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AFTER RECORDING RETURN TO:

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Submitter: CSC INGENEO

*Mary Louise Garcia*  
Mary Louise Garcia  
Westermann & Associates, P.C.  
Attn: Stephen X. Westermann  
226 Bailey Avenue, Suite 100  
Fort Worth, Texas 76107

*scw117732*

(Above for Recorder's Use Only)

**DECLARATION OF RESTRICTIVE COVENANT**

WHEREAS, under the Contract of Sale dated April 25, 2014 (the "Contract"), **Hwy. 360 Matlock Rd – Broad Street Partnership**, a Texas partnership, and/or its Assigns, ("Seller"), agreed to sell to **ELLANU, LLP**, a Texas limited liability partnership ("Buyer"), the real property described in **Exhibit "A"** (the "Restricted Property");

WHEREAS, the Contract states that Buyer shall be bound by certain restrictions regarding the development of the Restricted Property; and

WHEREAS, Seller is the owner of additional property described in **Exhibit "B"** (the "Benefitted Property").

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Buyer covenants as follows:

1. No part of the Restricted Property will be used for the operation of any restaurant that derives more than twenty percent (20%) of revenue (gross sales minus sales tax) from the sale of prepared Mexican food, including, but not limited to, the type sold by Taco Bueno, Taco Casa, Taco Cabana, Chipotle, Freebirds, Mi Cocina, Rosa's Cafe, and Uncle Julio's.

3. The foregoing restrictions are for the benefit of Seller and run with the Benefitted Property and the Restricted Property, and are for the benefit of and binding upon all successive owners and occupants of the Benefitted Property and the Restricted Property.

4. This instrument shall be recorded in each county in which the Benefitted Property and the Restricted Property are located and shall expire automatically upon the expiration of twenty-one years less one day after the death of the last survivor of any of the descendants of Larry Durrett living on the date of execution of this agreement. **Exhibit "A"** and **Exhibit "B"** are incorporated herein by this reference.

5. Failure to comply with any of the foregoing restrictions shall be grounds for relief which may include, without limitation, an action to recover damages, injunctive relief or any combination thereof.

IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictive Covenant as of the 29<sup>th</sup> day of September, 2014.

**BUYER:**

**ELLANU, LLP,**  
a Texas limited liability partnership

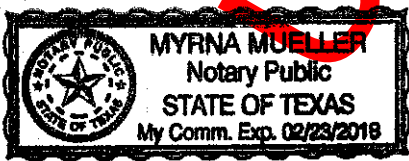
By: \_\_\_\_\_  
Name: Jason Conrad  
Title: Managing Partner

STATE OF TEXAS

COUNTY OF TARRANT

§  
§  
§

This instrument was acknowledged before me on the 29<sup>th</sup> day of September, 2014, by Jason Conrad, as Managing Partner of ELLANU, LLP, a Texas limited liability partnership, on behalf of said limited liability partnership.



Notary Public: Myrna Mueller  
Printed Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictive Covenant as of the 29<sup>th</sup> day of September, 2014.

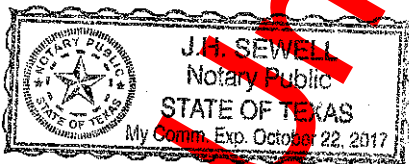
**SELLER:**

**Hwy. 360 Matlock Rd-Broad St Partnership,**  
a Texas partnership

By: *D. Jerrell Farr*  
Name: D. Jerrell Farr  
Its: Managing Partner

STATE OF TEXAS                    §  
   §  
COUNTY OF TARRANT       §

This instrument was acknowledged before me on the 29<sup>th</sup> day of September, 2014, by D. Jerrell Farr, as Managing Partner of Hwy. 360 Matlock Rd-Broad St Partnership, a Texas partnership, on behalf of said general partnership.



Notary Public: *J.H. Sewell*  
Printed Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**EXHIBIT "A" TO DECLARATION OF RESTRICTIVE COVENANT**

**Legal Description of the Restricted Property**

Being 5.733 acres of land located in the Jacob Back Survey, Abstract No. 126, Tarrant County, Texas, being a portion of the tract of land described in the deed to 360 Matlock Road-Broad Street Partnership, a Texas Limited Partnership, recorded in Volume 16224, Page 136, Deed Records, Tarrant County, Texas. Said 5.733 acres of land being more particularly described as follows:

BEGINNING at an 1/2" iron rod found in the East line of a tract of land described in the deed to the State of Texas recorded in Volume 10111, Page 1985, Deed Records, Tarrant County, Texas, being an angle point in the Westerly lines of Lot 1, Block 1, Mansfield ISD Athletic Complex, an addition to the City of Mansfield, Tarrant County, Texas according to the plat recorded in Cabinet A, Slide 10068, (County Clerks Instrument No. D205101057), Plat Records, Tarrant County, Texas, said 1/2" iron rod lying N13°05'22"E, a distance of 103.32 feet from the South corner of said Lot 1, being the Southeast corner of said State of Texas tract;

THENCE along said East line of said State of Texas Tract as follows:

1. N13°05'22"E, a distance of 599.83 feet to an 1/2" iron rod found;
2. Northerly, 395.14 feet along a non tangent curve to the right, having a radius of 2,261.83 feet, a central angle of 10°00'34" and a chord bearing N18°03'21"E, 394.63 feet to an 1/2" iron rod found at an angle point in said Westerly lines of Lot 1;

THENCE along said Westerly lines of Lot 1 as follows:

1. S66°56'22"E, a distance of 300.00 feet to an 1/2" iron rod found;
2. S18°03'16"W, a distance of 342.39 feet to an 1/2" iron rod found;
3. S13°05'22"W, a distance of 315.70 feet to an "X" set from which an "X" found lies N54°02'40"W a distance of 1.97 feet;
4. S59°38'06"W, a distance of 413.27 feet to the point of beginning, containing 5.733 acres of land.

The bearings recited hereon are oriented to NAD 83, North Central Texas Zone.

**EXHIBIT "B" TO DECLARATION OF RESTRICTIVE COVENANT**

**Legal Description of the Benefitted Property**

Being a tract of land located in the Jacob Back Survey, Abstract No. 126, City of Mansfield, Tarrant County, Texas, and being a portion of that certain tract of land described in deed to 360 Matlock Road Broad Street Partnership recorded in Volume 16224, Page 136 of the Deed Records of Tarrant County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rod set with orange plastic cap stamped "R COOMBS RPLS 5294" at the most Northerly corner of Lot 1, Block 1, Mansfield ISD Athletic Complex, an addition to the City of Mansfield, Texas according to the plat recorded in Cabinet A, Slide 10068 of the Plat Records of Tarrant County, Texas lying in the Southerly right-of-way line of East Broad Street (a variable width right-of-way) described as Tract One in deed to City of Mansfield recorded in Instrument No. D205216851, Tarrant County, Texas and lying at the Southerly end of a corner clip;

THENCE along the said Southerly right-of-way line of East Broad Street as follows:

N 17° 17' 54" E, 15.83 feet to a ½-inch iron rod set with orange plastic cap stamped "R COOMBS RPLS 5294" at the Northerly end of said corner clip;

N 61° 17' 54" E, 161.61 feet to a ½-inch iron rod set with orange plastic cap stamped "R COOMBS RPLS 5294";

THENCE S 28° 42' 06" E, 210.23 feet departing said right-of-way line to a ½-inch iron rod set with orange plastic cap stamped "R COOMBS RPLS 5294" in the Northerly boundary line of aforesaid Lot 1;

THENCE along the Northerly boundary line of said Lot 1 as follows:

S 61° 17' 54" W, 173.00 feet to a ½-inch iron rod set with orange plastic cap stamped "R COOMBS RPLS 5294";

N 28° 42' 06" W, 199.23 feet to the PLACE OF BEGINNING, containing 0.833 acre (36,307 square feet) of land.