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AMERICAN TITLE COMPANY  
6028 Beltline Road, Suite 250  
Dallas, TX 75254

LAS COLINAS AREA CLXXXVI

DALLAS COUNTY, TEXAS

This Supplementary Declaration, made effective as of the 19th day of March, 2003 by LAS COLINAS LAND LIMITED PARTNERSHIP, a Delaware limited partnership (Declarant)

W I I N E S S E I H:

- A. Declarant's predecessor in interest, Las Colinas Corporation (LCC), executed a Declaration (as previously corrected and supplemented the Declaration) on the 22nd of August, 1973, applicable to certain real property described in Exhibit "A" attached thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas
- B. 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
- C. LCC assigned all of its rights as "Declarant" under the Declaration to Declarant under a Corrected Assignment and Transfer of Rights of Declarant under Declaration dated as of June 29, 1989, recorded in Volume 92041, Page 0446, of the Deed Records of Dallas County, Texas.
- D. 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.
- E. 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.
- F. 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 the additional property.

- G. Declarant desires to add additional property located within the boundaries of the property described in Exhibit "A" to the Declaration to the scheme of the Declaration and to modify Article V of the Declaration as it pertains to the additional property.
- H. The following terms have the following definitions: Canal means the Lake Carolyn Canal; District means Dallas County Utility and Reclamation District; and Architectural Control Committee means the Architectural Control Committee of The Las Colinas Association

NOW THEREFORE, Declarant declares as follows:

- 1 The real property described in Exhibit "A-186" attached hereto and incorporated herein by reference for all purposes (designated as Area CLXXXVI 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 the 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 Article V of the Declaration is modified by the addition thereto of the following Section 186, which is applicable only to Area CLXXXVI:

Section 186. Covenants Applicable to Area CLXXXVI. The following provisions are applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CLXXXVI of the Properties:

- a Use Limitations. Sites in Area CLXXXVI may be used for multifamily residential purposes and for restaurants, health clubs, child care, and other retail sales and personal services facilities ancillary to the multifamily residential use and located within the main building in Area CLXXXVI. The following uses of sites in Area CLXXXVI are not permitted:
  - (1) Warehouses and manufacturing
  - (2) Any use which involves a noxious odor or any excessive noise level which constitutes a nuisance.
  - (3) Any use which violates any part of this Section 186.
- b. Minimum Setback Lines.
  - (1) No structure of any kind and no part thereof, other than encroachments as permitted by Section 52-44 of Irving Zoning Ordinance No. 1144, may be placed within these setback lines:
    - (A) 25 feet from Las Colinas Boulevard
    - (B) 25 feet from Wingren Drive.

- (C) 20 feet from the dry wall of the Canal
  - (D) 5 feet from any other internal public or private street
- (2) The following improvements are expressly excluded from this restriction:
- (A) Structures below and covered by the ground
  - (B) Steps, walks, driveways, stairs, and curbing
  - (C) Planters, walls, fences, or hedges, not to exceed four feet in height
  - (D) Landscaping.
  - (E) Guardhouses.
  - (F) Gatehouses.
  - (G) Aerial pedestrian crossings or connections.
  - (H) Canopies or balconies
  - (I) Minor encroachments of adequately screened parking structures or parking areas.
- (3) No parking area and no part thereof may be placed within these setback lines:
- (A) 25 feet from Las Colinas Boulevard.
  - (B) 25 feet from Wingren Drive.
  - (C) 20 feet from the dry wall of the Canal
  - (D) 5 feet from any other internal public or private street
- (4) Declarant may grant exceptions to or variances from any setback lines established in b(1) and b(3) above, provided that any variances or exceptions must be in writing.
- c. Minimum Building Height. The building or buildings in Area CLXXXVI must have a minimum height of at least 3 stories. Exceptions to or variances from this minimum height requirement may be granted only upon written approval of the Declarant.

- d. Minimum Habitable Building Floor Level. The lowest habitable floor level of any building, other than basement mechanical storage and parking levels, may not be lower than elevation 425.0 feet mean sea level (MSL). No opening through the outside wall of any building is permitted lower than elevation 425.0 feet MSL.
- e. Parking Areas. Parking areas shall:
- (1) Be curbed and guttered with concrete and paved with 5" reinforced concrete placed on a 6" lime stabilized base or an equivalent pavement section engineered by a registered professional engineer as approved by the Architectural Control Committee.
  - (2) For ground level surface parking, have a maximum grade slope of 6% and a minimum grade slope of 1%.
  - (3) Not be provided in front of the minimum parking setback lines established above, nor be provided in front of any building facing a public or private street unless expressly approved in writing by the Architectural Control Committee, which may not approve parking in front of minimum setback lines unless a written variance approving same is granted by Declarant.
  - (4) Be adequately screened by use of walls, berms, trees, landscaping or other means reasonably acceptable to the Architectural Control Committee in accordance with its customary use of discretion. Screening shall occur between all ground level surface parking areas (not to include entrances and exits), adjacent public and private streets and adjacent exterior boundary lines.
  - (5) Be sufficient to accommodate all parking needs for employees, company vehicles, customers and visitors without the use of onstreet parking. Parking shall meet or exceed the off-street parking requirements of the City of Irving, Development Codes, Zoning and Subdivision Ordinances as amended from time to time or as otherwise approved by the City of Irving.

Declarant may grant exceptions to or variances from any part of this subsection e [other than compliance with the parking requirements of the City of Irving as set forth in part (5)], provided that any exceptions or variances must be in writing.

f. Driveways. Driveways must:

- (1) Be constructed as specified in paragraph e(1) above
- (2) Have a minimum width of 12 feet or a minimum 10 foot width for each lane.

- g. Signs All signs must be approved by the Architectural Control Committee in writing prior to installation. Normally, approval will be limited to those signs that:
- (1) Identify the name and business of the occupant, or give directions, or 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) Preserve the quality and atmosphere of the area.

For multi-family residential projects, two (2) temporary banners, constructed of vinyl covered canvas, limited in size to five (5) feet by twenty (20) feet each, may be mounted on the building no higher than 24 feet from the top of the banner to ground level, or on a construction trailer, and shall be allowed to remain in place for a period of one hundred-fifty (150) days. The temporary banners shall be placed on the primary street side of the project. This provision applies to the initial construction and occupancy of the project and in no case are the temporary banners to be displayed for longer than sixty (60) days after the final certificate of occupancy for the project is granted by the City of Irving.

No signs, symbols, advertising insignia or similar items are permitted on top of or on the face of buildings at a location higher than the area immediately above those levels where there are ground level outside entrances into the buildings; provided, Declarant may grant exceptions to or variances from the restrictions in this sentence as long as they are in writing. Signs of a flashing or moving character or inappropriately colored signs are not permitted. The Association may, but is not obligated to, remove any sign erected without written approval.

h. Landscaping. Landscaping must:

- (1) Be completed on all sites contemporaneously with completion of other improvements, but in no event later than 180 days after first occupancy of buildings.
- (2) Conform to a landscaping plan approved by the Architectural Control Committee under Article IV of the Declaration. Normally, approval will be limited to landscaping plans that:
  - (A) Provide automatic underground sprinkling systems for all landscaped areas;
  - (B) Permit reasonable access to public and private utility lines and easements for installation and repair; and
  - (C) Include at least one tree for each 4,500 square feet of area between exterior building walls (including parking structures) and

public or private street right-of-way lines and adjacent boundary lines.

- (3) Owners of sites adjacent to the Canal must provide landscaping, including hardscape structures and walks as well as plant materials, within the property owned by the District along that portion of the Canal adjacent to their respective sites in accordance with plans submitted by the owners and subjectively approved by the Board of Directors of the District and the Architectural Control Committee. The adjacent property Owner shall maintain the improvements in that portion of land along the Canal in accordance with standards established from time to time by the District and the Association.
- (4) Owners shall provide landscaping, including hardscape structures and walks as well as plant materials within the area adjacent to any public or private street, in accordance with plans submitted by the Owners and subjectively approved by the Architectural Control Committee. Owners shall maintain the improvements within these areas in accordance with standards established from time to time by the Association.

i. Screening.

- (1) Storage areas, incinerators, storage tanks, vehicles based on the premises, roof objects (including fans, vents, cooling towers, skylights and all roof mounted equipment which rise above the roof line), and maintenance facilities must either be housed in closed buildings or otherwise screened from public view in a manner and at a location approved in writing by the Architectural Control Committee. Screening at ground level would normally include landscaping, earthen berms or permanent walls of comparable building materials and be located as far from property lines as reasonably possible.
- (2) Trash containers may be placed at the front entrance to the building, but must be screened from public view by permanent walls constructed of stucco or other Approved Masonry Materials (hereafter defined) and the use of opaque decorative metal access gate(s), all as approved in writing by the Architectural Control Committee.
- (3) Except as otherwise governed by Federal statutes and/or rulings and regulations of the Federal Communications Commission applicable to the use of antennas by residents of multi-family residential complexes, antennas, including, without limitation, dish type antennas, and towers must be approved by the Architectural Control Committee, which may consider things like size, location, and ability to screen the antenna(s) and tower(s) from view from adjacent properties and from public or private streets and highways.

j Loading Docks and Areas

- (1) Loading docks may not be located on the street-side of any building or structure, except that either the Declarant or the Architectural Control Committee may approve a street-side location in writing (subject to express screening requirements).
- (2) Loading areas may be located on the street-side of any building or structure for the limited purpose of short-term loading and unloading of furniture, appliances and other personal belongings of residents of the building during move-in or move-out, but not otherwise.
- (3) Loading areas may not encroach setback areas, except that Declarant may give written approval for such encroachments
- (4) Loading docks and areas must be screened in a manner approved in writing by the Architectural Control Committee considering factors like location and views from adjacent and nearby properties and public rights-of-way.

Declarant may grant exceptions to or variances from any part of this subsection j., provided that any exceptions or variances must be in writing.

- k. Exterior Illumination. Illumination is required for all exterior building walls that face existing or proposed public or private streets, the Canal 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.

l Special Canal Front Requirements.

- (1) Development plans and architectural plans for building and parking garage structures facing on the Canal must:
  - (A) Provide attractive facades facing on the Canal; and
  - (B) Provide public pedestrian access at the Canal level and around the perimeter of the site.
- (2) Automobile parking areas (ground floor and next three levels only), loading docks, cooling towers, antennas, and other similar equipment and installations shall be screened from view from the Canal and from boats traveling on the Canal, as specified in paragraph 2.i. above.
- (3) Driveways viewed from the Canal must be minimized and carefully landscaped so that views of vehicles from across the Canal and from boats traveling on the Canal are minimized.

- (4) Special attention must be given to landscaping and its drainage in all areas that lie between building structures and the Canal, and must conform to plans and specifications approved by the District and the Architectural Control Committee. Owners shall maintain the improvements within these areas in accordance with standards established from time to time by the District and the Association.
- (5) Boat docking, loading and unloading facilities, and storm sewers and storm sewer discharge structures, may be constructed only at locations approved in writing by the Board of Directors of the District, and the facilities must conform to designs approved by the District. All roof drainage and other collected storm water run-off must be carried into either a public storm sewer facility or into the Canal in a manner subjectively approved by the District. All discharge structures into the Canal for all collected storm water run-off must be below elevation 417.0 feet MSL and must be subjectively approved by the District.

m Construction Standards.

- (1) All building sides must be faced with stucco, face brick, stone, architectural precast or with similar quality face materials approved in writing by the Architectural Control Committee (collectively, **Approved Masonry Materials**), except that exterior insulation and finish systems (EIFS) may be used as an architectural feature or trim element for doors, windows or other openings. Cementitious siding may be used as a façade material at internal locations not visible from any public street or the canal. Windows may not be glazed or reglazed with mirrored or reflective glass and the spandrel area between window openings may not be faced with a glass material without prior written approval of both the Architectural Control Committee and Declarant.
- (2) The exterior facade of all buildings, including garage structures, at ground or street level facing Las Colinas Boulevard, Wingren Drive or any other public or private drive must be of an attractive design approved by either Declarant or the Architectural Control Committee.
- (3) Subject to the provisions in m(1) above, construction must conform to plans and specifications approved in writing by the Architectural Control Committee under Article IV of the Declaration. Normally, approval will be limited to those plans which:
  - (A) Do not include wooden frames except in multifamily structures of 4 stories or less.
  - (B) Preserve the quality and atmosphere of the area and are compatible and harmonious with improvements on adjacent property.



- (C) Do not include exterior fire escapes.
- (4) Facilities for the collection, storage, sorting, removing, and disposing of all waste materials must be housed or screened in a manner approved in writing by either Declarant or the Architectural Control Committee. All facilities and plans for the disposal of wastes other than through public sanitary sewers (including, without limitation, shredding, compaction, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Control Committee and the District.
  - (5) All structures, excluding balconies, must be equipped with gutters, downspouts, or other drainage conveyances approved by the Architectural Control Committee.
  - (6) All utility lines (public or private) shall be underground.
  - (7) Once commenced, construction must be diligently pursued so it is not left in a partly finished condition for a period longer than ninety (90) days without written approval from the Architectural Control Committee.
3. No approval of plans and specifications and no publication of requirements or guidelines herein or in the Declaration or otherwise by the Association or the Architectural Control Committee or granting of any exceptions or variances by Declarant may be construed as representing or implying that improvements built in accordance therewith will be free of defects or comply with applicable laws or ordinances. Any approvals and observations incident thereto concern matters of an aesthetic nature. No approvals and guidelines may be construed as representing or guaranteeing that any improvements built in accordance therewith will be designed or built in a good and workmanlike manner. The granting of any exceptions or variances by Declarant shall be in Declarant's sole discretion. Declarant, the Association, their respective directors, officers, employees, and agents, the Architectural Control Committee, and members of the Architectural Control Committee are not responsible or liable in damages or otherwise to anyone submitting plans and specifications for approval or to any owner of land subject to the Declaration for any defects in any plans or specifications submitted, revised, or approved, any loss or damages to any person arising out of approval or disapproval or failure to approve or disapprove any plans or specifications, any loss or damage arising from the noncompliance of the plans or specifications with any governmental ordinance or regulation, or any defects in construction undertaken pursuant to the plans and specifications. Approval of plans and specifications by the Architectural Control Committee may not be construed as approval by the City of Irving, Texas, as the approval processes are mutually exclusive. Unconditional approval of a complete set of plans and specifications by the Architectural Control Committee satisfies the requirements of all applicable subsections of this Supplementary Declaration that require written approval by the Architectural Control Committee for the plans and specifications. Any determination made by Declarant under this Supplementary Declaration, and the grant or denial of any exception or variance by Declarant under this Supplementary Declaration, is in Declarant's sole discretion.

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

EXECUTED as of the day and year first written above.

LAS COLINAS LAND LIMITED PARTNERSHIP,  
a Delaware limited partnership

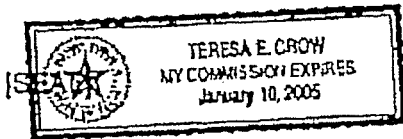
By: Cousins Properties Services LP,  
a Texas limited partnership, Manager

By: Cousins Properties Services, Inc.,  
a Georgia corporation, its General Partner

By: Charles E. Cotten  
Charles E. Cotten,  
Senior Vice President

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS         §

This instrument was acknowledged before me on March 17<sup>th</sup>, 2003, by Charles E. Cotten, Senior Vice President of Cousins Properties Services, Inc., a Georgia corporation, as General Partner of Cousins Properties Services, LP, a Texas limited partnership, Manager of Las Collnas Land Limited Partnership, a Delaware limited partnership, on behalf of said corporation and partnerships.



Teresa E. Crow  
Notary Public in and for  
the State of Texas

EXHIBIT "A-186"

LAS COLINAS AREA CLXXXVI

BEING a 4.969 acre tract of land situated in the City of Irving, Dallas County, Texas, in the ELIZABETH CROCKETT SURVEY, ABSTRACT NO. 217 and the S.A. & M.G. R.R. SURVEY, ABSTRACT NO. 1462, said 4.969 acre tract being more particularly described as follows:

BEGINNING at a ½ inch iron rod set in the southwesterly right-of-way line of Las Colinas Boulevard (a 100 foot right-of-way) at the most easterly corner of the southeasterly right-of-way line of Wingren Boulevard (a 100 foot right-of-way), all as shown in Installment Number Three of Public Right-of-Way & Easement Dedication for Las Colinas Urban Center recorded in Volume 80018, Page 0019, Map Records of Dallas County, Texas;

THENCE along the southwesterly right-of-way line of said Las Colinas Boulevard, South 45° 00' 00" East, passing the most southeasterly line of said Installment Number Three, same being the most northwesterly line of Installment Number Five of Public Right-of-Way & Easement Dedication for Las Colinas Urban Center as described by plat recorded in Volume 80246, Page 2835, Map Records, Dallas County, Texas, at a distance of 92.71 feet, continuing in all a total distance of 108.73 feet to a ½ inch iron rod set for the point of curvature of a curve to the right having a radius of 1382.39 feet, a chord distance of 355.35 feet and a chord bearing of South 37° 36' 56" East;

THENCE continuing along said southwesterly right-of-way line, the following:

Southeasterly with said curve to the right through a central angle of 14° 46' 08" for an arc length of 356.34 feet to a ½ inch iron rod set for the point of tangency;

South 30° 13' 51" East, a distance of 336.17 feet to a ½ inch iron rod set for the most northerly corner of the Northwesterly Stair Structure at Bridge "D" on Las Colinas Boulevard as described by deed recorded in Volume 83079, Page 0506, Deed Records of Dallas County, Texas;

THENCE along the northwesterly and southwesterly line of said Stair Structure, the following:

South 59° 46' 09" West, a distance of 30.00 feet to a 5/8 inch iron rod found for corner;

South 30° 13' 51" East, a distance of 33.00 feet to a ½ inch iron rod set for corner, being 10 feet from the back (dry) side of a canal wall;

THENCE 10 feet from, parallel and concentric with said back (dry) side of the canal wall, the following:

South 59° 41' 22" West, a distance of 179.75 feet to a ½ inch iron rod set for the point of curvature of a curve to the right having a radius of 40.00 feet, a chord distance of 56.59 feet and a chord bearing of North 75° 17' 23" West;

Northwesterly with said curve to the right through a central angle of 90° 02' 32" for an arc length of 62.86 feet to a ½ inch iron rod set for the point of tangency on the northeasterly line of a tract

of land conveyed to Dallas County Utility and Reclamation District as described by deed recorded in Volume 82117. Page 1045. Deed Records. Dallas County, Texas;

THENCE 10 feet from, parallel and concentric with the back (dry) side of a canal wall, and along said northeasterly line. the following:

North 30° 16' 08" West, a distance of 329.00 feet to a ½ inch iron rod set for the point of curvature of a curve to the left having a radius of 1132.39 feet, a chord distance of 290.38 feet and a chord bearing of North 37° 38' 08" West;

Northwesterly with said curve to the left through a central angle of 14° 43' 59" for an arc length of 291.18 feet to a ½ inch iron rod set for the point of tangency;

North 45° 00' 07" West, a distance of 175.41 feet to a ½ inch iron rod set for the point of curvature of a curve to the right having a radius of 2148.70 feet, a chord distance of 18.49 feet and a chord bearing of North 44° 45' 56" West;

Northwesterly with said curve to the right through a central angle of 00° 29' 35" for an arc length of 18.49 feet to a ½ inch iron rod set for corner in the aforementioned southeasterly right-of-way line of Wingren Boulevard;

THENCE along the southeasterly right-of-way line of said Wingren Boulevard the following:

North 50° 17' 57" East, a distance of 190.57 feet to a ½ inch iron rod set for the point of curvature of a curve to the right having a radius of 65.67 feet. a chord distance of 89.88 feet and a chord bearing of South 87° 19' 04" East;

Southeasterly with said curve to the right through a central angle of 86° 21' 38" for an arc length of 98.98 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 216, 651 square feet or 4 969 acres of land, more or less.

Capital Square  
COUNTY CLERK, DALLAS COUNTY, TEXAS



MAR 19 2003

NOTICE TO CREDITORS  
IN PROBATE CASE NO. 03-100001  
STATE OF TEXAS  
COUNTY OF DALLAS  
The undersigned, being duly qualified and sworn, do hereby certify that the within and foregoing is a true and correct copy of the original as submitted to the undersigned for filing in the above and entitled case.

CYNTHIA FIGUEROA CALHOUN  
COUNTY CLERK  
DALLAS COUNTY  
2003 MAR 19 PM 3:58

FILED

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