

SUPPLEMENTARY DECLARATION NO. 86

LAS COLINAS AREA LXXXVI

DALLAS COUNTY, TEXAS

This Supplementary Declaration, made this 21st day of October 1985 by LAS COLINAS CORPORATION, hereinafter called Declarant. DEED 10/22/85

WHEREAS, Declarant executed a Declaration (the Declaration) on the 22nd of August, 1973 applicable to certain real property described in Exhibit "A" there-to 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 corrected by Third Correction to Declaration dated March 1, 1982 and recorded in Volume 82071, Page 3241 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-86" attached hereto and incorporated herein by reference for all purposes (designated as Area LXXXVI 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 86, which shall be applicable only to Area LXXXV:

Section 86. Covenants Applicable to Area LXXXVI. The following provisions shall be applicable to and all construction, improvement, alteration, addition, or use of, in, or to Area LXXXVI of the Properties:

a. Use Limitations. Sites in Area LXXXVI may be used for open space and flood control purposes. Sites in Area LXXXVI may be used for multifamily residential, single family residential dwellings, office, hotel, restaurant, and other retail sale purposes only with the prior written approval of Declarant. The following uses of sites in Area LXXXVI are not permitted:

- (1) Warehouses, manufacturing, and gasoline service stations.
- (2) Any use which involves a noxious odor, excessive emission of smoke, steam, or vapor, or an excessive noise level.
- (3) Any use contrary to law or which violates any part of Section 86 of this Article V.
- (4) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in covered and enclosed areas.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry other than two household pets per unit.
- (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) 50 feet from Meadowcreek Circle right of way.
- (2) 25 feet from any other public or private street property line.
- (3) 35 feet from any other property lines.

The following improvements are expressly excluded from this setback restriction:

- (a) Structures below and covered by the ground.
- (b) Steps, walks, driveways, and curbing.
- (c) Planters, walls, fences or hedges, not to exceed 4 feet in height.
- (d) Landscaping.
- (e) Any other improvements approved in writing by Declarant. Roofed structures, other than the following, may in no event be so approved:

- i. guardhouses;
- ii. gate houses;
- iii. adequately screened parking structures.

Declarant may grant exceptions to and/or variations from any part of paragraph "b" of this Section 86 provided that any such variations and/or exceptions must be in writing.

c. Parking Areas. Parking areas shall:

- (1) Be curbed, guttered, and paved 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 7 $\frac{1}{2}$ % and a minimum grade slope of 1 $\frac{1}{2}$ %.
- (3) Not be provided in front of minimum setback lines.
- (4) Not be provided in front of any building line fronting any public thoroughfare unless expressly so approved in writing by the Architectural Control Committee which Committee may not approve such parking in front of minimum setback lines.
- (5) Be adequately screened by use of berm, 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 on street parking. If parking needs increase, additional off street 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:
 - (a) 300 gross square feet of office space;
 - (b) 250 gross square feet of banking or retail store space;
 - (c) Each hotel or motel guest room;
 - (d) Each 2 $\frac{1}{2}$ restaurant or club seats;
 - (e) Each 3 $\frac{1}{2}$ theatre, auditorium, or assembly seats;
 - (f) 1.2 for each one bedroom dwelling unit.
 - (g) 2.0 for each two bedroom dwelling unit.
 - (h) 0.5 for each bedroom in excess of two.

In no event shall there be less than 2.5 parking spaces per multifamily dwelling unit.

Declarant may grant exceptions to and/or variations from any part of paragraph "c" of this Section 86 provided that any such variations and/or exceptions must be in writing.

d. Driveways. Driveways shall

- (1) Not intersect roads, streets, or thoroughfares within 30 feet of intersections.
- (2) Be constructed as specified in "c(1)" above except that reinforced concrete shall be used in construction between building lines and streets.
- (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 project above the roof line of a building or in front of the setback line.
- (4) Do not block or detract from adjacent property.
- (5) 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 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 Architectural Control Committee pursuant to Article IV of the Declaration. Normally, such approval will be limited to landscaping plans which:
 - (a) Provide automatic underground sprinkling systems for all landscaping areas;
 - (b) Do not obstruct sight lines at street or driveway intersections;
 - (c) Preserve existing trees to the extent practical;
 - (d) Include at least one tree for each 4,500 square feet of area between building lines and street property lines;
 - (e) 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 would normally include landscaping or permanent fences of solid materials and be located as far from property lines as reasonably possible. Such screening may not be required for roof fans, vents, and skylights which do not extend more than 18 inches above roof lines of warehousing, manufacturing, assembling, processing, or servicing facilities, if, in the sole judgment of the Architectural Control Committee (confirmed in writing), such fans, vents, or skylights are architecturally acceptable and do not detract from the quality of the area or from the external appearance of the structure.
- (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. Declarant may, at its sole discretion, install temporary above ground electric and telephone service lines for the purpose of providing 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 encroachment 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 (street side, rear, etc.) and views from adjacent and nearby properties.

i. Non-Residential Exterior Illumination. Illumination will be required on all exterior walls of non-residential structures 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. Non-Residential 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 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:
- (a) Do not include wooden frames, except in the case of multifamily or single family residential structures;
 - (b) Provide adequate fire protection systems;
 - (c) Provide for all underground utilities (public and private);
 - (d) Preserve the quality and atmosphere of the area and do not detract from adjacent property;
 - (e) Do not include exterior fire escapes;
 - (f) Do not make extensive use of reflective or mirrored glass;
- (3) Each dwelling unit shall contain a trash compactor and a water flushing garbage grinder disposal.
- (4) Each commercial building, complex or 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.
- (5) Each kitchen facility within a commercial building or complex of buildings 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 dwelling, building, or other permanent facility, 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 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.

k. Residential Construction Standards. The main structure on all lots or multifamily sites shall meet with the following requirements (except as modified by The Las Colinas Association's Architectural Control Committee):

- (1) The foundation system shall be designed by a Registered Professional Engineer based on recommendations given in a soils report prepared by a soils engineering firm. The soils investigation and analysis, and the design of the foundation system, shall be made by registered professional engineers. In all circumstances, no less than the following requirements shall be met:
 - i. Any pier and beam foundation system shall be designed utilizing the information provided in the soils report. All soils reports shall include recommendations for type, size, and depth of pier, number and size of reinforcing steel within the piers, and method and extent of isolation of foundation beams from adjacent soil.
 - ii. Slab on grade foundation system may only be utilized for the garage floor, and have no structural supports to main living structure or roof, and be "floating" free of all pier and beam construction.
 - iii. Any swimming pool shall be designed utilizing the recommendations given by the soils engineer with surface and subsurface drainage provided.
- (2) No roof shall have composition type shingles, without prior written approval of The Las Colinas Association's Architectural Control Committee.
- (3) The exposed exterior wall area, exclusive of door, window, and covered porch area, shall be at least 75% masonry, masonry veneer, or other low maintenance material approved by the Architectural Control Committee.
- (4) Complete guttering must be installed on all houses with downspouts carried to an outfall well away from the foundation.
- (5) Garages, tool sheds, and all other outbuildings are to be given the same architectural treatment and be constructed of the same materials as the main structure.
- (6) No exterior alterations of any existing building may be permitted without the prior approval of The Las Colinas Association's Architectural Control Committee. No additional windows, platforms, etc., which may invade the privacy of adjacent dwellings are permitted.
- (7) Any and all lines or wires for communication or for transmission of current outside of the building shall be constructed, placed and maintained underground.
- (8) It shall be the responsibility of the owner to install, in conjunction with the construction of any dwelling, 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 Communication 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 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.
- (9) No exterior light shall be installed or maintained on any lot or site which light is found to be objectionable by the Las Colinas Association's Architectural Control Committee. Upon being given notice by the Association that any exterior light is objectionable, the owner of the lot or site on which same is located will immediately remove said light or have shielded in such a way that it is no longer objectionable.

- (10) Mailboxes shall be of a design and located as approved by the Architectural Control Committee.
- (11) Each dwelling shall contain a trash compactor and a water flushing garbage grinder disposal.
- (12) 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.

1. Administrative and General.

- (1) If any paragraph, section, sentence, clause, or phrase of this Declaration shall be or become illegal, null, or void for any reason, or shall be held by any court of competent jurisdiction to be illegal, null, or void, the remaining paragraphs, sections, sentences, clauses, or phrases of this Declaration shall continue in full force and effect and shall not be affected thereby.
- (2) In the event of a violation or breach of any of these restrictions by any person or concern, Declarant and/or the Association, through their duly designated representatives, and the owners of the lots, or any of them, jointly or severally, shall have the right to immediately proceed at law or in equity to compel compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing right, Declarant, and/or the Association, through their duly designated representatives, shall have the right, whenever there shall have been built on any lot any structure which is in violation of these restrictions, to enter upon the lot where such violation exists and summarily abate or remove the same at the expense of the owner, and such entry and abatement shall not be considered a trespass.

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.

ATTEST:

LAS COLINAS CORPORATION

B. Carl Klink
Secretary
B. Carl Klink

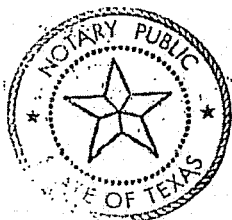
Ernest O. Perry, Jr.
Ernest O. Perry, Jr. | President

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 21st day of October, 1985.



Beverly J. Smith
Notary Public
BEVERLY J. SMITH
Notary's Printed Name
1-28-88
My Commission Expires

EXHIBIT "A-86"
LAS COLINAS AREA LXXXVI
LOT NO. 9

BEING a 16.587 acre tract of land situated in the City of Irving, Dallas County, Texas out of the Wm. Bennett Survey, Abstract Number 147, the S.L. Wheeler Survey, Abstract Number 597 and being out of the 172.36 acre tract conveyed to Las Colinas Corporation as recorded in Volume 71103, Page 1577, Deed Records of Dallas County, Texas, and out of the 400.03 acre tract conveyed to Las Colinas Corporation as recorded in Volume 69040, Page 1582, Deed Records of Dallas County, Texas, and being Lot No. 9, a private greenbelt of Las Colinas, Sector VIII, Second Installment as recorded in Volume 83105, Page 2349, Deed Records of Dallas County, Texas, said 16.587 acre tract being more particularly described as follows:

COMMENCING at the intersection of the northwest cut-back line of Meadow Creek Circle South (a 100 foot wide R.O.W.) as recorded in Volume 83079, Page 0539, Deed Records of Dallas County, Texas and the west right-of-way line of MacArthur Blvd. (a 100 foot wide R.O.W.) as recorded in Volume 80246, Page 2860, Deed Records of Dallas County, Texas;

THENCE along said Meadow Creek Circle South, the following:

South 45°04'43" West, a distance of 22.44 feet to a point for corner;

North 88°32'09" West, a distance of 102.32 feet to the point of curvature of a curve to the right having a radius of 1156.23 feet;

Northwesterly with said curve to the right through a central angle of 10°00'00", an arc distance of 201.80 feet (a chord bearing of North 83°32'09" West, a chord distance of 201.54 feet) to the point of reverse curvature of a curve to the left having a radius of 1372.21 feet;

Northwesterly with said curve to the left through a central angle of 17°30'00", an arc distance of 419.12 feet (a chord bearing of North 87°17'09" West, a chord distance of 417.49 feet) to the point of tangency;

South 83°57'51" West, a distance of 36.00 feet to the point of curvature of a curve to the right having a radius of 475.65 feet;

Northwesterly with said curve to the right through a central angle of 67°30'00", an arc distance of 560.36 feet (a chord bearing of North 62°17'09" West, a chord distance of 528.51 feet) to the point of tangency;

North 28°32'09" West, a distance of 325.62 feet to the POINT OF BEGINNING, said point being the southeast corner of the aforementioned Lot No. 9;

THENCE continuing with said Meadow Creek Circle South right-of-way, as follows:

North 28°32'09" West, a distance of 118.83 feet to the point of curvature of a curve to the left having a radius of 1425.10 feet;

Northwesterly with said curve to the left through a central angle of 32°00'00", an arc distance of 795.93 feet (a chord bearing of North 44°32'09" West, a chord distance of 785.62 feet) to the point of tangency;

North 60°32'09" West, a distance of 310.70 feet to the point of curvature of a curve to the right having a radius of 250.00 feet;

Northeasterly with said curve to the right through a central angle of 183°20'00", an arc distance of 799.94 feet (a chord bearing of North 31°07'51" East, a chord distance of 499.79 feet) to the point of tangency;

South 57°12'09" East, a distance of 429.02 feet to a point of curvature of a curve to the right having a radius of 1223.24 feet;

Southeasterly with said curve to the right through a central angle of $21^{\circ}00'00''$, an arc distance of 448.34 feet (a chord bearing of South $46^{\circ}42'09''$ East, a chord distance of 445.84 feet) to the point of tangency;

South $36^{\circ}12'09''$ East, a distance of 100.67 feet to the point of curvature of a curve to the left having a radius of 698.63 feet;

Southeasterly with said curve to the left through a central angle of $27^{\circ}21'39''$, an arc distance of 333.62 feet (a chord bearing of South $49^{\circ}52'57''$ East, a chord distance of 330.45 feet) to the northeast corner of the aforementioned Lot No. 9;

THENCE departing said right-of-way line, along the easterly line of Lot No. 9, the following:

South $26^{\circ}26'12''$ West, a distance of 127.57 feet to a point for corner;

South $35^{\circ}23'26''$ West, a distance of 110.33 feet to a point for corner;

South $33^{\circ}42'51''$ West, a distance of 140.00 feet to a point for corner;

South $78^{\circ}32'51''$ West, a distance of 140.00 feet to a point for corner;

South $33^{\circ}00'00''$ West, a distance of 76.70 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 16.587 acres (722,510 sq. ft.) of land, more or less.

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EXHIBIT "A-86"
LAS COLINAS AREA LXXXVI
LOT NO. 10

BEING a 9.194 acre tract of land situated in the City of Irving, Dallas County, Texas, and being a portion of the S.L. Wheeler Survey, Abstract Number 1597 and the Wm. Foreman Survey, Abstract Number 472 and a out of a 400.03 acre tract conveyed to Las Colinas Corporation as recorded in Volume 69040, Page 1582, Deed Records of Dallas County, said 9.194 acre tract being more particularly described as follows:

BEGINNING at the point of intersection at the west right-of-way line of MacArthur Blvd. (a 100 foot right-of-way as recorded in Volume 80246, Page 2860, Deed Records of Dallas County) with the southwest cut-back line of Meadow Creek Circle North (a 100 foot right-of-way as dedicated by plat in Volume 83079, Page 0539, Deed Records of Dallas County, Texas), said point being in a curve to the right having a radial line bearing South 73°33'14" West, a distance of 1621.99 feet;

THENCE with the west right-of-way line of MacArthur Blvd., the following:

Southeasterly with said curve to the right through a central angle of 16°36'27", an arc distance of 470.14 feet (a chord bearing of South 08°08'32" East, a chord distance of 468.50 feet) to the point of tangency;

South 00°09'41" West, a distance of 38.92 feet to a point for corner, said point being the northeast corner of proposed Lot No. 6 of Las Colinas Sector VIII;

THENCE with the northerly line of Lot No. 6 the following:

North 89°48'53" West, a distance of 486.06 feet to a point for corner;

South 85°11'20" West, a distance of 355.43 feet to a point for corner;

North 55°09'50" West, a distance of 365.49 feet to a point in the easterly line of Lot No. 9, a Private Greenbelt of Las Colinas, Sector VIII, Second Installment as recorded in Volume 83105, Page 2349, Deed Records of Dallas County, Texas;

THENCE with the easterly line of said Lot No. 9, the following:

North 33°42'51" East, a distance of 2.60 feet to a point for corner;

North 35°23'26" East, a distance of 110.33 feet to a point for corner;

North 26°26'12" East, a distance of 127.57 feet to a point in the southerly right-of-way line of the aforementioned Meadow Creek Circle North having a radial line bearing North 26°26'12" East a distance of 698.63 feet;

THENCE with the southerly right-of-way line of said Meadow Creek Circle North, the following:

Southeasterly with said curve to the left through a central angle of 17°23'21", an arc distance of 212.03 feet (a chord bearing of South 72°15'27" East, a chord distance of 211.33 feet) to the point of tangency;

South 80°57'09" East, a distance of 20.00 feet to the point of curvature of a curve to the left having a radius of 548.22 feet;

Northeasterly with said curve to the left through a central angle of 30°00'00", an arc distance of 287.05 feet (a chord bearing of North 84°02'51" East, a chord distance of 283.78 feet) to the point of tangency;

North 69°02'51" East, a distance of 458.57 feet to a point;

South 63°41'57" East, a distance of 22.77 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 9.194 acres (400,380 sq. ft.) of land, more or less.

4762 20298

FILED
Earl Bullock
COUNTY CLERK,
DALLAS COUNTY
1985 OCT 22 PM 2:24

STATE OF TEXAS COUNTY OF DALLAS
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly re-
corded in the volume and page of the named records
of Dallas County, Texas as stamped hereon by me.



OCT 22 1985
Earl Bullock
COUNTY CLERK, Dallas County, Texas

When Recorded Return to
B. Carl Klinke
P. O. Box 610208
DFW Station
Dallas, Texas 75261-0208