

6-23-14

ORDINANCE NO. 29386

An ordinance changing the zoning classification on the following property:

BEING a tract of land in City Block 6735 located approximately 300 feet west of the northwest corner of St. Augustine Drive and Bruton Road; fronting approximately 662.26 feet on the north line of Bruton Road; and containing approximately 11.207 acres,

from an MU-2 Mixed Use District to Planned Development District No. 918; amending Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code by creating a new Article 918; establishing use regulations and development standards for this planned development district; 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 establish this planned development district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed from an MU-2 Mixed Use District to Planned Development District No. 918 on the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property").

SECTION 2. That Chapter 51P, "Dallas Development Code: Planned Development District Regulations," of the Dallas City Code is amended by adding a new Article 918 to read as follows:

"ARTICLE 918.

PD 918.

SEC. 51P-918.101. LEGISLATIVE HISTORY.

PD 918 was established by Ordinance No. _____, passed by the Dallas City Council on June 25, 2014.

SEC. 51P-918.102. PROPERTY LOCATION AND SIZE.

PD 918 is established on property located on the north line of Bruton Road, west of St. Augustine Drive. The size of PD 918 is approximately 11.207 acres.

SEC. 51P-918.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article, TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P-918.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 918A: development plan.

SEC. 51P-918.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit 918A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-918.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the MU-2 Mixed Use District, subject to the same conditions applicable in the MU-2 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-2 Mixed Use District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MU-2 Mixed Use District is subject to DIR in this district; etc.

(b) The following main uses are prohibited:

- Alcoholic beverage establishments.
- Labor hall.
- Liquor store.
- Medical or scientific laboratory.
- Tattoo studio.
- Tool or equipment rental.

SEC. 51P-918.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-918.108. 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) In general. Except as provided in this section, the yard, lot, and space regulations for the MU-2 Mixed Use District apply.

(b) Side and rear yard. Minimum side yard is 15 feet. Minimum rear yard is not required.

(c) Density. Maximum number of dwelling units is 264.

(d) Floor area: The minimum floor area for retail and personal service and office uses combined is 10,000 square feet.

(e) Stories. Maximum number of stories is four, excluding roof-top structures such as mechanical equipment rooms, elevator penthouses or bulkheads, cooling towers, skylights, clerestories, chimneys and vent stacks, amateur communication towers, and visual screens surrounding roof-mounted mechanical equipment.

SEC. 51P-918.109. FENCE.

- (a) A six-foot-tall perimeter fence is required as shown on the development plan.
- (b) Perimeter fencing and retaining walls are permitted in the setbacks.

SEC. 51P-918.110. OFF-STREET PARKING AND LOADING.

(a) Consult the use regulations in Division 51A-4.200 for the specific loading requirements for each use.

(b) A minimum of 512 off-street parking spaces are required.

SEC. 51P-918.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-918.112. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-918.113. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P-918.114. ADDITIONAL PROVISIONS.

(a) Ingress and egress must be provided as shown on the development plan. No other ingress or egress is permitted.

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

(c) 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.

SEC. 51P-918.115. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.”

SECTION 3. 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 4. That development of this district must comply with the full-scale version of Exhibit 918A (development plan) 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 5. That the city attorney is authorized to insert the enrolled number of this ordinance in the legislative history section of Article 918 in Chapter 51P.

SECTION 6. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 7. 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 8. 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.

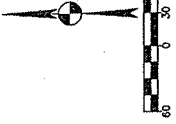
SECTION 9. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

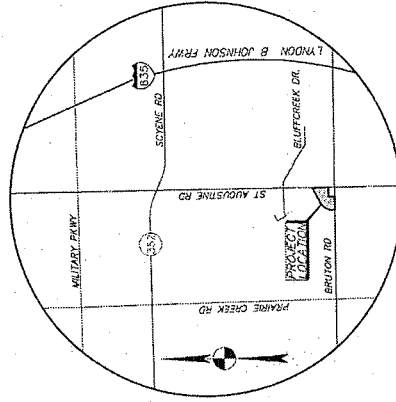
By 
Assistant City Attorney

Passed JUN 25 2014



CAUTION!
 CONSTRUCTION OF THIS DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CITY OF AUSTIN UTILITY SYSTEM (I-35-30-45-0) OR OTHER UTILITY LOCATING SERVICES AVAILABLE AT THE TIME OF CONSTRUCTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR KNOWING ALL EXISTING UTILITIES AND FOR OBTAINING ALL NECESSARY PERMITS AND EXACT LOCATIONS OF UTILITIES ON THESE PROPERTIES.

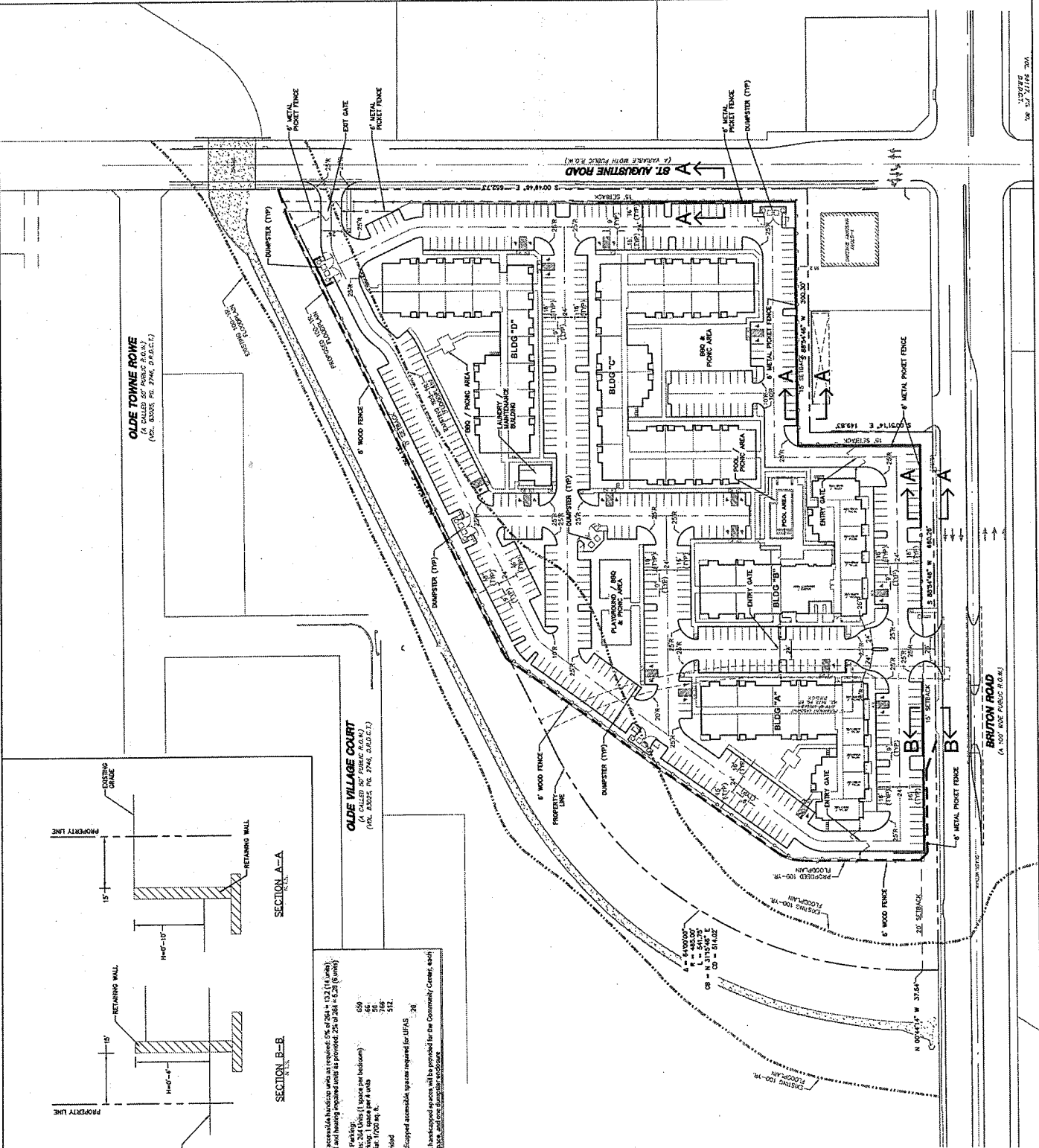
ALL DIMENSIONS SHOWN ARE TO FACE OF CURB UNLESS OTHERWISE NOTED



VICINITY MAP
 NTS
 (MAPSCO GRID 98B)
 NOTE: LANDSCAPE WILL MEET ARTICLE X OF THE LANDSCAPE ORDINANCE.
 2134-200

Development Plan
Exhibit 918A
Planned Development No. 918

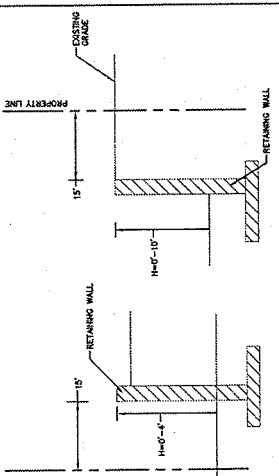
Approved
 City Plan Commission
 May 22, 2014



OLDE TOWNE ROWE
 (A CALLED 50' PUBLIC R.O.M.)
 (M.A. 23022, P.C. 2746, D.R.G.C.17)

OLDE VILLAGE COURT
 (A CALLED 50' PUBLIC R.O.M.)
 (M.A. 23022, P.C. 2746, D.R.G.C.17)

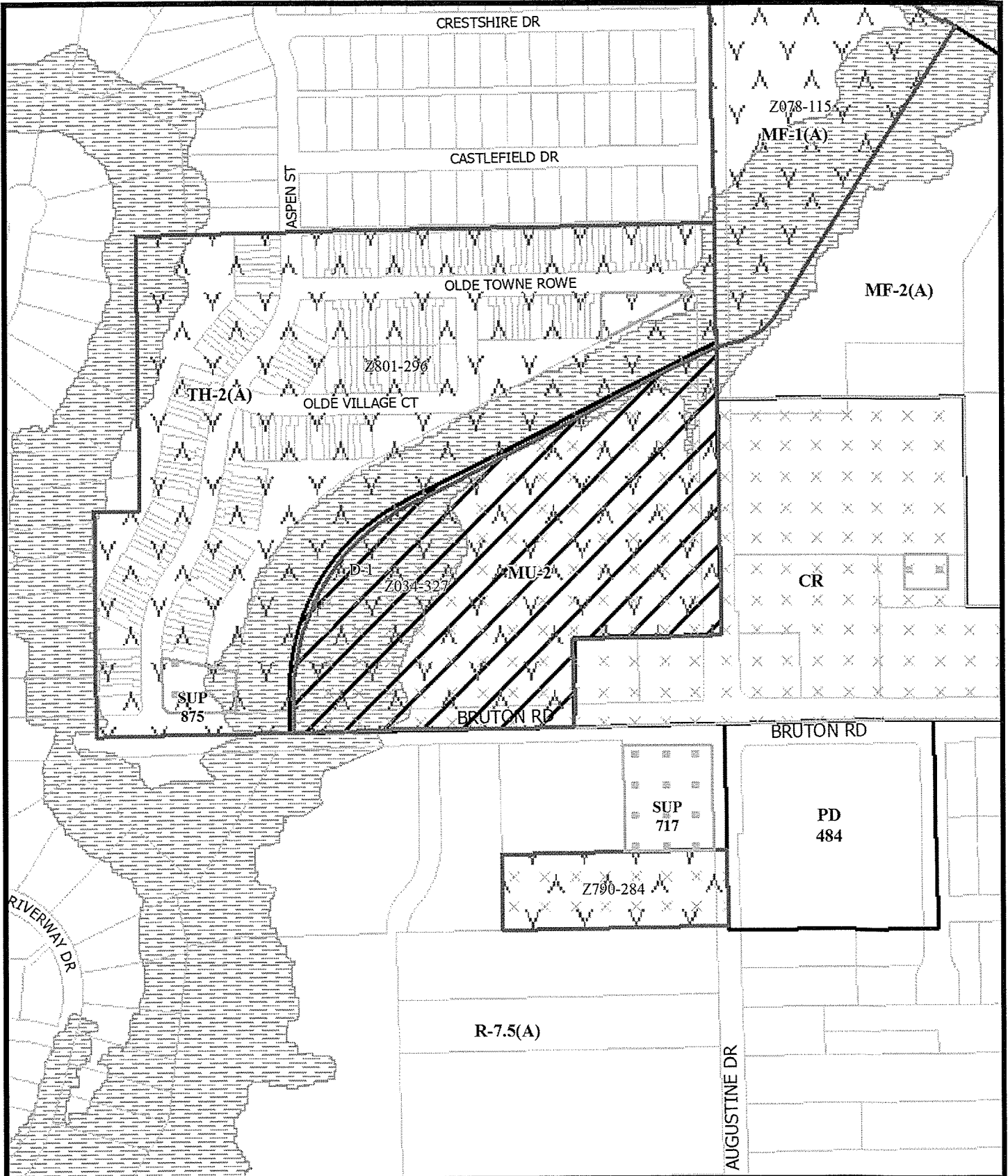
BRUTON ROAD
 (A 100' WIDE PUBLIC R.O.M.)



1.5" x 6" x 8" x 10" x 12" x 14" x 16" x 18" x 20" x 22" x 24" x 26" x 28" x 30" x 32" x 34" x 36" x 38" x 40" x 42" x 44" x 46" x 48" x 50" x 52" x 54" x 56" x 58" x 60" x 62" x 64" x 66" x 68" x 70" x 72" x 74" x 76" x 78" x 80" x 82" x 84" x 86" x 88" x 90" x 92" x 94" x 96" x 98" x 100"

650	38
66	38
766	38
512	38

Clipped accessible spaces required for UFAS
 If handicapped spaces will be provided for the Community Center, each table and one accessible seat



1:3,600

ZONING MAP

Case no: Z134-200

Date: 5/9/2014

COUNCIL CHAMBER

June 25, 2014

WHEREAS, the termination of deed restrictions in the attached instrument has been volunteered in connection with property located on the north line of Bruton Road, west of St. Augustine Drive, which is the subject of Zoning Case No. Z134-200; and

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

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

Section 1. That the termination of deed restrictions in the attached instrument is 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. Z134-200.

Section 2. That this termination of 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:

WARREN M. S. ERNST, City Attorney

By 
Assistant City Attorney

APPROVED _____ APPROVED _____ APPROVED _____
HEAD OF DEPARTMENT DIRECTOR OF FINANCE CITY MANAGER

BEING A 11.207 ACRE TRACT OF LAND SITUATED IN THE THOMAS M. JOHNSON SURVEY, ABSTRACT NO. 695, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING ALL OF A CALLED 11.199 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO DALLAS I, LTD., RECORDED IN VOLUME 84231, PAGE 4370, DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), SAID 11.207 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD WITH A CAP STAMPED "DALLAS" FOUND FOR THE NORTH END OF A CORNER AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF ST. AUGUSTINE ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF BRUTON ROAD (A 100-FOOT WIDE PUBLIC RIGHT-OF-WAY) AND BEING THE MOST EASTERLY SOUTHEAST CORNER OF STOP AND GO ADDITION NO. 1, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 82067, PAGE 986, D.R.D.C.T.,

THENCE, NORTH 00°49'46" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID ST AUGUSTINE ROAD, A DISTANCE OF 144.83 FEET TO THE **POINT OF BEGINNING**, BEING THE NORTHEAST CORNER OF SAID STOP AND GO ADDITION NO. 1, SAME BEING THE MOST EASTERLY SOUTHEAST CORNER OF SAID 11.199 ACRE TRACT AND FROM WHICH A 3/8-INCH IRON ROD FOUND BEARS SOUTH 88°54'46" WEST, A DISTANCE OF 0.5 FEET;

THENCE, SOUTH 88°54'46" WEST, DEPARTING THE WEST RIGHT-OF-WAY LINE OF ST. AUGUSTINE ROAD ALONG THE COMMON LINE OF SAID STOP AND GO ADDITION NO.1 AND SAID 11.199 ACRE TRACT AT A DISTANCE OF 150.30 FEET PASSING A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID STOP AND GO ADDITION NO. 1 SAME BEING THE NORTHEAST CORNER OF RIVERWAY VILLAGE ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 84068, PAGE 1572, D.R.D.C.T, CONTINUING ALONG THE COMMON LINE OF SAID RIVERWAY VILLAGE ADDITION AND SAID 11.199 ACRE TRACT IN ALL FOR A DISTANCE OF 300.30 FEET TO THE NORTHWEST CORNER OF SAID RIVERWAY VILLAGE ADDITION AND FROM WHICH A 5/8-INCH IRON ROD WITH A CAP (UNABLE TO READ) FOUND BEARS NORTH 04°57'55" WEST, A DISTANCE OF 2.5 FEET;

THENCE, SOUTH 00°51'14" EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 149.83 FEET TO THE SOUTHWEST CORNER OF SAID RIVERWAY VILLAGE ADDITION SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 11.199 ACRE TRACT, SAID CORNER BEING IN THE NORTH RIGHT-OF-WAY LINE OF AFORESAID BRUTON ROAD AND FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 07°02'45" EAST, A DISTANCE OF 0.6 FEET;

THENCE, SOUTH 88°54'46" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID BRUTON ROAD, A DISTANCE OF 660.26 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE SOUTHWEST CORNER OF SAID 11.199 ACRE TRACT SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF VILLAGE BY THE CREEK, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, RECORDED IN VOLUME 83025, PAGE 2746, D.R.D.C.T. AND FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE SOUTH END OF A CORNER CLIP AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID BRUTON ROAD AND THE WEST RIGHT-

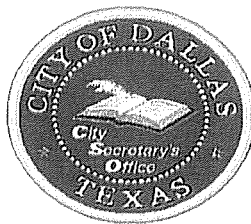
OF-WAY LINE OF ASPEN DRIVE (A 50 FOOT WIDE PUBLIC RIGHT-OF-WAY) BEARS SOUTH 88°54'46" WEST, A DISTANCE OF 358.30 FEET;

THENCE, ALONG THE COMMON LINE OF SAID VILLAGE BY THE CREEK ADDITION AND SAID 11.199 ACRE TRACT, THE FOLLOWING THREE (3) CALLS:

1. NORTH 00°44'14" WEST, A DISTANCE OF 37.54 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 485.00 FEET;
2. ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 64°00'00" FOR AN ARC LENGTH OF 541.75 FEET, A CHORD BEARING OF NORTH 31°15'46" EAST AND A CHORD DISTANCE OF 514.02 FEET TO THE END OF SAID CURVE, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS NORTH 63°15'46" EAST, A DISTANCE OF 0.5 FEET;
3. NORTH 63°15'46" EAST, A DISTANCE OF 764.13 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE MOST NORTHERLY CORNER OF SAID 11.199 ACRE TRACT AND BEING IN THE WEST RIGHT-OF-WAY LINE OF AFORESAID ST. AUGUSTINE ROAD;

THENCE, SOUTH 00°49'46" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID ST. AUGUSTINE ROAD, A DISTANCE OF 652.73 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 488,176 SQUARE FEET OR 11.207 ACRES OF LAND.



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JUN 25 2014

ORDINANCE NUMBER 29386

DATE PUBLISHED JUN 28 2014

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose A. Liss".

TERMINATION OF DEED RESTRICTIONS

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

I.

The undersigned, DALLAS I, LTD., a California limited partnership ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Thomas M. Johnson Survey, Abstract No. 695, City Block No, 6735, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by Richard Sage, by deed dated November 19, 1984, and recorded in Volume 84231, Page 4370, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being a tract of land in the Thomas M. Johnson Survey, Abstract No. 695, City Block No. 6735, in the City of Dallas, Dallas County, Texas, City Block 6735, and being described by metes and bounds on Exhibit A attached hereto and made a part hereof.

II.

The Property was impressed with certain deed restrictions ("restrictions") as shown in an instrument dated January 7, 2005, signed by Michael F. Harland, General Partner of Dallas I, Ltd. and recorded in Volume 2005115, Page 06501, 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.

The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

- (1) The Property shall be limited to a maximum of two hundred and forty (240) dwelling units.
- (2) The minimum amount of area occupied by retail and personal service and office uses combined shall be ten thousand (10,000) square feet.
- (3) The maximum structure height shall be four (4) stories, exclusive of roof-top structures, such as mechanical equipment rooms, elevator penthouses or bulkheads, cooling towers, skylights, clerestories, chimneys and vent stacks, amateur communications towers, and visual screens which surround roof mounted mechanical equipment.

IV.

The above termination was made following a 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 was given as would have been required by law for a zoning change on the Property. The Owner 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 termination becomes effective.

V.

The termination of these restrictions is 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 to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with this termination.

VII.

Unless stated otherwise in this instrument, the definitions and provisions of Chapter 51A of the Dallas City Code, as amended, apply and are incorporated into this instrument as if recited in this instrument.

VIII.

Except for the Privileged Liens filed by the City of Dallas in Volume 91063, Page 1141, Volume 94073, Page 2153, Volume 2003132, Page 19677, and Volume 2004210, Page 8966, Real Property Records, Dallas County, Texas, the Owner certifies and represents that there are no mortgages or liens, other than liens for ad valorem taxes, against the Property if there are no signatures of mortgagees or lienholders subscribed below.

IX.

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.


29386

141065

EXECUTED at the City of Dallas, Dallas County, this the ____ day of _____, 2014.

OWNER:

DALLAS I, LTD., a California limited partnership

By: 

Printed Name: Michael F. Harland

Title: General Partner

See Attached For Official Notary

APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

By: 
Assistant City Attorney


29386

141065

STATE OF CALIFORNIA |

COUNTY OF SAN DIEGO |

This instrument was acknowledged before me on May 21, 2014 by Michael F. Harland, that is the General Partner of DALLAS I, LTD., a California limited partnership, on behalf of said limited partnership, who executed ;this instrument as partner on behalf of Dallas I, Ltd., a limited partnership.



(NOTARY'S STAMP HERE)

Notary Public

See Attached For Official Notary

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San Diego

On 5-21-2014 before me, Adrian Parrish, Notary Public
(Here insert name and title of the officer)

personally appeared Michael E Harland

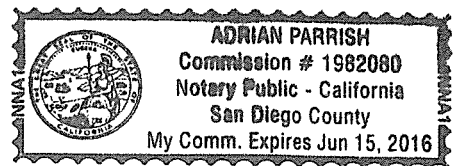
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

DESCRIPTION OF THE ATTACHED DOCUMENT
Termination of Deed
(Title or description of attached document)
Restrictions
(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

Individual (s)
 Corporate Officer
(Title)

Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~ is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary)
- Securely attach this document to the signed document

BEING A 11.207 ACRE TRACT OF LAND SITUATED IN THE THOMAS M. JOHNSON SURVEY, ABSTRACT NO. 695, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING ALL OF A CALLED 11.199 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO DALLAS I, LTD., RECORDED IN VOLUME 84231, PAGE 4370, DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), SAID 11.207 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE, NORTH 00°49'46" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID ST AUGUSTINE ROAD, A DISTANCE OF 144.83 FEET TO THE **POINT OF BEGINNING**, BEING THE NORTHEAST CORNER OF SAID STOP AND GO ADDITION NO. 1, SAME BEING THE MOST EASTERLY SOUTHEAST CORNER OF SAID 11.199 ACRE TRACT AND FROM WHICH A 3/8-INCH IRON ROD FOUND BEARS SOUTH 88°54'46" WEST, A DISTANCE OF 0.5 FEET;

THENCE, SOUTH 88°54'46" WEST, DEPARTING THE WEST RIGHT-OF-WAY LINE OF ST. AUGUSTINE ROAD ALONG THE COMMON LINE OF SAID STOP AND GO ADDITION NO.1 AND SAID 11.199 ACRE TRACT AT A DISTANCE OF 150.30 FEET PASSING A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID STOP AND GO ADDITION NO. 1 SAME BEING THE NORTHEAST CORNER OF RIVERWAY VILLAGE ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 84068, PAGE 1572, D.R.D.C.T, CONTINUING ALONG THE COMMON LINE OF SAID RIVERWAY VILLAGE ADDITION AND SAID 11.199 ACRE TRACT IN ALL FOR A DISTANCE OF 300.30 FEET TO THE NORTHWEST CORNER OF SAID RIVERWAY VILLAGE ADDITION AND FROM WHICH A 5/8-INCH IRON ROD WITH A CAP (UNABLE TO READ) FOUND BEARS NORTH 04°57'55" WEST, A DISTANCE OF 2.5 FEET;

THENCE, SOUTH 00°51'14" EAST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 149.83 FEET TO THE SOUTHWEST CORNER OF SAID RIVERWAY VILLAGE ADDITION SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID 11.199 ACRE TRACT, SAID CORNER BEING IN THE NORTH RIGHT-OF-WAY LINE OF AFORESAID BRUTON ROAD AND FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS SOUTH 07°02'45" EAST, A DISTANCE OF 0.6 FEET;

THENCE, SOUTH 88°54'46" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID BRUTON ROAD, A DISTANCE OF 660.26 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE SOUTHWEST CORNER OF SAID 11.199 ACRE TRACT SAME BEING THE MOST SOUTHERLY SOUTHEAST CORNER OF VILLAGE BY THE CREEK, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, RECORDED IN VOLUME 83025, PAGE 2746, D.R.D.C.T. AND FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE SOUTH END OF A CORNER CLIP AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID BRUTON ROAD AND THE WEST RIGHT-

OF-WAY LINE OF ASPEN DRIVE (A 50 FOOT WIDE PUBLIC RIGHT-OF-WAY) BEARS SOUTH 88°54'46" WEST, A DISTANCE OF 358.30 FEET;

THENCE, ALONG THE COMMON LINE OF SAID VILLAGE BY THE CREEK ADDITION AND SAID 11.199 ACRE TRACT, THE FOLLOWING THREE (3) CALLS:

1. NORTH 00°44'14" WEST, A DISTANCE OF 37.54 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 485.00 FEET;
2. ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 64°00'00" FOR AN ARC LENGTH OF 541.75 FEET, A CHORD BEARING OF NORTH 31°15'46" EAST AND A CHORD DISTANCE OF 514.02 FEET TO THE END OF SAID CURVE, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS NORTH 63°15'46" EAST, A DISTANCE OF 0.5 FEET;
3. NORTH 63°15'46" EAST, A DISTANCE OF 764.13 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE MOST NORTHERLY CORNER OF SAID 11.199 ACRE TRACT AND BEING IN THE WEST RIGHT-OF-WAY LINE OF AFORESAID ST. AUGUSTINE ROAD;

THENCE, SOUTH 00°49'46" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID ST. AUGUSTINE ROAD, A DISTANCE OF 652.73 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 488,176 SQUARE FEET OR 11.207 ACRES OF LAND.