

SUPPLEMENTARY DECLARATION NO. 31

RECORD

LAS COLINAS AREA XXXI  
DALLAS COUNTY, TEXAS

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15.00 DEED  
1 09/29/81

This Supplementary Declaration, made this 24<sup>th</sup> day of September, 1981 by LAS COLINAS CORPORATION, hereinafter called Declarant.

WITNESSETH

WHEREAS, Declarant executed a Declaration (the Declaration) on the 22nd of August, 1973 applicable to certain real property described in Exhibit "A" thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

WHEREAS, the Declaration was filed of record in Volume 73166, Page 1001 of the Deed Records of Dallas County, Texas, a Correction to Declaration was filed of record in Volume 77154, Page 1096, of the Deed Records of Dallas County, Texas, and a Second Correction to Declaration was filed of record in Volume 79122, Page 0749 of the Deed Records of Dallas County, Texas; and

WHEREAS, Article V of the Declaration (entitled Protective Covenants), as originally written and as modified by said previous Supplementary Declaration is applicable only to the real property described in said Exhibit "A" to the Declaration and in Exhibits to said previous Supplementary Declarations and not to additional real property which may be added to the scheme of the Declaration by subsequent Supplementary Declaration; and

WHEREAS, Article I, Section 3 of the Declaration permits the addition of additional property to the scheme thereof by filing a Supplementary Declaration of record, which Supplementary Declaration may modify Article V of the Declaration as it pertains to such additional property; and

WHEREAS, Declarant desires to so add additional property, located within the boundaries of the property described in Exhibit "B" to the Declaration, to the scheme of the Declaration and to so modify Article V of the Declaration as it pertains to said additional property;

NOW THEREFORE, LAS COLINAS CORPORATION, Declarant, hereby declares as follows:

1. That the real property described in Exhibit "A-31" attached hereto and incorporated herein by reference for all purposes (designated as Area XXXI for purposes of this Supplementary Declaration) is and shall be subject to the scheme of the Declaration, and is and shall be held, transferred, sold, conveyed, used, and occupied subject to covenants, restrictions, easements, charges, and liens set forth in the Declaration (the Declaration being incorporated herein by reference for all purposes) as modified herein.

2. That Article V of the Declaration is hereby modified by the addition thereto of the following Section 31, which shall be applicable only to Area XXXI.

Section 31. Covenants Applicable to Area XXXI. The following provisions shall be applicable to any and all construction, improvement, addition, or use of, in, or to Area XXXI of the properties:

a. Use Limitations. Sites in Area XXXI may be used for hotels, conference centers, sports and health facilities, private clubs, and related facilities. Such sites may also be used for retail sales, multifamily, single family, detached, or single family attached residential dwellings but only with the specific prior written approval of Declarant. The following uses of sites in Area XXXI are not permitted:

- (1) Warehouses and manufacturing.
- (2) Any use which involves a noxious odor or any excessive noise level.
- (3) Any use contrary to law or which violates any part of Section 31 of this Article V.
- (4) Overnight parking of campers, mobile homes, boats, trailers or motor homes.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry.

b. Minimum Setback Lines. No structure of any kind and no part thereof shall be placed within these setback lines:

- (1) 50 feet from MacArthur Blvd.
- (2) 25 feet from Mills Lane.
- (3) 10 feet from any interior property line.
- (4) 25 feet from any other public or private streets.

The following improvements are expressly excluded from this restriction:

- (1) Structures below and covered by the ground;
- (2) Steps, walks, driveways, and curbing;
- (3) Planters, walls, fences, or hedges, not to exceed 4 feet in height;
- (4) Landscaping;
- (5) Guardhouses;
- (6) Gate Houses;
- (7) Aerial pedestrian crossings or connections;
- (8) Canopies;
- (9) Relatively minor encroachments of adequately screened parking structures or parking areas.

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c. Parking Areas. Parking areas shall

- (1) Be curbed and guttered with 5" reinforced concrete or with 5" asphaltic concrete; both the reinforced concrete and the asphaltic concrete shall be placed on a 6" lime stabilized base.
- (2) Have a maximum grade slope of 5% and a minimum grade slope of 1½%.
- (3) Not be provided in front of any building line fronting a street.
- (4) Be adequately screened by use of berm, trees, landscaping or other means acceptable to the committee.
- (5) Be provided in a manner and location acceptable to Declarant, and be sufficient to accommodate all parking needs for employees, company vehicles, residents, and visitors without the use of onstreet parking. If parking needs increase, additional offstreet parking shall be provided by the owner. In no event shall less than one parking space be provided for each of the following as applicable:
  - i. 300 net square feet of office space;
  - ii. 250 net square feet of banking or retail store space;
  - iii. each hotel guest room;
  - iv. each 2½ restaurant or club seats;
  - v. each 3½ theatre, auditorium or assembly seats.

Declarant may grant exceptions to and/or variations from any part of paragraphs

b. or c. of this Section 31, provided that any such variations and/or exceptions must be in writing.

d. Driveways. Driveways shall

- (1) not intersect public roads, streets or thoroughfares within 30 feet of intersections.
- (2) Be constructed as specified in "c(1)" above.
- (3) Have a minimum width of 12 feet.

e. Signs. All signs must be approved by the Architectural

Control Committee in writing prior to installation. Normally, such approval will be limited to those signs which:

- (1) Identify the name and business of the occupant, or which give directions, or which offer the premises for sale or for lease.
- (2) Are not of an unusual size or shape when compared to the building or buildings on the premises.
- (3) Do not block or detract from adjacent property.
- (4) Preserve the quality and atmosphere of the area.

No signs, symbols, advertising insignia or similar items will be permitted on top of or on the face of buildings at a location higher than the area immediately above those levels where there are outside entrances into such buildings. Signs of a flashing or moving character and inappropriately colored signs will not be permitted. The Association shall have the right to enter on and remove any sign erected without such written approval.

f. Landscaping. Landscaping shall

- (1) Be required on all sites contemporaneously with completion of other improvements, but in no event later than 180 days after first occupancy or completion of buildings, whichever shall first occur.
- (2) Conform to a landscaping plan approved by the Committee pursuant to Article IV of the Declaration.

Normally, such approval will be limited to landscaping plans which:

- i. Provide automatic underground sprinkling systems for all landscaped areas;
- ii. Do not obstruct sight lines at street or driveway intersections;
- iii. Preserve existing trees to the extent practical;
- iv. Permit reasonable access to public and private utility lines and easements for installation and repair.

g. Screening.

(1) Storage areas, incinerators, storage tanks, trucks based on the premises, roof objects (including fans, vents, cooling towers, skylights and all roof mounted equipment which rises above the roof line), trash containers and maintenance facilities, shall either be housed in closed buildings or otherwise completely screened from public view in a manner and at a location approved in writing by the Architectural Control Committee. Such screening at ground level would normally include landscaping or permanent fences of solid materials and be located as far from property lines as reasonably possible.

(2) No antenna or tower shall be erected on any property for any purpose without prior written approval from the Architectural Control Committee.

(3) Any and all lines and/or wires for communication or for transmission of sound or current, not within a building shall be constructed or placed and maintained underground.

h. Loading Docks and Areas.

(1) Loading docks and areas shall not be located on the street side of any building or structure, except that the Architectural Control Committee may approve such location in writing (subject to express screening requirements).

(2) Loading areas may not encroach setback areas.

(3) Loading docks and areas shall be screened in a manner approved in writing by Declarant, considering such things as location and views from adjacent and nearby properties.

i. Exterior Illumination. All exterior illumination must conform to plans approved in writing by the Architectural Control Committee pursuant to Article IV of the Declaration.

j. Construction Standards.

(1) All building sides must be faced with face brick or stone, or with such other quality face materials as may be approved in writing by the Architectural Control Committee. Windows shall not be glazed or reglazed with mirrored or reflective glass without prior written approval of both the Architectural Control Committee and Declarant.

(2) Construction must conform to plans and specifications approved in writing by the Architectural Control Committee pursuant to Article IV of the Declaration. Normally, such approval will be limited to those plans which:

- i. Do not include wooden frames except in the case of single family or multi family residential dwellings;
- ii. Provide adequate fire protection systems;
- iii. Provide for all underground utilities (public and private);
- iv. Preserve the quality and atmosphere of the area and do not detract from adjacent property;
- v. Do not include exterior fire escapes;
- vi. Do not make extensive use of reflective or mirrored glass.

(3) Each commercial building, complex of buildings, or separate commercial business enterprise shall have a trash compactor on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, removing, and disposing of all such waste materials must be housed or screened in a manner approved in writing by the Architectural Control Committee. All facilities and plans for the disposal of wastes other than by public sewerage methods (such as shredding, compaction, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Control Committee.

(4) Each kitchen facility within a commercial building or complex of buildings shall contain a water flushing garbage grinder disposal.

(5) All structures will be equipped with gutters, downspouts, and/or other drainage conveyances.

(6) No excavation shall be made except in conjunction with construction of an improvement. When such improvement is completed, all exposed openings shall be back filled and graded.

(7) Once commenced, construction shall be diligently pursued to the end that it may not be left in a partly finished condition any longer than reasonably necessary.

(8) It shall be the responsibility of the owner to install in conjunction with the construction of any building, and at the owner's sole expense, a conduit separate from other conduits and for the sole purpose of permitting the connection of Las Colinas Association Communications System to an individual dwelling, building or other permanent facility. The termination points of the conduit, the conduit size and type, the type of pullwire or rope to be installed with the conduit shall be in accordance with plans and specifications approved in writing by the Architectural Control Committee of the Las Colinas Association.

3. The Declaration, except as expressly modified herein, remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first written above.

LAS COLINAS CORPORATION

BY: Ernest O. Perry, Jr.  
President

ATTEST:

[Signature]  
Assistant Secretary

COUNTY OF DALLAS §

STATE OF TEXAS §

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared ERNEST O. PERRY, JR., 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 LAS COLINAS CORPORATION 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 24th day of September 1981.

Michelle Mackie  
Notary Public in and for Dallas County, Texas

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EXHIBIT A-31

LAS COLINAS AREA XXXI

All of LAS COLINAS, SECTOR VI, PHASE 2, CONFERENCE CENTER/SPORTS CLUB, an Addition to the City of Irving, Dallas County, Texas, according to the Plat thereof recorded in Volume 81030, Page 537, of the Map Records of Dallas County, Texas.