



08/17/2018 02:50:20 PM

201800221467

DECLARATION 1/6

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (this "Declaration") is being executed this ____ day of August, 2018, by The Trull Foundation ("Owner"), as the owner of the property described on Exhibit A, attached hereto and incorporated herein for all purposes (the "Property"). Owner does hereby impose the following restrictive covenants on the Property:

No occupant of the Property shall operate a business which provides or offers for sale, in connection with all or any part of its business operations, any of the following items or activities:

- (a) a convenience store primarily engaged in the sale of food and beverages;
- (b) cigarettes and tobacco products, including without limitation e-cigs and vaporizers, unless vended by machine, provided that a cigar specialty store is not prohibited;
- (c) beer and wine retailer (having a retail area of less than 10,000 square feet) for off premise consumption, provided that the foregoing shall not prohibit a wine specialty establishment selling high-end wine;
- (d) motor fuels or petroleum products; and
- (e) lottery tickets or phone cards;

provided, however, that in no event shall Owner or any future occupant of the Property be prohibited from operating in whole or in part a grocery store (having a retail area of at least 20,000 square feet) that offers the foregoing items or activities on the Property, but may not sell motor fuels or petroleum products. Miles Bush CDG, LLC, a Texas limited liability company ("Miles"), being the owner of the property described on Exhibit B attached hereto (herein referred to as the "Benefited Property"), or any future owner of the Benefited Property, shall have the right to institute an action, including an action for damages or injunctive relief, against any tenant or occupant of the Property which is operating in violation of the restrictions contained in this Declaration. For purposes of this Declaration the term "convenience store" shall include, for example, the following stores: Cumberland Farms, Circle K, Stop N Shop, On the Run, QuickChek, WaWa, QuikTrip, RaceTrac, Kwik Stop, Dash-In, Highs, Royal Farms and Store 24.

This Declaration shall run with the land and bind Owner and Owner's transferees, successors and assigns, until August 15, 2028, at which time this Declaration shall automatically terminate, and be null and void.

Executed to be effective as of the date first set forth above.

THE TRULL FOUNDATION

By: R. Scott Trull
Name: R. Scott Trull
Title: Chairman of the Board

STATE OF TEXAS §

COUNTY OF Travis §

This instrument was acknowledged before me on the 14th day of August, 2018, by R. Scott Trull, as Chairman of the Board of The Trull Foundation, on behalf of such foundation.

[SEAL]

Kelly Dougherty
Notary Public, State of Texas

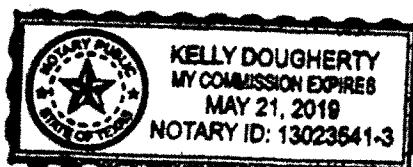


EXHIBIT A

The Property

STATE OF TEXAS

COUNTY OF DALLAS

BEING a tract of land situated in the ROBERT McCULLOUGH SURVEY, Abstract No. 928 in the City of Sachse and being a portion of the Trull Foundation tract recorded in Volume 2001009, Page 0575 and Volume 96158, Page 6025 of Deed Records of Dallas County, Texas (DRDCT) and being more particularly described as follows;

BEGINNING at the intersection of the southwesterly line of a tract of land described in a deed to Children's Medical Center Foundation as recorded in County Clerk's Instrument Number 201200202382 of the Official Public Records of Dallas County, Texas (OPRDCT) and the westerly Right-of-Way line of Miles Road (100' Right-of-Way) as dedicated to the City of Sachse in Volume 94047, Page 2537 (DRDCT), said point being the beginning of a non-tangent curve to the right having a radius of 1450.00 feet a chord bearing of South 13 deg 26 min 37 sec West and a chord length of 522.34 feet;

THENCE continuing along the westerly Right-of-Way line of said Miles Road continuing along said non-tangent curve to the right through a central angle of 20 deg 45 min 11 sec and an arc length of 525.20 feet to a point for corner in the northerly Right-of-Way line of STATE HIGHWAY 190-PRESIDENT GEORGE BUSH TOLLWAY (variable width Right-of-Way);

THENCE departing the westerly Right-of-Way line of said Miles Road and along the northerly Right-of-Way line of said STATE HIGHWAY 190-PRESIDENT GEORGE BUSH TOLLWAY South 86 deg 25 min 50 sec West a distance of 169.20 feet to a point for corner;

THENCE departing the northerly Right-of-Way line of said STATE HIGHWAY 190-PRESIDENT GEORGE BUSH TOLLWAY and across said Trull Foundation Tracts as follows;

North 03 deg 34 min 10 sec West a distance of 463.48 feet to the beginning of a curve to the left having a radius of 165.00 feet and having a chord bearing of North 11 deg 33 min 59 sec West and a chord length of 45.91 feet;

Continuing along said curve to the left through a central angle of 15 deg 59 min 39 sec for an arc length of 46.05 feet to the point of tangency;

North 19 deg 33 min 49 sec West a distance of 109.35 feet to a point for corner in the southerly Right-of-Way line of BUNKER HILL ROAD (90' Right-of-Way) as dedicated to the City of Sachse in Instrument Number 201200120737 (OPRDCT), said point being the beginning of a non-tangent curve to the right having a radius of 755.00 feet and

having a chord bearing of North 80 deg 33 min 48 sec East and a chord length of 224.45 feet;

THENCE along the southerly Right-of-Way line of said BUNKER HILL ROAD as follows;

Continuing along said non-tangent curve to the right through a central angle of 17 deg 05 min 48 sec and an arc length of 225.29 feet to the point of tangency;

North 89 deg 06 min 44 sec East a distance of 41.89 feet to a point for corner in the southwesterly line of said Children's Medical Center Foundation tract;

THENCE departing the southerly Right-of-Way line of said BUNKER HILL ROAD and along the southwesterly line of said Children's Medical Center Foundation tract South 38 deg 08 min 44 sec East a distance of 164.64 feet to the POINT OF BEGINNING;

CONTAINING within this metes and bounds description 3.916 acres or 170,566 square feet of land more or less.

EXHIBIT B

BEING a 1.52 acre tract of land situated in the Robert McCollough Survey, Abstract No. 928 and the Richard Copeland Survey, Abstract No. 228, in the City of Sachse, Dallas County, Texas, said tract being part of that certain 51.724 acre tract conveyed to the Trull Foundation as recorded in Volume (Vol.) 94077, Page (Pg.) 2599 and part of that certain 0.5384 acre tract called (Tract 2), conveyed to the Trull Foundation as recorded in Volume 96158, Page 6025, all of the Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a found 2-1/2-inch Brass Texas Department of Transportation (TxDOT) monument stamped (TxDOT found in the north right-of-way (ROW) line of President George Bush Tollway (a 350 foot public ROW), said point being at the southeast end of a corner clip with the east ROW line of Miles Road (a 100 foot public ROW);

THENCE North 39°24'24" West, along said corner clip, passing a found 2-1/2-inch Brass TxDOT monument stamped (TxDOT 2659) at 2.59 feet and continuing for a total distance of 80.62 feet to a found 1/2-inch rebar with a red cap stamped "W.A.I.", at the east ROW line of said Miles Road, said point being the beginning of a non-tangent curve to the left having a radius of 1550.00 feet and a chord that bears North 13°51'46" East, 340.44 feet;

THENCE in a northeasterly direction along the east ROW line of said Miles Road and along said non-tangent curve to the left, through a central angle of 12°36'36", an arc length of 341.13 feet to found 1/2-inch rebar with a red cap stamped "W.A.I.", being the most northerly corner of the herein described tract, from which a 5/8-inch iron rod with cap stamped (KHA) found bears North 07°30'04" East, 4.22 feet;

THENCE South 37°40'36" East, leaving the east ROW line of said Miles Road and along the east line of said 0.5384 acre Trull tract, passing at a distance of 176.65 feet a 1-inch iron pipe found (record monument) for the northeast corner of said 51.724 acre Trull tract;

THENCE continuing along the east line of said 51.724 acre Trull tract South 38°51'14" East 255.38 feet to a found 1/2-inch rebar with a red cap stamped "W.A.I.", in the north ROW line of said George Bush Tollway for the southeast corner of the herein described tract, from which a 2-1/2-inch Brass TxDOT monument stamped (TxDOT 2660) found in the north ROW line of said George Bush Tollway bears North 79°48'03" East, 342.96 feet, also from which a 5/8-inch iron rod with cap stamped (KHA) found bears South 74°15'30" West, 0.71 feet;

THENCE South 79°43'28" West, along the north ROW line of said George Bush Tollway, 303.44 feet to the POINT of BEGINNING and containing 66,227 Square feet or 1.52 acres of land, more or less.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
08/17/2018 02:50:20 PM
\$42.00



A handwritten signature in black ink, appearing to read "JF Warren", is written over the seal.

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