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November 18, 1974

744439

WHEREAS, The deed restrictions in the attached instrument have been volunteered in conjunction with a request for General Retail zoning which was approved by the City Council, September 30, 1974, on Zoning Case #Z74-155/3382-C on property generally located on Murdock Road, South of Groton Lane;

WHEREAS, said deed restrictions have been approved as to form and content and accepted by the City Plan Commission of the City of Dallas, Texas; Now, Therefore,

Be It Resolved by the City Council of Dallas;

Section 1. That the deed restrictions as set forth in the attached instrument be and are hereby accepted by the City Council of the City of Dallas, Texas, to be used in conjunction with the development of property zoned General Retail, as described in Ordinance # 14746

Section 2. That said deed restrictions shall be filed with the County Clerk of Dallas County, Texas, to be recorded in the Deed Records of Dallas County, Texas, after approval thereof by the City Attorney.

Section 3. That this resolution shall take effect from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

RESOLUTION UNANIMOUSLY ADOPTED

APPROVED BY
CITY COUNCIL

NOV 18 1974

Harold G. Shank
City Secretary

Approved as to form:
N. ALEX BICKLEY, City Attorney

By *J. Stanley Knight*
Assistant City-Attorney

APPROVED *[Signature]*
HEAD OF DEPARTMENT

APPROVED
CITY AUDITOR

APPROVED *[Signature]*
CITY MANAGER

744439

DEED RESTRICTIONS

THE STATE OF TEXAS §
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, Lincoln Memorial Cemetery, Inc., is the owner of the following described property situated in Dallas County, Texas, same being all of Lots 41, 42, 43, 44 and 45 of City Block 7958, City of Dallas, Texas, each lot more particularly described as follows:

✓ Lot 41:

A tract of land out of the C. H. Griffin 22-acre tract out of the S. B. McCommas Survey, Abstract No. 914, Dallas County, Texas, and being the same tract of land conveyed to Lincoln Memorial Cemetery, a corporation, by Don R. Hudson and wife, Gloria Joan Hudson, by deed dated September 27, 1972, recorded in Volume 72193, Page 1118, Deed Records of Dallas County, Texas, and being known as Lot 41 of the unrecorded C. H. Griffin Addition, and being described by metes and bounds as follows:

BEGINNING at a point in the South line of the C. H. Griffin 22-acre tract, said point being 182.4 feet North 89° 22' West of the Southeast corner of said 22-acre tract;

THENCE North 89° 22' West 65.00 feet to point for corner;
THENCE North 1° 28' East 244.24 feet to point for corner;
THENCE North 49° 36' West 26.96 feet to point for corner in the Southeast line of Doak Street;
THENCE North 40° 24' East 77.08 feet to point for corner;
THENCE South 30° 04' East 69.5 feet to point for corner;
THENCE South 1° 16' West 261.88 feet to point of beginning; being the same property described in deed from Otto Martinson to Don R. Hudson and wife, Gloria Joan Hudson, dated April 12, 1966, filed April 15, 1966, recorded in Volume 801, Page 473, Deed Records of Dallas County, Texas.

✓ Lot 42:

A tract of land out of the C. H. Griffin 22-acre tract out of the S. B. McCommas Survey, Abstract No. 914, Dallas County, Texas, and being the same tract of land conveyed to Lincoln Memorial Cemetery, a corporation, by Joe T. Goodwin, by deed dated October 9, 1967, recorded in Volume 67198, Page 1748, Deed Records of Dallas County, Texas, and being known as Lot 42 of the unrecorded C. H. Griffin Addition, and being described by metes and bounds as follows:

BEGINNING at a point in the West line of Murdock Road, said point being the Southeast corner of said Griffin 22 acre tract;

THENCE North 89° 22' West 182.4 feet to point for corner;
THENCE North 1° 16' East 66.88 feet to point for corner;
THENCE South 88° 44' East 182.4 feet to point for corner;
THENCE South 1° 16' West 65.0 feet to point of beginning;
being the same property conveyed to John M. Travess and wife,
Laverne, by C. H. Griffin, et ux, Flora, by Deed dated July
26, 1958, filed August 4, 1958 and recorded in Volume 4939,
Page 273, Deed Records, Dallas County, Texas.

✓ Lot 43:

A tract of land out of the C. H. Griffin 22-acre tract out of the S. B. McCommas Survey, Abstract No. 914, Dallas County, Texas, and being the same tract of land conveyed to Lincoln Memorial Cemetery, a Texas corporation, by John Vincent Pellman, by deed dated December 13, 1973, recorded in Volume 73250, Page 1154, Deed Records of Dallas County, Texas, and being known as Lot 42 of the unrecorded C. H. Griffin Addition, and being described by metes and bounds as follows:

BEGINNING at a point in the West line of Murdock Road, said point being North 1° 16' East 65 feet from the Southeast corner of said Griffin 22 acre tract;

THENCE North 88° 44' West 182.4 feet to point for corner;
THENCE North 1° 16' East 65.0 feet to point for corner;
THENCE South 88° 44' East 182.4 feet to point for corner;
THENCE South 1° 16' West 65.0 feet to point of beginning;
being the same property conveyed to John V. Pellman and his then wife, Leatrice Joy Pellman, by Warranty Deed dated December 18, 1956, recorded in Volume 4635, Page 424, Deed Records of Dallas County, Texas.

✓ Lot 44:

A tract of land out of the C. H. Griffin 22-acre tract out of the S. B. McCommas Survey, Abstract No. 914, Dallas County, Texas, and being the same tract of land conveyed to Lincoln Memorial Cemetery, a corporation, by Lawrence D. Malone and wife, Margaret A. Malone, by deed dated July 24, 1972, recorded in Volume 72147, Page 0753, Deed Records of Dallas County, Texas, and being known as Lot 44 of the unrecorded C. H. Griffin Addition, and being described by metes and bounds as follows:

BEGINNING at a point in the West line of Murdock Road, said point being North 1° 16' East 130 feet from the Southeast corner of said Griffin 22 acre tract;

THENCE North 88° 44' West 182.4 feet to point for corner;
THENCE North 1° 16' East 65.0 feet to point for corner;
THENCE South 88° 44' East 182.4 feet to point for corner;
THENCE South 1° 16' West 65.0 feet to point of BEGINNING.

✓ Lot 45:

A tract of land out of the C. H. Griffin 22-acre tract out of the S. B. McCommas Survey, Abstract No. 914, Dallas County, Texas, and being the same tract of land conveyed to Lincoln Memorial Cemetery by Robert Craig Pellman and wife, Mary Irene Pellman, by deed dated November 20, 1973, recorded in Volume 73230, Page 0691, Deed Records of Dallas County, Texas, and being known as Lot 45 of the unrecorded C. H. Griffin Addition, and being described by metes and bounds as follows:

BEGINNING at a point in the West line of Murdock Road, said point being North 1° 16' East 195 feet from the Southeast corner of said Griffin 22 acre tract;

THENCE North 88° 44' West 182.4 feet to point for corner;
THENCE North 1° 16' East 65.0 feet to point for corner;
THENCE South 88° 44' East 182.4 feet to point for corner;
THENCE South 1° 16' West 65.0 feet to point of BEGINNING.

That the undersigned, Lincoln Memorial Cemetery, Inc., does hereby impress all of the above described property with the following restrictions, to-wit:

Said property is limited for use of funeral home (mortuary) purposes and the usual related and ordinary purposes pertinent, incidental or related to, or necessary for, the establishment, operation, maintenance and conduct of a funeral home business, for a period of twenty-five (25) years from and after the date of the execution of this instrument.

Said property also may be used only with the express restriction that no access, ingress or egress, will be provided from Doak Street. It is further provided that a masonry-type fence will be erected along the north and west property lines of said property to act as a suitable shield and buffer from the adjoining property, and that said north and west boundaries will have appropriate landscaping, in addition to said fence, and that the landscaping will consist of shrubs, flowers, trees and other suitable vegetation of a pleasing, aesthetic quality. (See attached site plan).

These restrictions shall continue in full force and effect for a period of twenty-five (25) years from this date. Such restrictions may not be removed, altered, modified or amended without first obtaining consent in writing from the governing body of the City of Dallas.

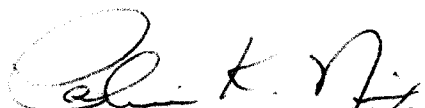
These deed restrictions are not in any manner intended to restrict the right of the City Council of the City of Dallas to exercise its legislative duties and powers insofar as zoning is concerned.

These restrictions inure to the benefit of the City of Dallas, Texas, and the undersigned owner hereof does hereby grant to the City of Dallas the right to prosecute, at law and in equity, against the person violating or attempting to violate such restrictions, either to prevent him or them from so doing and to correct such violation or to recover damages or other relief for 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, provided, however, that after the said twenty-five (25) year period referred to above, these restrictions may be released or modified by the City of Dallas.

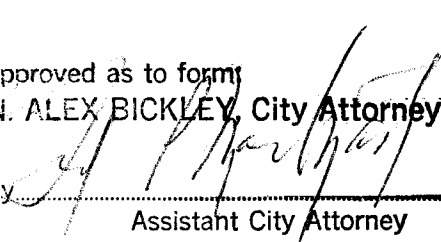
These restrictions are hereby declared covenants running with the land and shall be fully binding upon all persons acquiring property within the above described tract, and any person by acceptance of title to any of the above described property shall thereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

EXECUTED this 7th day of August, 1974.

LINCOLN MEMORIAL CEMETERY, INC.

By 
Calvin K. Nix, President

Approved as to form
N. ALEX BICKLEY, City Attorney

By 
Assistant City Attorney

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared CALVIN K. NIX, President, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said LINCOLN MEMORIAL CEMETERY, INC., a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 7th day of August, 1974.

Sara J. Kymmes

Notary Public in and for
Dallas County, Texas



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