

SUPPLEMENTARY DECLARATION NO. 110

LAS COLINAS AREA CX

DALLAS COUNTY, TEXAS A

1703

2

17.00 DEED
2 10/26/87

This Supplementary Declaration, made this 21st day of September, 1987 by LAS COLINAS CORPORATION, hereinafter called Declarant.

W I T N E S S E T H:

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, a Second Correction to Declaration was filed of record in Volume 79122, Page 0749 of the Deed Records of Dallas County, Texas, and a Third Correction to Declaration was filed of record in Volume 82071, Page 3244 of the Deed Records of Dallas County, Texas; and

WHEREAS, additional real property has been added to the scheme of the Declaration as contemplated in Article I, Section 3 thereof by recording Supplementary Declarations in the Deed Records of Dallas County, Texas; and

WHEREAS, Article V of the Declaration (entitled Protective Covenants), as originally written and as modified by the previous Supplementary Declarations is applicable only to the real property described in Exhibit "A" to the Declaration and in Exhibits to the previous Supplementary Declarations and not to additional real property which may be added to the scheme of the Declaration by subsequent Supplementary Declarations; 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 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 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-110" attached hereto and incorporated herein by reference for all purposes (designated as Area CX 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 110, which shall be applicable only to Area CX.

Section 110. Covenants Applicable to Area CX. The following provisions shall be applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CX of the Properties:

a. Use Limitations. Sites in Area CX may be used for office, warehousing, wholesaling, servicing, and distribution purposes and related facilities. Such sites may also be used for retail sales facilities but only with the specific prior written approval of Declarant. The following uses of sites in Area CX are not permitted:

- (1) Single family or multi-family residential dwellings.
- (2) Any use which involves a noxious odor, excessive emission of smoke, steam, or vapor, or any excessive noise level.
- (3) Any use contrary to law or which violates any part of this Section 110.
- (4) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in completely enclosed and screened areas.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry for commercial purposes.
- (6) Uses not expressly permitted hereinabove.

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

- (1) 30 feet from Walnut Hill Lane and new Colwell Drive rights-of-way.

- (2) 30 feet from any other public street right-of-way.

The following improvements are expressly excluded from this restriction:

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

Declarant may grant exceptions to and/or variations from any setback lines established in this paragraph b. of this Section 110, provided that any such variances or exceptions must be in writing.

c. Parking Areas. Parking areas shall:

- (1) Be curbed, guttered, and paved with a minimum of 5" reinforced concrete placed on a 6" lime stabilized base, or equivalent as approved by the Architectural Control Committee.
- (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 unless expressly approved in writing by the Architectural Control Committee, which Committee shall not approve parking in front of minimum setback lines.
- (4) Not be provided in front of minimum setback lines.
- (5) Be adequately screened by use of berms, trees, landscaping or other means acceptable to the Architectural Control Committee.
- (6) 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. 1,000 net square feet of warehouse area;
 - iii. 1,000 net square feet of wholesaling, servicing, and distribution areas; and

- iv. 250 net square feet of retail store space if such uses are approved by Declarant.

Declarant may grant exceptions to and/or variances from any part of this paragraph c., provided that any such variance and/or exception 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; provided, Declarant may grant exceptions to and/or variations from the restrictions in this sentence as long as same are in writing. Signs of a flashing or moving character or 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 Architectural Control 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 and include at least one tree for each 4,500 square feet of area between building lines and street property lines;
- 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 purposes 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, except for temporary above-ground electric and telephone lines installed by Declarant for temporary service pending installation of permanent underground service.

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, except that Declarant may approve such encroachments in connection with the approval of side street loading areas for corner buildings.
- (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. Illumination will be required on all exterior walls facing public streets or proposed public streets and for all parking areas and walkways between buildings and parking areas unless otherwise waived or modified by Declarant in writing. 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 and the spandrel area between window openings shall not be faced with a glass material without prior written approval of the Architectural Control Committee.
- (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 for multi-family residential buildings of three stories or less;
 - 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.
- (4) The collection, storage, sorting, removing, and disposing of all trash and 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 through public sanitary sewers (such other methods including, without limitation, shredding, compaction, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Control Committee.
- (5) Each kitchen facility shall contain a water flushing garbage grinder disposal.
- (6) All structures will be equipped with gutters, downspouts, and/or other drainage conveyances.
- (7) 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 The 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 and the physical routing and the depth of the conduit shall be in accordance with plans and specifications approved in writing by the Architectural Control Committee of The Las Colinas Association.
- (8) 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.

(9) 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.

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

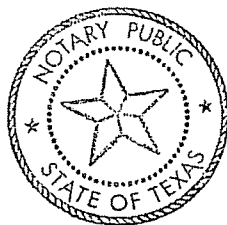
EXECUTED as of the day and year first written above.

LAS COLINAS CORPORATION

BY: David H. Brune
David H. Brune
Chief Development Officer

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on Oct. 22, 1987, by David H. Brune, Chief Development Officer of Las Colinas Corporation, -a Texas corporation, on behalf of said corporation.



Beverly J. Smith
Notary Public
Notary's Printed Name:
My commission expires:

BEVERLY J. SMITH, Notary Public, State of Texas
My Commission Expires 1/25/88

01311 2121

EXHIBIT "A-110"

LAS COLINAS AREA CX

BEING ALL OF LOT 1, BLOCK B OF LAS COLINAS SECTOR XI,
SIXTH INSTALLMENT, an Addition to the City of Irving,
Texas, according to the Plat thereof recorded in Volume
87199, Page 2967, of the Deed Records of Dallas County,
Texas.