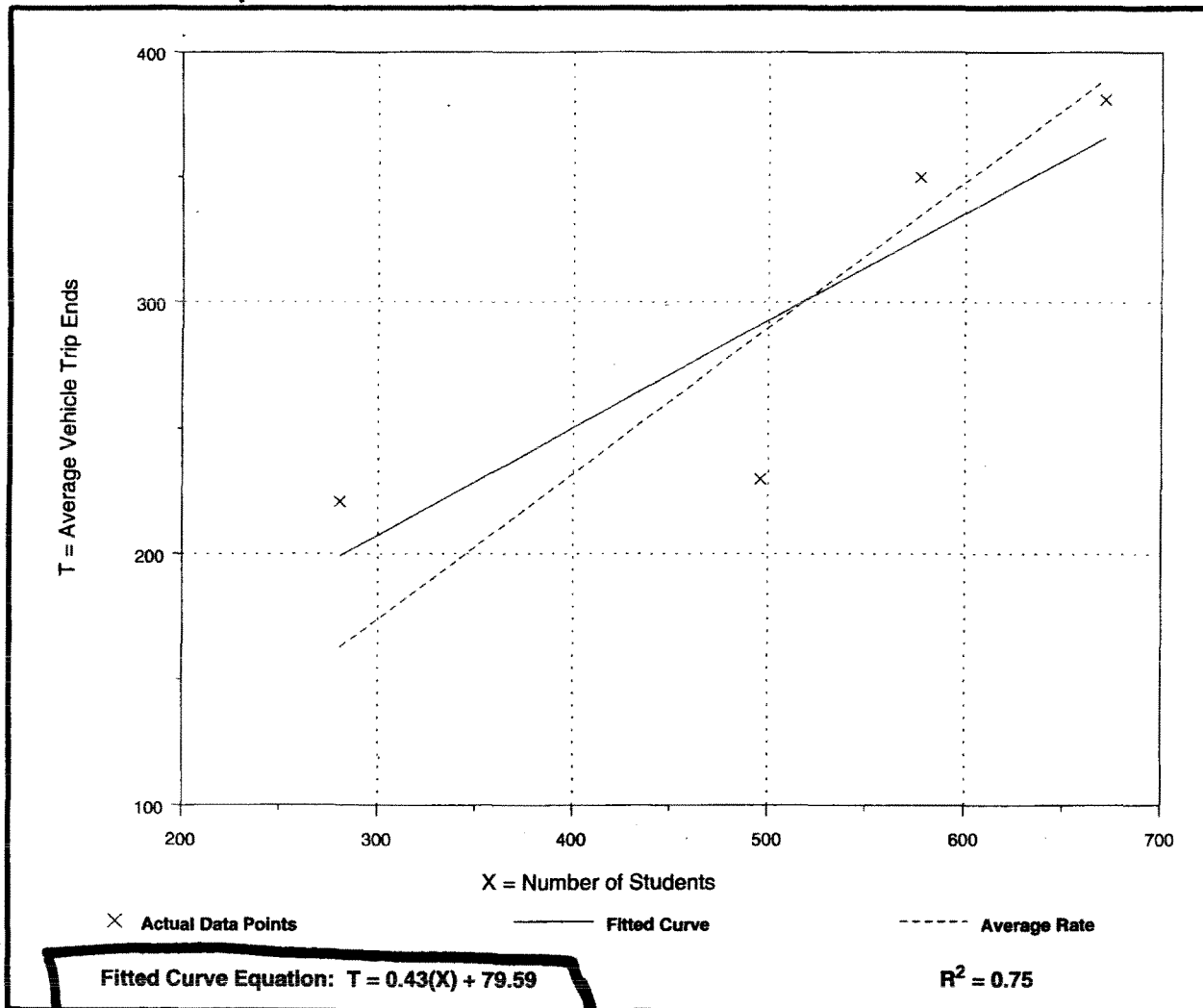
Number of Studies: 4  
 Average Number of Students: 506  
**Directional Distribution: 42% entering, 58% exiting**

**Trip Generation per Student**

Average Rate	Range of Rates	Standard Deviation
0.58	0.46 - 0.79	0.77

**Data Plot and Equation**

*Caution - Use Carefully - Small Sample Size*



111770

28259

PD 695  
(Zone B)

PD  
695

UNNAMED STREET 2035 ST

PD  
780

834-258

R-7.5(A)

SUP  
764

LI

WATERVIEW PKWY

City of  
Richardson



1:4,800

# ZONING AND LAND USE

Map no: A-8  
Case no: Z101-208

111770

COUNCIL CHAMBER

June 22, 2011

**WHEREAS**, the deed restrictions in the attached instrument have been volunteered in connection with property located at Waterview Parkway, south of Frankford Road, which is the subject of zoning case No. Z101-208; and

**WHEREAS**, the City Council desires to accept the deed restrictions in the attached instrument; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That the deed restrictions in the attached instrument are accepted by the City Council of the City of Dallas to be used in conjunction with the development of property that is the subject of Zoning Case No. Z101-208.

**Section 2.** That these deed restrictions must be filed in the Deed Records of Dallas County, Texas.

**Section 3.** That this resolution shall take effect immediately 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:

THOMAS P. PERKINS, JR., City Attorney

By

  
Assistant City Attorney

APPROVED BY  
CITY COUNCIL

JUN 22 2011

  
City Secretary

APPROVED

  
HEAD OF DEPARTMENT

APPROVED

DIRECTOR OF FINANCE

APPROVED

CITY MANAGER

**SECOND AMENDMENT TO DEED RESTRICTIONS**

THE STATE OF TEXAS           §  
   §     KNOW ALL PERSONS BY THESE PRESENTS:  
 COUNTY OF COLLIN           §  
   §

**I.**

The undersigned, Intervoice, Inc. ("the Owner"), is the owner of the following described property ("the Property"): being in particular a tract of land out of the John Clay Survey, Abstract No. 223, part of City Block 8735, City of Dallas ("City"), Collin County, Texas, and being a portion of that same tract of land conveyed to the Owner by NCNB Texas National Bank, by deed dated February 28, 1990, and recorded in Volume 3233, Page 206, in the Deed Records of Collin County, Texas, and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

**II.**

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated October 19, 1984, signed by the Board of Regents of The University of Texas System and recorded in Volume 2007, Page 475, of the Deed Records of Collin County, Texas, and also recorded in Volume 84212, Page 2451, of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit B and made a part of this instrument.

**III.**

That the Original Restrictions were amended by Amendment to Deed Restrictions ("First Amendment") dated as of April 9, 2008 recorded under CC# 2008 – 0529000644960 Real Property Records, Collin County, Texas, a true and correct copy of which is attached to this instrument as Exhibit C and made a part of this instrument.

**IV.**

That the Owner does hereby amend the Original Restrictions as applied to the 4.8209 acres described in Exhibit A in the following manner:

1. That portion of the Original Restrictions reading:

"Uses will be limited to office uses, light fabrication and assembly, and manufacturing laboratory as those uses are defined in the Dallas Development Code and High Technology uses and Geological Research and Development as these uses are defined below."

is hereby amended in its entirety to read:



**THE OWNER**

INTERVOICE, INC.

By: Alan Ashworth  
 Printed Name: Alan Ashworth  
 Title: V.P. Finance

THE STATE OF ~~TEXAS~~ <sup>OHIO</sup> §  
 COUNTY OF Hamilton §

This instrument was acknowledged before me on the 16 day of June, 2011,  
 by ALAN Ashworth, as V.P. FINANCE of INTERVOICE, INC

**TAMMI J. WITTICH**  
 Notary Public, State of Ohio  
 My Commission Expires 07-21-2014

Tammi J. Wittich  
 Notary Public - State of ~~Texas~~ OHIO

CONSENT AND CONCURRENCE OF  
 LIENHOLDER OR MORTGAGEE

THE STATE OF TEXAS §  
 COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011,  
 by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public – State of Texas

CONSENT AND CONCURRENCE OF THE OWNERS OF NEIGHBORING TRACTS IMPRESSED WITH THE  
ORIGINAL RESTRICTIONS

DALLAS INTERNATIONAL SCHOOL

By: *[Signature]*

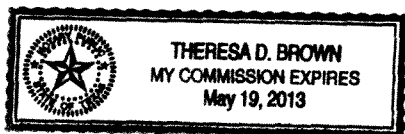
Printed Name: Robert Lavie

Title: Chairman of the Executive Committee

THE STATE OF TEXAS §

COUNTY OF Dallas §

This instrument was acknowledged before me on the 15<sup>th</sup> day of June, 2011,  
by Robert Lavie, as Chairman of the of Dallas International  
Executive Committee School



Theresa D. Brown

Notary Public – State of Texas Theresa D. Brown

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

By: None

Name: \_\_\_\_\_

Title: \_\_\_\_\_

THE STATE OF TEXAS §

COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2011,  
by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public – State of Texas

111770

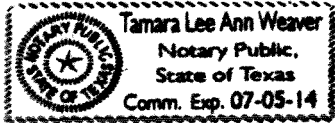
BEHRINGER HARVARD WESTERN  
PORTFOLIO LP

By: Behringer Harvard Western Portfolio, GP,  
LLC

By: [Signature]  
Printed Name: Greg Brooke  
Title: Vice President

THE STATE OF TEXAS §  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 7 day of MARCH, 2011,  
by GREG BROOKE, as VICE PRESIDENT of BEHRINGER HARVARD  
WESTERN PORTFOLIO, GP, LLC



[Signature]  
Notary Public – State of Texas

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

None  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

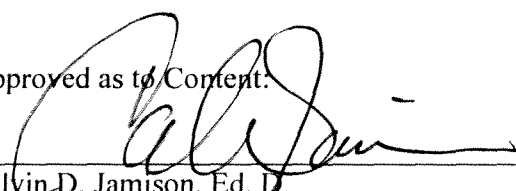
THE STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011,  
by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public – State of Texas

BOARD OF REGENTS OF THE UNIVERSITY  
OF TEXAS SYSTEMBy: 

Florence P. Mayne  
Executive Director of Real Estate  
The University of Texas System

Approved as to Content: 

Calvin D. Jamison, Ed. D.  
Senior Vice President for Business Affairs  
The University of Texas at Dallas

THE STATE OF TEXAS

§

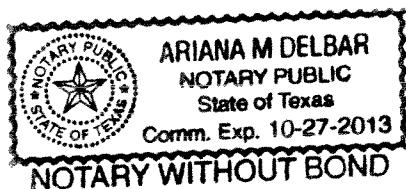
COUNTY OF TRAVIS

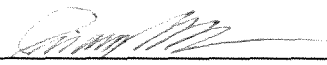
§

§

Before me, the undersigned authority, on this day personally appeared Florence P. Mayne, the Executive Director of Real Estate for the Board of Regents of The University of Texas System, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed, on behalf of said Board of Regents as the act and deed thereof.

Given under my hand and seal of office this 14 day of June,  
2011.



  
Notary Public – State of Texas

CONSENT AND CONCURRENCE OF LIENHOLDER OR MORTGAGEE

NONE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

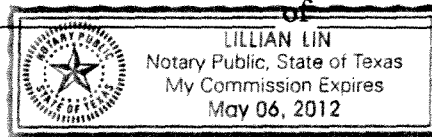
111770

PRIME DIAMOND INVESTMENT LTD

By: [Signature]  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF Dallas §

This instrument was acknowledged before me on the 17th day of March, 2011,  
by Felix Chen, as \_\_\_\_\_ of \_\_\_\_\_.



[Signature]

Notary Public – State of Texas

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

[Signature] Done  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011,  
by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public – State of Texas

EXHIBIT A**17811 Waterview Parkway Tract:****LEGAL DESCRIPTION  
208,691 SQ. FT. / 4.7909 ACRES**

Being a 4.7909 acre tract of land situated in the JOHN CLAY SURVEY, ABSTRACT NO. 223, City of Dallas, Collin County, Texas and being part of U.T.D. Snergy Park - Phase I an Industrial Addition, an addition to the City of Dallas recorded in Volume F, Page 551, Map Records, Collin County, Texas said tract also being part of that called 4.8209 acre tract of land conveyed by deed to InterVoice, Inc. as recorded in Volume 3233, Page 206, of the Deed Records, Collin County, Texas:

COMMENCING at a aluminum monument found for corner in the west right-of-way line of Waterview Parkway (a 120' R.O.W.), said point also being the northeast corner of a tract of land conveyed to ALLIANCE DATA SYSTEMS II ADDITION, an addition to the City of Dallas, Texas, as recorded in Volume L, Page 791 of the Map Records, Collin County, Texas;

THENCE N 00 deg. 12 min. 12 sec. W, along the west right-of-way line of said Waterview Parkway, a distance of 600.00 feet to a 1/2" iron rod set for corner and being the POINT OF BEGINNING;

THENCE, S 90 deg. 00 min. 00 sec. W, departing the west right-of-way line of said Waterview Parkway, a distance of 350.00 feet to a 1/2" iron rod set for corner;

THENCE N 00 deg. 00 min. 00 sec. W, a distance of 6.34 feet to a 1/2" iron rod set for corner;

THENCE S 90 deg. 00 min. 00 sec. W, a distance of 201.93 feet to an "X" cut in concrete set for corner;

THENCE S 00 deg. 00 min. 00 sec. W, a distance of 6.15 feet to a 1/2" iron rod set for corner, being 0.2 feet north of the south line of said called 4.8209 acre tract of land;

THENCE S 00 deg. 00 min. 00 sec. W, 0.2 feet north of and parallel with the south line of said called 4.8209 acre tract of land, a distance of 148.07 feet to a 1/2" iron rod set for corner in the east line of a tract of land conveyed by deed to TEXAS A&M UNIVERSITY, recorded in Volume 837, Page 591, of the Deed Records, Collin County, Texas;

THENCE, N 00 deg. 12 min. 12 sec. W, along the east line of said TEXAS A&M UNIVERSITY tract of land, a distance of 299.81 feet to a 1/2" iron rod, with a plastic cap stamped "RWP INC RPLS 1855", found for corner, said point also being the southwest corner of a called 1.000 acre tract of land described as Tract 3, conveyed to DALLAS INTERNATIONAL SCHOOL, as recorded in Document No. 20080606000688860, of the Deed Records, Collin County, Texas;

THENCE, N 90 deg. 00 min. 00 sec. E, along the south line of said DALLAS INTERNATIONAL SCHOOL tract of land, passing at a distance of 143.29 feet the southeast corner of said DALLAS INTERNATIONAL SCHOOL tract of land and the southwest corner of a called 3.885 acre tract of land conveyed by deed to BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS, recorded in Document No. 2004-0112124 Deed Records, Collin County, Texas and continuing along the south line of said called 3.885 acre tract of land, for a total distance of 700.00 feet to a 5/8" iron rod with a plastic cap stamped "RWP INC RPLS 1855", found for corner and being in the west right-of-way line of said Waterview Parkway;

THENCE, S 00 deg. 12 min. 12 sec. E, along the west right-of-way line of said Waterview Parkway, a distance of 300.00 feet to the POINT OF BEGINNING and containing 208,691 square feet or 4.7909 acres of land.

67795

843406

DEED RESTRICTIONS

VOL 2007 PAGE 475

THE STATE OF TEXAS    1  
COUNTY OF DALLAS    1  
COUNTY OF COLLIN    1

KNOW ALL MEN BY THESE PRESENTS:

344    1-00-4858  
0    1-1021271

That the undersigned, The University of Texas, is the owner of the following described property situated in Dallas and Collin Counties, Texas, being in particular a tract of land out of the John Clay Survey, Abstract No. 221, City Block 8735, City of Dallas, Dallas and Collin Counties, Texas, and being that same tract of land conveyed to The University of Texas by the Texas Research Foundation by deed dated 1 September 1972, and recorded in Volume 72177, Page 1645, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof.

That the undersigned, The University of Texas, does hereby ingress all of the following described property with the following deed restrictions, to-wit:

Uses will be limited to office uses, light fabrication and assembly, and manufacturing laboratory as those uses are defined in the Dallas Development Code and High Technology uses and Geological Research and Development as those uses are defined below.

High Technology is defined for this deed restriction as a process or related to a process for data transmission, numeric computation, word processing, graphics display and analysis, molecule or chemical research and analysis as any of those may pertain to any consumer, business or government good, be it a service or product using electronics or quasi-electronics rather than mechanical means.

Quasi-electronics in this definition shall include fiber-optics, laser technology and microwave which may be manufactured or transmitted by other than electronic means.

Geological Research and Development shall be defined as the study of the earth's elements and development and manufacture of products for the study of the earth's elements so long as the development and manufacturing process does not cause noxious odors, noise or other hazards to the environment or persons living within fifty (50) miles of the facility.

Height will be limited to a maximum of 72 feet for all structures.

Plot area ratio will be limited to a maximum of 0.5:1 for office uses only and a maximum of 0.65:1 overall.

2134.GBS/LAMBE



843406

VOL 2007 PAGE 176

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from the date of enactment, 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 covenants hereof does hereby grant to the City of Dallas the right to persons, at law and in equity, against the person violating or attempting to violate such restrictions, either to prevent him from so doing and to enforce 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.

RECORDED into the 14th day of October, 1984.

Approved as to Contents:

*James R. Allen III*  
James R. Allen III  
Notary Public Officer

Approved as to Form:

*Stanley S. Blum*  
Stanley S. Blum  
Notary Public Officer



Approved as to  
AND ESSE M. ALLEN, City Attorney  
By: *James R. Allen III*  
James R. Allen III  
Notary Public Officer

VOL. PAGE 1

843406

EXHIBIT "A"

**VOL 2007 PAGE 477**

### DESCRIPTION

Being a tract of land situated in the City of Dallas, Collin County and Dallas County, Texas and being part of the John Clay Survey, Abstract No. 223 and Abstract No. 313 and being part of a tract of land conveyed to the University of Texas at Dallas as recorded in Volume 72177, Page 1645 of the Deed Record of Dallas County Texas; and being more particularly described as follows:

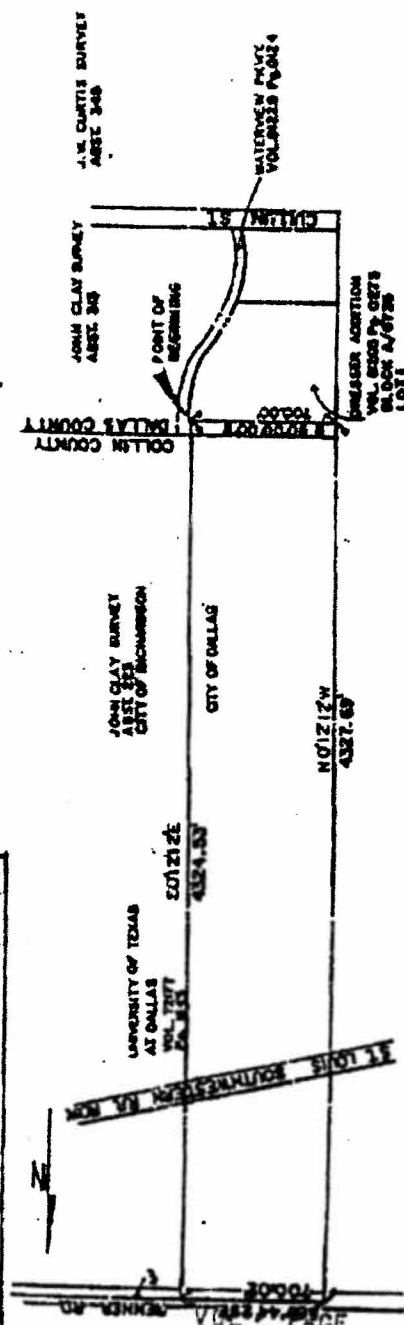
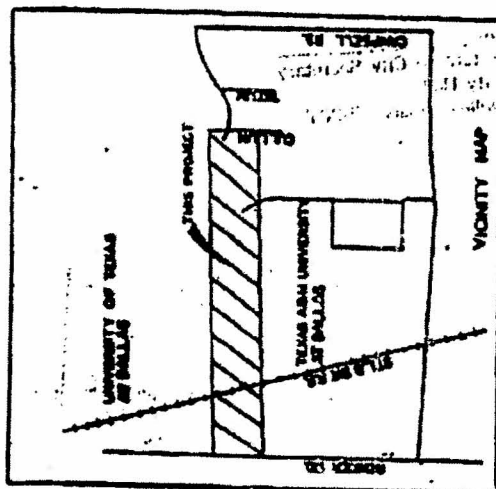
**UNRECORDED** at the northeast corner of Breasler Addition, an addition to the City of Dallas as recorded in Deed Book 81023, Page 8275 of the Deed Record of Dallas County Texas; said point also being the northeast corner of Hattisview Subdiv., a right-of-way dedication to the City of Richardson, Texas as recorded in Deed Book 81229, Page 8124 of the Deed Record of Dallas County, Texas;

TRUNCE North 20°08'00" West a distance of 700.00' to a point for corner;

STATION North 0°12'12" West a distance of 4327.69' to a point for corner in the centerline of Beaver Road (40 feet wide);

THENCE South 89°44'20" East along said centerline a distance of 700.01' to a point (see corner said point on map) on the intersection of said centerline and the present city limits line between the City of Dallas and City of Richardson;

ENCE South 0012°12' East along said present city limits line a distance of 4,324.51' to said POINT OF BEGINNING and contains 3,024.262 square feet, more or less, or 69.22 acres.



FILED  
 COUNTY CLERK  
 COLLIN COUNTY

VOL 2007 PAGE 478

FILED

34 OCT 26 AM 11:11  
 087795

FILED

34 OCT 31 PM 3:10

HELEN STARNES, CLERK, COLLIN COUNTY COURT  
 COLLIN COUNTY, TEXAS  
 BY: *(Signature)* DEPUTY

No. 84-3406  
 Return to City Secretary  
 City Hall  
 Dallas, Texas 75203

FILED FOR RECORD 31st DAY OF October A.D. 19 84 M. 11  
 DULY RECORDED 31st DAY OF October A.D. 19 84  
 HELEN STARNES, County Clerk  
 BY: Carol D. Humphrey DEPUTY, Collin County, Texas

RECEIVED

OCT 23 1984  
 ZONING OFFICE

111770

Amendment to Deed Restrictions related to Zoning Case Z078-154

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Filed and Recorded  
Official Public Records  
Stacey Kemp  
Collin County, TEXAS  
05/29/2008 09:04:11 AM  
\$96.00 TKING  
20080529000644960



*Stacey Kemp*

CONSENT OF LIENHOLDER

STATE OF TEXAS  
COUNTY OF COLLIN

§  
§ KNOW ALL MEN BY THESE PRESENTS:  
§

Wells Fargo Bank, N.A., Trustee for J.P. Morgan Chase Commercial Mortgage Securities Trust 2006-CIBC16, Commercial Mortgage Pass-Through Certificates, Series 2006-CIBC16, under that certain Pooling and Servicing Agreement dated as of September 21, 2006, by and through Capmark Finance Inc, its Master Servicer, is the current holder of, and owner of a certain Deed of Trust, Assignment of Leases and Rents and Security Agreement dated as of February 10, 2006 made and subscribed by Prime Diamond Investment LTD to CIBC Inc. Lienholder hereby consents to the Amendment to Deed Restriction effective as of April 9, 2008 by the Board of Regents of the University of Texas System ("Owner") to amend the original Deed Restrictions dated October 19, 1984 recorded in Volume 2007, Page 475, of the Deed Records of Collin County, Texas, and also recorded in Volume 84212, Page 2451, of the Deed Records of Dallas County, Texas, covering 13.826 acres of land owned by Owner adjacent to property held by lienholder.

IN WITNESS WHEREOF, this instrument is executed this 13<sup>TH</sup> day of MAY, 2008.

Wells Fargo Bank, N.A., Trustee

By: Capmark Finance Inc.,  
as Master Servicer

By: [Signature]  
Gary A. Routzahn, Vice President, Manager

COMMONWEALTH OF PENNSYLVANIA §

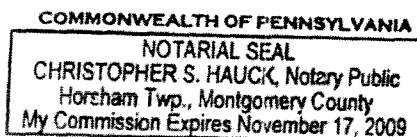
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared Gary A. Routzahn, Vice President, Manager, known to me to be the person and Officer whose name is subscribed to the foregoing instrument and who acknowledged to me that she executed the same for the purposes therein expressed, in the capacity therein stated, as the act and deed of the said Bank.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 13 day of  
MAY, 2008

[Signature]

Notary Public,  
Commonwealth of Pennsylvania



**Exhibit A 1****AMENDMENT TO RESTRICTIVE COVENANTS****Property Description****Tract 11:**

**BEING** a 12.823 acre tract or parcel of land situated in the John Clay Survey, Abstract No. 223, Collin County, Texas, and being a part of Phase I U.T.D. Synergy Park and Industrial Addition, an addition to the City of Dallas and the City of Richardson, as shown on the plat recorded in Cabinet F Page 483 of the Plat Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at an "X" cut in concrete found in the west line of Waterview Parkway (120' ROW) and being the southeast corner of the herein described tract, the same being the northeast corner of a tract of land described in deed to the Board of Regents of the University of Texas System recorded in Volume 5720, Page 2796 in the Deed Records of Collin County, Texas;

**THENCE** along the common south line of the herein described tract and the north line of said Board of Regents tract, South 89 degrees 27 minutes 02 seconds West a distance of 699.84 feet (deed calls WEST 700.00 feet) to a 5/8 inch iron rod with cap found for the southwest corner of the herein described tract and the northwest corner of said Board of Regents tract in the east line of a tract of land described in deed to Texas A&M University recorded in Volume 837, Page 591 of the Deed Records of Collin County, Texas;

**THENCE** ,departing said common line and along the common west line of the herein described tract and the east line at said Texas A&M University tract, North 00 degrees 45 minutes 50 seconds West (plat call=North 00 degrees 12 minutes 12 seconds West) a distance of 702.78 feet to a 3/8 inch iron rod found for the northwest corner of the herein described tract, the northeast corner of said Texas A&M University tract, and being in a southerly right-of-way line of Dallas Area Rapid Transit (100' ROW);

**THENCE** along said southerly line of the Dallas Area Rapid Transit right-at-way, North 74 degrees 12 minutes 46 seconds East a distance of 726.37 feet (plat call=North 74 degrees 44 minutes 51 seconds East a distance of 726.24 feet) to a 5/8 inch capped iron rod found for the northeast corner of the herein described tract and the beginning of a non-tangent curve to the left having a radius of 1060.00 feet in the west line of aforementioned Waterview Parkway;

**THENCE** along the west right-at-way line of Waterview Parkway and along said curve to the left through a central angle at 02 degrees 52 minutes 53 seconds, an arc distance of 53.22 feet (chord bears South 00 degrees 52 minutes 35 seconds West a distance of 53.22 feet) to a 5/8 inch capped iron rod found for corner;

**THENCE** South 00 degrees 45 minutes 03 seconds East (plat call=South 00 degrees 12 minutes 12 seconds East) a distance of 840.50 feet to the **POINT OF BEGINNING** and containing 558,590 square feet or 12.823 acres of land within the metes recited.

## Exhibit A-2

## Westerly Portion of 17919 Waterview Parkway Tract:

BEING a tract of land situated in the JOHN CLAY SURVEY, Abstract No. 233 and being a portion of BLOCK A/8735 of the U.T.D. SYNERGY PARK ADDITION, an addition to the City of Dallas as recorded in Cabinet F, Page 483 of the Plat Records of Collin County, Texas ( PROCT ) and being more particularly described as follows:

COMMENCING at a capped 5/8 inch iron rod found at the most northeasterly corner of said BLOCK A/8735, said point being found at the intersection of the southerly Right-of-Way line of the ST. LOUIS & SOUTHWESTERN RAILROAD ( 100' Right-of-Way ) and the westerly Right-of-Way line of WATERVIEW PARKWAY ( 120' Right-of-Way ), said point being the beginning of a non-tangent curve to the left having a radius of 1060.00 feet and having a chord bearing of South 00 deg 40 min 52 sec West and a chord length of 53.30 feet;

THENCE departing the southerly Right-of-Way line of said ST. LOUIS & SOUTHWESTERN RAILROAD and along the westerly Right-of-Way line of said WATERVIEW PARKWAY as follows;

Continuing along said non-tangent curve to the left through a central angle of 02 deg 52 min 52 sec and an arc length of 53.30 feet to a capped 5/8 inch iron rod found for the point of tangency;

South 00 deg 45 min 35 sec East a distance of 840.55 feet to an "X" cut found in concrete pavement for corner;

THENCE departing the westerly Right-of-Way line of said WATERVIEW PARKWAY South 89 deg 26 min 37 sec West a distance of 556.71 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for the POINT OF BEGINNING;

THENCE South 00 deg 45 min 35 sec East a distance of 304.00 feet to a 1/2 inch iron rod set with a red plastic cap stamped "W.A.I." for corner;

THENCE South 89 deg 26 min 37 sec West a distance of 143.29 feet to a capped 1/2 inch iron rod found for corner, said point being found in the easterly line of a tract of land conveyed to THE STATE OF TEXAS - BOARD OF DIRECTORS OF THE TEXAS A&M UNIVERSITY SYSTEM as recorded in Volume 837, Page 591 of the Deed Records of Collin County, Texas ( DROCT ).

THENCE along the easterly line of said THE STATE OF TEXAS - BOARD OF DIRECTORS OF THE TEXAS A&M UNIVERSITY SYSTEM tract North 00 deg 45 min 35 sec West a distance of 304.00 feet to a capped 5/8 inch iron rod found for corner;

THENCE departing the easterly line of said THE STATE OF TEXAS - BOARD OF DIRECTORS OF THE TEXAS A&M UNIVERSITY SYSTEM tract North 89 deg 26 min 37 sec East a distance of 143.29 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 1.000 acres or 43,560 square feet of land more or less. Bearings shown hereon are based upon an on the ground survey performed in the field on the 5th day of November, 2007 utilizing the City of Richardson Geodetic Control Monument K1 and the City of Richardson Geodetic Control Monument L4 converted to surface values.

11-1770

Proposed Academy /  
School Use

18325

UT

17787

17655

17217

17201

17111

A3



111770



20080529000644960 05/29/2008 09:04:11 AM AM 1/21

**AMENDMENT TO DEED RESTRICTIONS**

THE STATE OF TEXAS     )  
   )  
 COUNTY OF COLLIN     )     KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, the Board of Regents of The University of Texas System ("the Owner"), is the owner of the following described property ("the Property"): being in particular a tract of land out of the John Clay Survey, Abstract No. 223, part of City Block 8735, City of Dallas ("City"), Dallas and Collin County, Texas, and being a portion of that same tract of land conveyed to the Owner by the Texas Research Foundation, by deed dated September 2, 1972, and recorded in Volume 835, Page 713, in the Deed Records of Collin County, Texas, and being more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

That the Property was impressed with certain deed restrictions ("Original Restrictions") as shown in an instrument dated October 19, 1984, signed by the Board of Regents of The University of Texas System and recorded in Volume 2007, Page 475, of the Deed Records of Collin County, Texas, and also recorded in Volume 84212, Page 2451, of the Deed Records of Dallas County, Texas, a true and correct copy of which is attached to this instrument as Exhibit "B" and made a part of this instrument.

III.

That the Owner does hereby amend the Original Restrictions as applied to the 13.826 acres described in Exhibit A in the following manner:

1. That portion of the Original Restrictions reading:

"Uses will be limited to office uses, light fabrication and assembly, and manufacturing laboratory as those uses are defined in the Dallas Development Code and High Technology uses and Geological Research and Development as these uses are defined below."

is hereby amended in its entirety to read:

"Uses will be limited to (i) office uses; light fabrication and assembly; and manufacturing laboratory; as those uses are defined in the Dallas Development Code; (ii) a teaching academy and/or a school offering educational instruction for persons at the pre-kindergarten through the twelfth grade level, together with all incidental and appurtenant uses typical of such academies and schools; and (iii) High Technology, Quasi-Electronics, and Geological Research and Development uses, as these uses are defined below."

## IV.

That the preceding amendment was made following notice and public hearing before the City Plan Commission and City Council of the City as required in the Original Restrictions, and notice of such public hearing was given as would have been required by law for a zoning change on the Property. The Owners must file this 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 becomes effective.

## V.

That the Owner certifies and represents that there are no liens or mortgages, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

## VI.

That the invalidation of any provision in 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.

## VII.

That it is expressly stipulated and understood that the preceding amendment accomplished hereby shall in no manner operate to impair or reduce the enforceability of the Original Restrictions, as originally written, and that all restrictions and provisions contained in the deed restriction instrument dated October 19, 1984, and recorded in Volume 2007, Page 475, of the Deed Records of Collin County, Texas, and also recorded in Volume 84212, Page 2451, of the Deed Records of Dallas County, Texas shall remain in full force and effect except as amended by Paragraph III of this instrument. Furthermore, it is expressly stipulated and understood that all provisions contained in the aforementioned deed restriction instrument apply to this instrument as if recited herein.

EXECUTED to be effective as of the 9th day of April, 2008.

APPROVED AS TO FORM:  
THOMAS P. PERKINS, JR., City Attorney

By: 

Assistant City Attorney

THE OWNER:

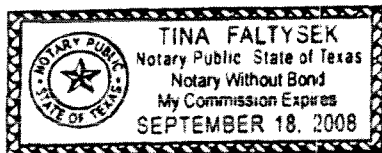
KST

BOARD OF REGENTS OF THE  
UNIVERSITY OF TEXAS SYSTEMBy: [Signature]Printed Name: FLORENCE P. MAYNETitle: EXECUTIVE DIRECTOR  
U.T. SYSTEM REAL ESTATE OFFICE

THE STATE OF TEXAS

COUNTY OF TRAVIS§  
§  
§

This instrument was acknowledged before me on the 22<sup>nd</sup> day of April,  
2008, by Florence P. Mayne, as Executive Director of  
UT System Real Estate Office



[Signature]  
Notary Public – State of Texas

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

NONE

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE STATE OF TEXAS

COUNTY OF \_\_\_\_\_

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This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2008, by \_\_\_\_\_, as \_\_\_\_\_ of  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public – State of Texas

CONSENT AND CONCURRENCE OF THE  
OWNERS OF NEIGHBORING TRACTS  
IMPRESSED WITH THE ORIGINAL  
RESTRICTIONS

F G Synergy Park Inc.

By: B. White

Printed Name: Billy White

Title: Senior Vice President

THE STATE OF TEXAS

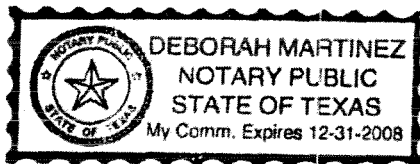
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COUNTY OF DALLAS

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This instrument was acknowledged before me on the 18th day of April,  
2008, by Billy White, as Senior Vice President of  
F G Synergy Park, Inc.



Deborah Martinez  
Notary Public - State of Texas

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

THE STATE OF \_\_\_\_\_

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COUNTY OF \_\_\_\_\_

§

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2008, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_

Notary Public - State of \_\_\_\_\_

111770

CONSENT AND CONCURRENCE OF THE  
OWNERS OF NEIGHBORING TRACTS  
IMPRESSED WITH THE ORIGINAL  
RESTRICTIONS

FG Synergy Park Inc.

By: [Signature]

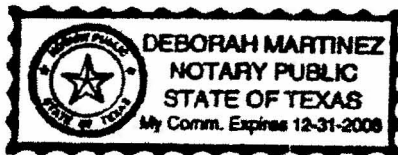
Printed Name: Billy White

Title: Senior Vice President

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 18th day of April,  
2008, by Billy White, as Senior Vice President of  
FG Synergy Park, Inc.



[Signature]  
Notary Public - State of Texas

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

By: [Signature]

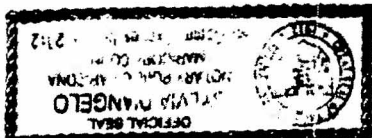
Printed Name: Brad Richards

Title: Senior Vice President  
JPMorgan Chase & Co.

THE STATE OF Arizona

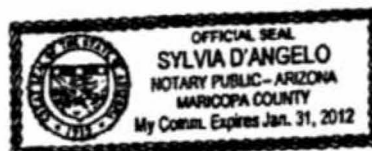
COUNTY OF Maricopa

This instrument was acknowledged before me on the 18th day of April,  
2008, by Brad Richards, as SVP of  
JPMorgan Chase Bank, N.A.



5042304v.2 131049/00001

[Signature]  
Notary Public - State of Az



ISTAR HQ I, LP

by: iStar HQ I Gen P, LP  
its general partner

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Elizabeth Smith

Senior Vice President

THE STATE OF Texas

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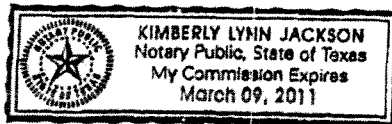
COUNTY OF Dallas

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This instrument was acknowledged before me on the 13 day of May,  
2008, by Elizabeth Smith, as Sr. Vice President of  
iStar Financial

\_\_\_\_\_  
Notary Public - State of Texas



CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

THE STATE OF \_\_\_\_\_

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COUNTY OF \_\_\_\_\_

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This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2008, by \_\_\_\_\_, as \_\_\_\_\_ of  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public - State of \_\_\_\_\_

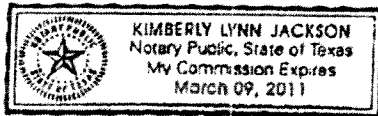
ISTAR HQ I, LP

By: [Signature]  
Printed Name: Elizabeth Smith  
Title: Senior Vice President

THE STATE OF Texas  
COUNTY OF Dallas

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This instrument was acknowledged before me on the 13 day of May, 2008, by Elizabeth Smith as Sr. Vice President of Star Financial



[Signature]  
Notary Public - State of Texas

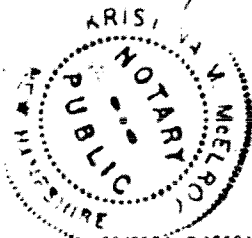
CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

General Electric Capital Corporation  
By: [Signature]  
Printed Name: Robert H. McElroy  
Title: District Manager

THE STATE OF NH  
COUNTY OF Rockingham

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This instrument was acknowledged before me on the 15<sup>th</sup> day of May, 2008, by Robert H. McElroy as District Manager of GE Capital Corp.



[Signature]  
Notary Public - State of NH

KRISTINA M. McELROY  
Notary Public - New Hampshire  
My Commission Expires October 21, 2010



111770

TE Waterview, LTD.

By: P.W.II.  
Printed Name: Philip L Williams  
Title: President

THE STATE OF Texas  
COUNTY OF Dallas / Collin

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This instrument was acknowledged before me on the 16th day of April, 2008, by Philip L Williams, as President of TE Waterview, LTD.

[Signature]  
Notary Public – State of Texas

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

N/A  
By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

Notary Public – State of \_\_\_\_\_

111770

Behringer Harvard Western Portfolio LP

BY: BEHRINGER HARVARD WESTERN PORTFOLIO, GP,  
LLC

By: [Signature]

Printed Name: JON L. DOOLEY

Title: Vice President

THE STATE OF Texas

COUNTY OF Dallas

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This instrument was acknowledged before me on the 7<sup>th</sup> day of May,  
2008, by Jon L. Dooley as Vice President of  
Behringer Harvard Western Portfolio, GP LLC



[Signature]  
Notary Public - State of Texas

CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

N/A  
By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

THE STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

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This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
2008, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_  
Notary Public - State of \_\_\_\_\_

111770

*documents  
for 1st Amended  
to deed  
restrictions*

May 9, 2008

**Via Email & U.S. mail**

Dr. Calvin D. Jamison  
Vice President for Business Affairs  
The University of Texas at Dallas  
P.O. Box 830688  
Richardson, Texas 75083-0688

RE: Behringer Harvard Western Portfolio LP  
Amendment to Deed Restrictions  
17655 Waterview Parkway  
Dallas, Texas

Dear Dr. Jamison:

Pursuant to your request dated April 15, 2008, please find enclosed the Amendment to Deed Restrictions ("Amendment") executed by Behringer Harvard Western Portfolio LP (the "Owner") as owner of that certain parcel of land located at 17655 Waterview Parkway. With regard to the Consent and Concurrence of Lienholder or Mortgagee, Owner has been advised by the loan servicer, Northmarq Capital, that the Lienholder's consent to this Amendment under the terms of the loan documents affecting the property is not required. Because this loan is security for Commercial Mortgage Backed Securities, any consent, if available, would require a full legal review and could not be provided within the requested time frame.

Owner hereby requests that the Amendment be accepted as executed. Please call me at (469) 341-2466 if you have questions or need additional information.

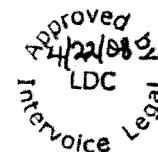
Sincerely,



Robert H. Thomas, Jr.  
Asset Manager

CC: Jeff Erxleben – Northmarq Capital  
Christy Fields – Powell Coleman & Arnold LLP

111770

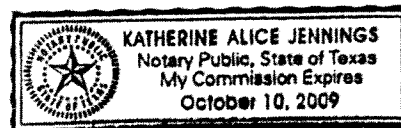


Intervoice, Inc.

By: Robert Ritchey  
Printed Name: Robert E. Ritchey  
Title: CEO

THE STATE OF Texas  
COUNTY OF Dallas

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This instrument was acknowledged before me on the 22<sup>nd</sup> day of April, 2008, by Robert E. Ritchey, as CEO of Intervoice, Inc.

Katherine Alice Jennings  
Notary Public – State of Texas

NOT APPLICABLE CONSENT AND CONCURRENCE OF  
LIENHOLDER OR MORTGAGEE

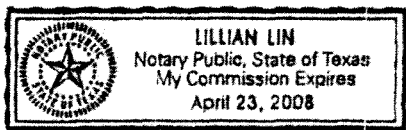
By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

§  
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This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public – State of \_\_\_\_\_



Prime Diamond Investment LTD

By: [Signature]  
 Printed Name: FELIX CHEN  
 Title: GENERAL PARTNER

THE STATE OF Texas  
 COUNTY OF Dallas

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This instrument was acknowledged before me on the 21st day of April, 2008, by FELIX CHEN, as \_\_\_\_\_ of \_\_\_\_\_.

[Signature]  
 Notary Public – State of Texas

CONSENT AND CONCURRENCE OF  
 LIENHOLDER OR MORTGAGEE

SEE P. 10

By: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

THE STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

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This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_.

Notary Public – State of \_\_\_\_\_