

Upon Recordation, Return to:
Property Disposition Division
307 W 7th Street, Suite 1000
Fort Worth, TX 76102

South Creek Subdivision
Mesquite, Texas
FHA Project No.: 112-46003
IREMS ID: 800045981

AMENDMENT OF DEED RESTRICTIONS

This Amendment of Deed Restrictions (the "Amendment") dated December 21, 2020, is entered into by and between the City of MESQUITE, Texas (the "Grantee") and the SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (the "Grantor" or "HUD").

WHEREAS, pursuant to its authority under the National Housing Act (12 U.S.C. § 1713(1)), HUD transferred all its title to and interest in to Grantee in a certain parcel of land located on and including the land more particularly described in Exhibit A (the "Property") through a certain Deed Without Warranty ("Original Deed"), which was executed on July 7, 1994, and recorded in Volume 94131 Page 00491 of the Dallas County Recorder's Office on July 11, 1994 ; and

WHEREAS, pursuant HUD's authority, HUD imposed certain use restrictions on the Property and placed certain use restrictions on the Property through covenants contained in the Original Deed; and

WHEREAS, the Grantee covenanted to use the Property "only for municipal and public school use in perpetuity" (the "Public Use Restriction"); and

WHEREAS, HUD and the Grantee agreed that any covenants contained in the Original Deed could be altered or changed upon the written request by the Grantor and at the discretion of HUD; and

WHEREAS, Grantee has completed a public offering of the Property and selected a developer who proposes to develop the Property in a manner that is satisfactory to HUD but is inconsistent with the Public Use Restriction; and

WHEREAS, Grantee has requested a change to the Public Use Restriction and HUD has agreed to amend the Public Use Restriction to allow for the further development of the Property.

NOW, THEREFORE, in consideration of the foregoing recitals, and other good and

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valuable consideration, the receipt and sufficiency of which are hereby acknowledged, HUD hereby deletes the Public Use Restriction in the Original Deed and releases the Property from any requirements that it be used for municipal or public use. Grantee and HUD agree that the following provision be added to the Original Deed:

No less than twenty percent of Housing Units constructed on the Property shall be Affordable Housing. The Grantee and any future grantee or assignee further covenants to certify annually to HUD that no less than twenty percent (20%) of all Housing Units constructed between the date of this Amendment and December 31, 2026 meet this Affordable Housing requirement. After January 1, 2027, Grantee is under no obligation further construct housing units in accordance with this requirement or annually certify to HUD and this Amendment and any restriction by HUD in the Original Deed shall be of no force and effect.

For purposes of this Amendment, "Housing Unit" shall mean any structure built for the purpose of residential housing, without regard to single-family or multifamily. One single family home shall count as one Housing Unit and one unit within a multifamily development shall count as one Housing Unit. "Affordable Housing" shall mean a housing unit reserved for individuals or families with incomes at or below 80% of the annual Area Median Income, as defined by HUD. "Housing Units constructed" shall be measured by issuance of the local authorities Certificate of Occupancy or other permit indicating compliance with local code. Grantee's certification to HUD shall detail the type, number and location of all Housing Units completed and the proposed price at which the Housing Unit is expected to be rented, leased, or sold and shall be submitted to the Property Disposition Division Director each year by December 31.

[SIGNATURES ON THE FOLLOWING PAGES]



IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first written above.

HUD:

UNITED STATES OF AMERICA
Secretary of Housing and Urban
Development



By: Jovanna M. Morales

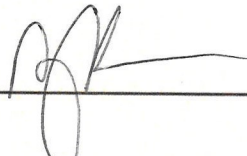
Director

Property Disposition Division

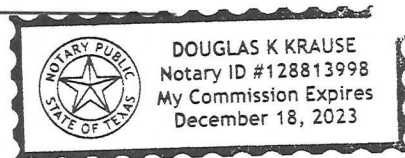
STATE OF TEXAS }

COUNTY OF TARRANT }

On this 21st day of December, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Jovanna M. Morales, personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity and that by her signature on the instrument, the individual or the person on behalf of which the individual acted, executed the instrument.



Notary Public



[Signatures continue on the following page]



GRANTEE:

By: _____

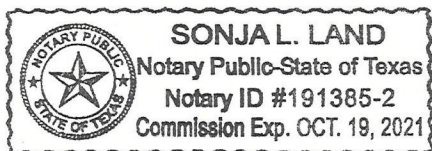
Cliff Keheley

STATE OF Texas }
COUNTY OF Dallas }

On this 16 day of Dec., 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Cliff Keheley, personally known to me or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same in her/his capacity and that by her/his signature on the instrument, the individual or the person on behalf of which the individual acted, executed the instrument.

Sonja L. Land

Notary Public



LEGAL DESCRIPTION

TRACT 3

Being a tract of land situated in the John P. Anderson Survey, Abstract No. 1, City of Balch Springs, Dallas County, Texas, and being a portion of that tract of land conveyed to the Department of Housing and Urban Development according to deed recorded in Volume 93051, Page 2595, Deed Records of Dallas County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron rod with NDM plastic cap set in the easterly right-of-way line of Mercury Road (a 100-foot right-of-way), said iron rod being located N 44°33'07" E, 600.00 feet from a 3/8" iron rod found at the intersection of the easterly right-of-way line of Mercury Road and the northerly right-of-way line of Belt Line Road (a 100-foot right-of-way);

THENCE N 44°33'07" E, 207.26 feet with the easterly right-of-way line of Mercury Road to a 5/8" iron rod found for corner;

THENCE along a curve to the right and with the easterly right-of-way line of Mercury Road an arc length of 1049.62 feet to a 1/2" iron rod found for corner, said curve having a central angle of 66°49'14", a radius of 900.00 feet, a tangent length of 593.67 feet, a chord bearing of N 77°57'44" E and a chord length of 991.14 feet;

THENCE along a curve to the left and with the easterly right-of-way line of Mercury Road an arc length of 1165.32 feet to a 1/2" iron rod found in the southerly right-of-way line of McKenzie Road (a 60-foot right-of-way), said curve having a central angle of 63°35'18" feet, a radius of 1050.00 feet, a tangent length of 650.88 feet, a chord bearing of N 79°34'42" E and a chord length of 1106.42 feet;

THENCE S 45°11'28" E, 566.60 feet with the southerly right-of-way line of McKenzie Road to a 1/2" iron rod found for corner;

THENCE S 44°56'01" W, 933.28 feet to a 1/2" iron rod found for corner;

THENCE S 45°10'06" E, 315.08 feet to a 60d nail found for corner;

THENCE S 44°40'51" W, 1002.38 feet to a 1/2" iron rod with NDM plastic cap set for corner;

THENCE N 45°28'28" W, 2053.98 feet to the Point of Beginning and containing 61.2824 acres (2,669,461 square feet) of land, more or less.

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TRACT 4

Being a tract of land situated in the John P. Anderson Survey, Abstract No. 1, City of Balch Springs, Dallas County, Texas, and being a portion of that tract of land conveyed to the Department of Housing and Urban Development according to deed recorded in Volume 93051, Page 2595, Deed Records of Dallas County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron rod with NDM plastic cap set in the easterly right-of-way line of Mercury Road (a 100-foot right-of-way), said iron rod being located N 44°33'07" E, 600.00 feet from a 1/2" iron rod found at the intersection of the westerly right-of-way line of Mercury Road and the northerly right-of-way line of Belt Line Road (a 100-foot right-of-way);

THENCE N 45°29'16" W, 1259.17 feet to a 1/2" iron rod found for corner;

THENCE S 44°31'58" W, 4.12 feet to a 1/2" iron rod with NDM plastic cap set for corner;

THENCE N 45°24'39" W, 295.44 feet to a 1/2" iron rod found for corner in the easterly right-of-way line of Lakeside Drive (a 60-foot right-of-way);

THENCE N 44°31'29" E, 885.98 feet with the easterly right-of-way line of Lakeside Drive to a 60d nail found for corner;

THENCE S 45°30'46" E, 769.40 feet to a 1/2" iron rod found for corner;

THENCE N 44°30'11" E, 869.06 feet to a 60d nail found for corner in the southerly right-of-way line of McKenzie Road (a 60-foot right-of-way);

THENCE along a non-tangent curve to the left and with the southerly right-of-way line of McKenzie Road an arc length of 149.69 feet to a 3/8" iron rod found for corner, said curve having a central angle of 10°23'57", a radius of 824.74 feet, a tangent length of 75.05 feet, a chord bearing of S 70°29'15" E and a chord length of 149.48 feet;

THENCE along a curve to the right and with the southerly right-of-way line of McKenzie Road an arc length of 407.02 feet to a 1/2" iron rod found for corner, said curve having a central angle of 30°13'29", a radius of 771.58 feet, a tangent length of 208.37 feet, a chord bearing of S 60°34'29" E and a chord length of 402.32 feet;

THENCE S 45°27'44" E, 1133.67 feet with the southerly right-of-way line of McKenzie Road to a 1/2" iron rod found for corner;

THENCE along a curve to the left and with the southerly right-of-way line of McKenzie Road an arc length of 152.80 feet to a 1/2" iron rod found for corner, said curve having a central angle of 08°30'00", a radius of 1030.00 feet, a tangent length of 76.54 feet, a chord bearing of S 49°42'44" E and a chord length of 152.66 feet;

THENCE along a curve to the right and with the southerly right-of-way line of McKenzie Road an arc length of 157.84 feet to a 1/2" iron rod with NDM plastic cap set for corner in the westerly right-of-way line of Mercury Road, said curve having a central angle of 09°19'25", a radius of 970.00 feet, a tangent length of 79.10 feet, a chord bearing of S 49°18'02" E and a chord length of 157.67 feet;



THENCE along a non-tangent curve to the right and with the westerly right-of-way line of Mercury Road an arc length of 1049.63 feet to a 1/2" iron rod with NDM plastic cap set for corner, said curve having a central angle of $63^{\circ}18'17''$, a radius of 950.00 feet, a tangent length of 585.64 feet, a chord bearing of $S\ 79^{\circ}43'12''\ W$ and a chord length of 997.05 feet;

THENCE along a curve to the left and with the westerly right-of-way line of Mercury Road an arc length of 1166.24 feet to a 1/2" iron rod found for corner, said curve having a central angle of $66^{\circ}49'14''$, a radius of 1000.00 feet, a tangent length of 659.64 feet, a chord bearing of $S\ 77^{\circ}57'44''\ W$ and a chord length of 1101.26 feet;

THENCE $S\ 44^{\circ}33'07''\ W$, 207.26 feet with the westerly right-of-way line of Mercury Road to the Point of Beginning and containing 71.4629 acres (3,112,926 square feet) of land, more or less.



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1/2" GRID TOP PAGE
M445027E 60.23

BOUNDARY CURVE TABLE				CHORD
CURVE	DELTA	TANGENT	LENGTH	
1	10°20'31"	82.474'	74.64'	148.87'
2	30'13"21"	258.35'	408.98'	569.9207' = 492.72'
3	83°02'31"	771.58'	786.02'	840.9407' = 132.76'
4	92°02'31"	970.00'	79.24'	1048.12'
5	83°19'29"	890.00'	586.85'	1048.09'
6	84°39'15"	1000.00'	638.64'	1168.24'
7	83°49'45"	1000.00'	558.67'	1048.92'
8	86°39'15"	1000.00'	650.88'	1185.48'
9	15°59'13"	425.00'	59.68'	483.56'
10	37°50'20"	975.00'	37.63'	1012.63'
11	49°57'00"	1000.00'	422.24'	1048.24'
12	33°03'45"	1000.00'	782.17'	1168.17'
13	33°03'45"	1000.00'	782.17'	1168.17'
14	33°03'45"	1000.00'	782.17'	1168.17'
15	33°03'45"	1000.00'	782.17'	1168.17'
16	33°03'45"	1000.00'	782.17'	1168.17'
17	33°03'45"	1000.00'	782.17'	1168.17'
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23	33°03'45"	1000.00'	782.17'	1168.17'
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25	33°03'45"	1000.00'	782.17'	1168.17'
26	33°03'45"	1000.00'	782.17'	1168.17'
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28	33°03'45"	1000.00'	782.17'	1168.17'
29	33°03'45"	1000.00'	782.17'	1168.17'
30	33°03'45"	1000.00'	782.17'	1168.17'
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33	33°03'45"	1000.00'	782.17'	1168.17'
34	33°03'45"	1000.00'	782.17'	1168.17'
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37	33°03'45"	1000.00'	782.17'	1168.17'
38	33°03'45"	1000.00'	782.17'	1168.17'
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51	33°03'45"	1000.00'	782.17'	1168.17'
52	33°03'45"	1000.00'	782.17'	1168.17'
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56	33°03'45"	1000.00'	782.17'	1168.17'
57	33°03'45"	1000.00'	782.17'	1168.17'
58	33°03'45"	1000.00'	782.17'	1168.17'
59	33°03'45"	1000.00'	782.17'	1168.17'
60	33°03'45"	1000.00'	782.17'	1168.17'

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REVIEWS

23311 W GRAPEVINE MILLS CIRCLE
SUITE 2108
GRAPEVINE, TEXAS 76031

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www.alliancegeosurvey.com

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JOHN P. ANDERSON SURVEY - ABSTRACT NO. 1
CITY OF BALCH SPRINGS, DALLAS COUNTY, TEXAS

171.289 ACRES TRACT OF LAND

	APPROVED	SCALE 1" = 120'