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SUPPLEMENTARY DECLARATION NO. 145

LAS COLINAS AREA CXXXXV

DEED TOTL 35.0
DALLAS COUNTY, TEXAS ADDI 8201 0000000 6994 11:26AM 12/27/9

22nd Date

This Supplementary Declaration is made this ~~15th~~ day of December, 1995 by LAS COLINAS LAND LIMITED PARTNERSHIP, hereinafter called Declarant. 2100723

10/28/97 721597 $39.00
Deed

W I T N E S E T H:

WHEREAS, 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" 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, LCC assigned all of its rights as "Declarant" under the Declaration to Declarant pursuant to 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; and

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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 such property being 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 the additional property;

NOW, THEREFORE, Declarant declares as follows:

1. That the real property described in Exhibit "A-145" attached hereto and incorporated herein by reference for all purposes (designated as Area CXXXXV 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,

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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 modified by the addition thereto of the following Section 145, which shall be applicable only to Area CXXXXV.

Section 145. Covenants Applicable to Area CXXXXV. The following provisions shall be applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CXXXXV of the Properties:

a. Use Limitations. Sites in Area CXXXXV may be used for multi-family residential dwellings and related facilities. Such sites may also be used for office buildings and related facilities, child care facilities, gasoline service stations (including full service car washes), restaurants, hotels, health clubs, movie theaters, shopping centers, free standing retail facilities, banking and financial institutions and related facilities but only with the specific prior written approval of Declarant. The following uses of sites in Area CXXXXV are not permitted:

(1) Any use which involves a noxious odor or any excessive noise level which constitutes a nuisance.

(2) Any use which is not expressly permitted by this Section 145.

b. Minimum Setback Lines.

(1) No structure of any kind and no part thereof shall be placed within these setback lines:

(A) 30 feet from MacArthur Boulevard right-of-way.

(B) 30 feet from any other public or private street right-of-way.

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(C) 10 feet from any other property line including the property line adjacent to Hackberry Creek.

(2) The following improvements are expressly excluded from this restriction:

(A) Structures below and covered by the ground;

(B) Steps, walks, driveways, and curbing;

(C) Planters, walls, or fences, not to exceed four (4) feet in height;

(D) Landscaping;

(E) Guardhouses;

(F) Gatehouses;

(G) Aerial pedestrian crossings or connections;

(H) Canopies; and

(I) Minor encroachments of adequately screened parking structures or parking areas.

(3) Declarant may grant exceptions to and/or variations from any setback lines established in this subsection b, except for b (1) (C) (setbacks for Hackberry Creek), provided that any such variances or exceptions must be in writing.

(4) Exceptions to and/or variations from b (1) (C) may be granted only upon written approval of both the Board of Directors of Dallas County Utility and Reclamation District or its successors (the "District") and the Architectural Control Committee. In the event the District Ceases to be an active municipal corporation organized under the laws of the State of Texas functioning as a

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separate political subdivision of the State of Texas, exceptions to and/or variations from b (1) (C) may be granted only upon written approval of the Architectural Control Committee.

c. Parking Areas. Parking areas shall:

(1) Be curbed and guttered with concrete or granite as approved by the Architectural Control Committee and paved with 5" reinforced concrete placed on a 6" lime stabilized base.

(2) Have a maximum grade slope of 5% and a minimum grade slope of 1 1/2%.

(3) Not be provided in front of the minimum setback lines established above unless a written variance approving same is granted by Declarant. Not be provided in front of any building facing a public 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 berms, trees, landscaping, or other means acceptable to the Architectural Control Committee.

(5) Be sufficient to accommodate all parking needs for residents, employees, company vehicles, customers, and visitors without the use of onstreet parking. If parking needs increase, additional offstreet parking on-site 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 and health club space;

ii. 200 net square feet of banking and financial institution, gasoline service station and other retail store space;

iii. each 2 1/2 restaurant or club seats;

iv. each 3 1/2 theater, auditorium or assembly seats;

v. each hotel guest room;

vi. each 10 students in a child care facility; and

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vii. for multi-family projects;

(A) 1.5 for each one bedroom dwelling unit;

(B) 1.8 for each two bedroom dwelling unit;

(C) 0.5 for each bedroom in excess of two.

Declarant may grant exceptions to and/or variations from any part of this subsection c, provided that any such variations and/or exceptions must be in writing.

d. Driveways. Driveways shall:

(1) Be constructed as specified in subsection c(1) above.

(2) 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) 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 ground level 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

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flashing or moving character or inappropriately colored signs will not be permitted. The Association shall have the right to remove any sign erected without 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 of buildings.

(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. Preserve existing trees to the extent practical;

iii. Permit reasonable access to public and private utility lines and easements for installation and repair; and

iv. Include at least one tree for each 4,500 square feet of area between exterior building walls and public street right-of-way lines.

(3) 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 such 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.

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 screened from public view in a manner and at a location approved in writing by the Architectural Control Committee.

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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) Antennas, including, without limitation, dish type antennas, and towers must be approved by the Architectural Control Committee, which may consider such things as size, location and ability to screen the antenna(s) and tower(s) from view from adjacent properties and from public and private streets and highways.

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 give written approval for 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 building walls which face existing or proposed public or private 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

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written approval of both the Architectural Control Committee and Declarant. Composition shingle roofs are specifically approved by Declarant and they shall meet current standards established by the Architectural Control Committee.

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

i. Do not include wooden frames except for multi-family dwellings of four (4) stories or less;

ii. Preserve the quality and atmosphere of the area and do not detract from adjacent property; and

iii. Do not include exterior fire escapes.

(3) The collection, storage, sorting, removing, and disposing of all 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.

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

(5) 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 Association's Communications System to the Owner's building. 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 the then current plans and specifications published by the Association.

(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) All utility lines (public and private) shall be underground.

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(8) Once commenced, construction shall be diligently pursued to the end that it will not be left in a partly finished condition for a period longer than eighteen (18) months without written approval from the Architectural Control Committee.

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

k. Median Cuts. If the City of Irving, Texas (the "City") approves any median cuts in Love Drive or any other public right-of-way, the location thereof and the plans and specifications for any changes to the landscaping and landscape irrigation systems in the medians must be approved in advance in writing by the Architectural Control Committee. Any median cut must contain turn lanes unless the absence of turn lanes is approved in advance in writing by the City and the Architectural Control Committee. The land owner requesting the median cut shall, at its sole cost and expense, promptly repair and restore any existing landscaping and landscape irrigation systems damaged as a result of the median cut in accordance with the plans and specifications approved by 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 shall be construed as representing or implying that improvements built in accordance therewith shall be free of defects. Any approvals and observations incident thereto shall concern matters of an aesthetic nature. Such approvals and guidelines shall in no event be construed as representing or guaranteeing that any improvements built in accordance therewith will be designed or built in a good and workmanlike manner. 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 such plans or specifications with any governmental ordinance or regulation, nor any defects in construction undertaken pursuant to such plans and specifications. Approval of plans and specifications by the Architectural Control Committee is not to 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 shall satisfy the requirements of all applicable subsections of this Supplementary Declaration which require written approval by the Architectural Control Committee for such plans and specifications.

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

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EXECUTED as of the day and year first written above.

LAS COLINAS LAND LIMITED PARTNERSHIP, a Delaware limited partnership

BY: FAISON-STONE, INC., a Texas corporation, Manager

By: David H. Brune
David H. Brune
Executive Vice President

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on December 22, 1995, by David H. Brune, Executive Vice President of Faison-Stone, Inc., a Texas corporation, Manager of **LAS COLINAS LAND LIMITED PARTNERSHIP**, a Delaware limited partnership, on behalf of said corporation and partnership.

Donna A. Edwards
Notary Public in and for
the State of Texas

DONNA A. EDWARDS
Notary Public, State of Texas
My Commission Expires 12-20-1997

Printed or Typed Name of Notary

My Commission expires: _____

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CORRECTED SUPPLEMENTARY DECLARATION NO. 145

This Corrected Supplementary Declaration No. 145 is being rerecorded in lieu of and in substitution for Supplementary Declaration No. 145 recorded in Volume 95249, beginning at Page 2238, of the Real Property Records of Dallas County, Texas, to correct an incorrect legal description of Las Colinas Area CXXXXV contained in **EXHIBIT "A-145"** attached to Supplementary Declaration No. 145. The legal description of Las Colinas Area CXXXXV was incorrect because it failed to include a portion of Love Drive abandoned by the City of Irving, Texas. The correct description of Las Colinas Area CXXXXV is attached to this Corrected Supplementary Declaration No. 145 as **CORRECTED EXHIBIT "A-145"**. Las Colinas Area CXXXXV is modified to conform to the description thereof attached to this Corrected Supplementary Declaration No. 145 as **CORRECTED EXHIBIT "A-145"**.

JOINDER OF LAND OWNER

Florentex Properties, Ltd., a Texas limited partnership ("Florentex"), as the owner of Las Colinas Area CXXXXV as modified by this Corrected Supplementary Declaration No. 145, joins in the execution of this Corrected Supplementary Declaration No. 145 to consent to the recording of this Corrected Supplementary Declaration No. 145 and the correction of the description of Las Colinas Area CXXXXV. Las Colinas Land Limited Partnership, a Delaware limited partnership, did not reexecute this Corrected Supplementary Declaration No. 145 because it no longer owns any interest in Las Colinas Area CXXXXV, either as originally described in Supplementary Declaration No. 145 or as modified by this Corrected Supplementary Declaration No. 145.

EXECUTED as of October 1, 1997, to be effective as of December 29, 1995.

FLORENTEX PROPERTIES, LTD.,
a Texas limited partnership

By: Florentex Properties, Inc., a Texas corporation,
Its General Partner

By:
Spencer Stuart, Jr.
Vice President

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STATE OF TEXAS §
§
CITY OF DALLAS §

This instrument was acknowledged before me on October 13th, 1997, by Spencer Stuart, Jr., Vice President of Florentex Properties, Inc., a Texas corporation, General Partner of Florentex Properties, Ltd., a Texas limited partnership, on behalf of said partnership and corporation.

Maurice Taylor
Notary Public, State of Texas

[Stamped Notary Seal]

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3 bck 9/29/97

AFTER RECORDING RETURN TO:

B. CARL KLINKE, ESQ.
Munsch, Hardt, Kopf, Harr & Dinan, P.C.
4000 Fountain Place
1445 Ross Avenue
Dallas, TX 75202-2790

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CORRECTED EXHIBIT "A-145"

LAS COLINAS AREA CXXXXV

PROPERTY DESCRIPTION

BEING a 24.419 acre tract of land situated in the J. MOORE SURVEY, ABSTRACT NO. 908, the T.A. GLASS SURVEY ABSTRACT NO. 317, and the ANTON KUHN SURVEY, ABSTRACT NO. 729, in the City of Irving, Dallas County, Texas, and being a portion of those tracts of land as conveyed to the Las Colinas Land Limited Partnership as shown in a Deed recorded in Volume 89128 at Page 0714 of the Deed Records of Dallas County, Texas and a portion of Love Drive abandoned by Ordinance No. 6670 and being more particularly described as follows:

COMMENCING at a point on the south line of West Royal Lane (a 110-foot right-of-way) and the northwest intersection corner clip of Love Drive (a variable width right-of-way), said point also being the most northerly northeast corner of LAS COLINAS SECTOR X, THIRD INSTALLMENT, an Addition to the City of Irving according to the Map thereof recorded in Volume 90098 at Page 2695 of the Map Records of Dallas County, Texas;

THENCE South 45 deg. 20 min. 50 sec. East, along a northwest line of said LAS COLINAS SECTOR X, THIRD INSTALLMENT, a distance of 21.20 feet to a point on the existing west line of said Love Drive;

THENCE South 00 deg. 19 min. 00 sec. East, along said existing west line of Love Drive and an east line of said LAS COLINAS SECTOR X, a distance of 638.00 feet to a 1/2-inch iron rod found for corner and being the southeast corner of said LAS COLINAS SECTOR X, THIRD INSTALLMENT, and being the POINT OF BEGINNING for the tract of land herein described;

THENCE South 00 deg. 19 min. 00 sec. East, departing said LAS COLINAS SECTOR X, THIRD INSTALLMENT and continuing along said existing west line of Love Drive, and an east line of said LAS COLINAS SECTOR X a distance of 273.36 feet to 1/2-inch iron rod set for corner at the beginning of a curve to the left having a central angle of 17 deg. 52 min. 20 sec., a radius distance of 932.50 feet, a chord distance of 289.70 feet and a chord bearing of South 09 deg. 15 min. 10 sec. East;

THENCE departing said existing west line and along said curve to the left an arc distance of 290.88 feet to a PK nail and shiner set for corner;

THENCE South 00 deg. 19 min. 00 sec. East a distance of 767.83 feet to a PK nail and shiner set for corner;

THENCE South 89 deg. 41 min. 00 sec. West a distance of 45.00 feet to a 1/2-inch iron rod found for corner on the old west right-of-way line of Love Drive and being the northeast corner of Hackberry Creek Channel Right-Of-Way, and described as Tract II in a deed recorded in Volume 84199, Page 3935 of the Deed Records of Dallas County, Texas;

THENCE departing said Love Drive and along the south line of said 24.419 acre tract, same being the north line of said Hackberry Creek Channel Right-Of-Way Tract II as follows:

North 67 deg. 50 min. 45 sec. West, a distance of 105.95 feet to a 1/2-inch iron rod found for corner;

South 52 deg. 09 min. 15 sec. West, a distance of 80.83 feet to a 1/2-inch iron rod found for corner;

North 67 deg. 50 min. 45 sec. West, a distance of 150.00 feet to a 1/2-inch iron rod found for corner at the beginning of a curve to the right having a central angle of 37 deg. 29 min. 12 sec., a radius distance of 378.46 feet and a chord bearing and distance of North 49 deg. 06 min. 49 sec. West, 243.22 feet;

THENCE departing said Hackberry Creek Channel Tract II, and continuing along the southerly lines of LAS COLINAS SECTOR X as follows:

Northwesterly along said curve to the right an arc distance of 247.61 feet to a 1/2-inch iron rod set for corner at the end of said curve;

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North 29 deg. 41 min. 59 sec. West, a distance of 156.00 feet to a 1/2-inch iron rod found for corner;

North 42 deg. 49 min. 59 sec. West, a distance of 166.00 feet to a 1/2-inch iron rod found for corner;

North 28 deg. 59 min. 59 sec. West, a distance of 167.00 feet to a 1/2-inch iron rod found for corner;

North 34 deg. 13 min. 59 sec. West, a distance of 148.00 feet to a 1/2-inch iron rod found for corner;

North 45 deg. 14 min. 59 sec. West, a distance of 146.56 feet to a 1/2-inch iron rod found for corner;

North 25 deg. 46 min. 59 sec. West, a distance of 161.00 feet to a 1/2-inch iron rod found for corner;

North 48 deg. 15 min. 59 sec. West, a distance of 273.50 feet to a 1/2-inch iron rod found for corner;

North 57 deg. 22 min. 07 sec. West, a distance of 127.64 feet to a 1/2-inch iron rod found for corner and being the southwest corner of said 24.419 acre tract, said 1/2-inch iron rod also being on the east line of MacArthur Boulevard (a 100-foot right-of-way) as shown on a Plat recorded in Volume 81057 at Page 0517 of the Deed Records of Dallas County, Texas;

THENCE North 32 deg. 37 min. 53 sec. East, along the east line of said MacArthur Boulevard a distance of 264.91 feet to a 1/2-inch iron rod found for corner at the southwest corner of said LAS COLINAS SECTOR X, THIRD INSTALLMENT, and the northwest corner of said 24.419 acre tract;

THENCE departing said east line of MacArthur Blvd. and continuing along the south line of said Las Colinas Sector X Third Installment, same being the north line of said 24.419 acre tract as follows:

South 57 deg. 22 min. 07 sec. East, a distance of 203.09 feet to a 1/2-inch iron rod found for corner;

North 69 deg. 16 min. 37 sec. East, a distance of 171.57 feet to a 1/2-inch iron rod found for corner;

South 20 deg. 43 min. 23 sec. East, a distance of 88.00 feet to a 1/2-inch iron rod found for corner;

North 89 deg. 41 min. 00 sec. East, a distance of 136.40 feet to a 1/2-inch iron rod found for corner;

South 00 deg. 19 min. 00 sec. East, a distance of 128.50 feet to a 1/2-inch iron rod found for corner;

North 89 deg. 41 min. 00 sec. East, a distance of 238.49 feet to a 1/2-inch iron rod found for corner;

South 00 deg. 19 min. 00 sec. East, a distance of 34.58 feet to a 1/2-inch iron rod found for corner;

North 89 deg. 41 min. 00 sec. East, a distance of 219.33 feet to a 1/2-inch iron rod found for corner;

North 00 deg. 19 min. 00 sec. West, a distance of 163.08 feet to a 1/2-inch iron rod found for corner;

North 89 deg. 41 min. 00 sec. East, a distance of 217.77 feet to the POINT OF BEGINNING;

CONTAINING 1,063,694 square feet or 24.419 acres of land, more or less.

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EARL BULLOCK
COUNTY CLERK
DALLAS COUNTY

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

STATE OF TEXAS COUNTY OF DALLAS

I hereby certify this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of Dallas County, Texas as stamped hereon by me.

OCT 28 1997

COUNTY CLERK, Dallas County, Texas