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AMERICAN TITLE COMPANY  
6029 Bellline Road, Suite 250  
Dallas, TX 75254

SUPPLEMENTARY DECLARATION NO. 197

2695897

LAS COLINAS AREA CXC VII

4355948  
12/24/03

\$38.00 Deed

DALLAS COUNTY, TEXAS

This Supplementary Declaration, made this 23 day of December, 2003, by LAS COLINAS LAND LIMITED PARTNERSHIP, hereinafter called Declarant.

BACKGROUND:

- 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" 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 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.
- 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.

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- G. Declarant desires to add additional property located within the boundaries of the property described in Exhibit "A-197" 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. The real property described in Exhibit A-197 attached hereto and incorporated herein by reference for all purposes (designated as **Area CXC VII** 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. Article V of the Declaration is modified by the addition thereto of the following Section 197, which is applicable only to Area CXC VII.

Section 197. Covenants Applicable to Area CXC VII. The following provisions are applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CXC VII of the Properties:

- a. Use Limitations. Sites in Area CXC VII may be used for multi-family residential dwellings and related facilities. Retail, restaurants, childcare facilities, leasing offices and health clubs are "related facilities" as long as these uses are located within the multi-family building complex for primary use by occupants of the multi-family residential dwellings. Sites in Area CXC VII may be used for office buildings and related uses, banking and financial institutions, medical facilities, hotels, and, except as provided above with regard to retail, restaurants and childcare facilities only with prior written approval of the Declarant. In addition, sites in Area CXC VII may not be used for any purpose that involves noxious odors or any excessive noise level that constitutes a nuisance, any use contrary to law or which violates any part of this Section 197.a.
- b. Minimum Setback Lines.
  - (1) No structure of any kind and no part thereof may be placed within these setback lines:
    - (A) 25 feet from Royal Lane.
    - (B) 5 feet from any other public street right-of-way.
    - (C) 5 feet from the curb line of any private street right of way, private drive, or fire lane access easement.
    - (D) 0 to 5 feet from an adjacent or common property line.
    - (E) 25 feet from the dry wall of the lake or canal, provided, notwithstanding the foregoing, driveways, surface parking areas, and retaining walls may encroach into the area depicted on Exhibit B ("Dam Area").

- (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) Landscaping and landscape furniture;
  - (D) Planters, retaining walls, hedges or fences not to exceed four (4) feet in height;
  - (E) Guardhouses;
  - (F) Gatehouses;
  - (G) Electrical transformers;
  - (H) Canopies, roof over hangs, and balconies;
  - (I) Parking areas in compliance with subsection 2.d. below;
  - (J) Lighting fixtures within parking areas in compliance with subsection 2.j. below;
  - (K) Masonry screen-walls and monument signs;
  - (L) Building features or architectural elements;
  - (M) Carports and detached parking garages; and
  - (N) HVAC units.
- (3) No surface parking area and no part thereof may be placed within these setback lines except for on street parking as approved by the City of Irving:
- (A) 40 feet from Royal Lane.
  - (B) 5 feet from any other public street right-of-way
  - (C) 25 feet from the dry wall of the lake or canal; provided parking shall be permitted in the Dam Area.
- (4) Declarant may grant exceptions to or variances from any setback lines established above, provided that any variances of exceptions must be in writing. Exceptions to or variances from setback lines established for the lake or canal area may be granted only upon written approval of both Dallas County Utility and Reclamation District and Declarant. In the event Dallas County Utility and Reclamation District ceases to be an active municipal corporation organized under the laws of the State of Texas functioning as a separate political subdivision of the State, exceptions to or variances from setback lines established for the lake or canal area may be granted only by the Declarant.
- c. Minimum Building Height Requirements. Principal structures erected on sites in Area CXC VII shall conform to the minimum height requirements set forth below. Principal structures shall not include maintenance buildings, trash compactor structures, detached garages, carports, and leasing offices, all of which shall not be subject to any minimum height requirement:

- (1) Not less than twenty-two (22) feet from the floor level of the first story to the top of parapet or mid-point of roof.

Exceptions to or variances from minimum building heights established in this paragraph.c may be granted only upon written approval of the Declarant.

d. Parking Areas. Parking areas shall:

- (1) (Surface Parking) 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) (Surface Parking) Have a maximum grade slope of 5% and a minimum grade slope of 0.5%.
- (3) Be sufficient to accommodate all parking needs for employees, company vehicles, customers, and visitors. If parking needs increase, additional offstreet parking on-site shall be provided by the Owner. 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 d, provided that any variances or exceptions must be in writing.

e. Driveways. Drive lanes (excluding garage aprons), shall:

- (1) Be constructed as specified in subsection d.(1) above.
- (2) Have a minimum width of 12 feet.

f. Signs. All signs must be approved by the Architectural Control Committee in writing prior to installation and must meet the following requirements:

- (1) A Master Signage Plan for Area CXCVII must be developed by the Property owner and be submitted for approval by the Architectural Control Committee. All signs must be in compliance with this Master Signage Plan as a condition to being considered for approval by the Architectural Control Committee. The Master Signage Plan must be based on these criteria:
  - (A) Building signage must be compatible with the building elevation in size, shape, color and location. Signage which establishes Project identity is encouraged. The height of letters used on any exterior building front must

be approved by the Architectural Control Committee as part of the Master Signage Plan.

- (B) Monument signage must be consistent with the standards for monument signs adopted for Las Colinas by the Architectural Control Committee.
- (2) All signs, the wording and logos thereon must be approved by the Architectural Control Committee in writing prior to installation. Normally this approval will be limited to those signs which:
- (A) identify the name and business of the occupant, or which give directions, or which offer the premises for sale or for lease;
  - (B) are not of an unusual size or shape when compared to the building or buildings on the premises; and
  - (C) preserve the quality and atmosphere of the area.
- (3) 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 permitted. The Association shall have the right to remove any sign erected without written approval.

g. Landscaping. Landscaping must:

- (1) Be completed incident to each structure contemporaneously with completion of such structure, but in no event later than 180 days after first occupancy of such structure.
- (2) Conform to a landscaping plan and be approved by the Architectural Control Committee. Normally, approval will be limited to landscaping plans which:
  - (A) Provide underground automatic 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 3,000 square feet of area between exterior building and parking structure walls and public street right-of-way or adjacent boundary lines.
- (3) Owners shall provide landscaping, including hardscape structures and walks as well as plant materials within the right-of-way areas 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 by the Association.

- (4) Declarant may grant exceptions to or variances from the number of required trees established in g(2)(C) above, provided that any variances or exceptions must be in writing.

h. 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 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 fences of solid materials and be located as far from property lines as reasonably possible.
- (2) Except as otherwise governed by Federal statutes and/or rules and regulations of the Federal Communications Commission, the use of 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 and private streets and highways.

i. Loading Docks and Areas.

- (1) Loading docks and areas may not be located on the public 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. If properly screened, loading areas may be located within 5 feet of the street right of way.
- (3) Loading areas must be screened in a manner approved in writing by the Architectural Control Committee considering factors like location and views from adjacent or nearby properties and public rights-of-way.
- (4) Declarant may grant exceptions to or variances from any part of this subsection i, provided that any exceptions or variances must be in writing.

j. Exterior Illumination. Illumination is required for all exterior building walls that may be viewed from existing or proposed public or private streets and for all parking areas and walkways around and between buildings and parking garages unless otherwise waived or modified by Declarant in writing. All exterior illumination must conform to plans approved in writing by the Architectural Control Committee.

k. Construction Standards.

- (1) All building sides must be faced with face brick, stone, lathe and plaster stucco, fiber-reinforced stucco, or with other quality face materials as may be approved in writing by the Architectural Control Committee. Roofing material shall be concrete tile, ceramic tile, stone coated metal tile, or metal tile. Windows or other openings may not be glazed or reglazed with mirrored or reflective glass and the spandrel area between windows or other openings may not be faced with a glass material without prior written approval of both the Architectural Control Committee and Declarant.
- (2) Construction must conform to plans and specifications approved in writing by the Architectural Control Committee. Normally, approval is limited to those plans which:
  - (A) Do not include wooden frames except for multi-family dwellings of four (4) stories or less;
  - (B) Preserve the quality and atmosphere of the area and do not detract from adjacent property; and
  - (C) Do not include exterior fire escapes.
  - (D) Do not include exterior building mounted utility connections visible to adjacent property(s) or public streets.
- (3) 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 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) Except for initial infrastructure development (streets and utilities), no excavation may be made except in conjunction with construction or maintenance of an improvement. When the improvement or maintenance is completed, all exposed openings must be back filled, compacted and graded.

- (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.

1. La Villita Design and Development Guidelines. Notwithstanding anything contained herein to the contrary, all improvements within Area CXC VII must conform to the standards established under the "La Villita Design and Development Guidelines", as same may be modified from time to time by Declarant. The La Villita Design and Development Guidelines are held on file with The Las Colinas Association. In the event of any conflict between the rules, regulations, and requirements set out in sections a. through k. above and the rules, regulation, and requirements set out in the La Villita Design and Development Guidelines that are applicable to the same subject matter, the rules, regulations and requirements set out in the La Villita Design and Development Guidelines shall be controlling. Declarant shall have the right, in its sole discretion, to grant exceptions to or variances from the rules, regulations, and requirements of the La Villita Design and Development Guidelines, provided that any such exceptions or variances must be in writing.

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.



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  
As its: Senior Vice President

THE STATE OF TEXAS           §  
COUNTY OF DALLAS         §

This instrument was acknowledged before me on December 17<sup>th</sup>, 2003, by Charles E. Cotten, Senior Vice President of Cousins Properties Services, Inc., a Georgia corporation, General Partner of Cousins Properties Services LP, a Texas limited partnership, Manager of Las Colinas 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

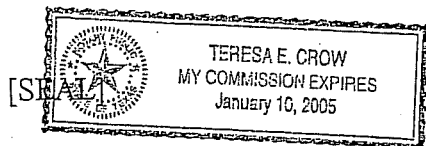


EXHIBIT A

Property Description

BEING Lot 1, Block D, of LA VILLITA, PHASE 1A, an Addition to the City of Irving, Dallas County, Texas, according to the Plat recorded in Volume 2003193, Page 00080, Map Records, Dallas County, Texas, being situated in the Antonio Hernandez Survey, Abstract No. 550 and the Samuel P. Brown Survey, Abstract No. 158, Dallas County, Texas. said Lot 1, Block D, with the reference bearing being said Plat and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for a Southwest corner of said remainder 276.597 acre tract and the common Southeast corner of the revised Northlake 556 Addition, an Addition to the City of Irving as recorded in Volume 2000-058, Page 1, Map Records, Dallas County, Texas, said point being on the existing North right-of-way line of Royal Lane (a variable width right-of-way), as recorded in Volume 94219, Page 3057 and Volume 94219, Page 3149, Deed Records, Dallas County, Texas;

THENCE, North 00 degrees, 20 minutes, 22 seconds East, departing said existing North right-of-way line of Royal Lane, and along a West line of said remainder 276.597 acre tract and the common East line of said Northlake 556 Addition, a distance of 631.39 feet to a fence post found for an interior ell corner of said remainder 276.597 acre tract and the common Northeast corner of said Northlake 556 Addition;

THENCE, North 89 degrees 39 minutes 38 seconds West, departing said common line, and along a South line of said remainder tract 276.597 acre tract and the common North line of said Northlake 556 Addition, passing at a distance of 337.90 feet a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for the Northwest corner of said Northlake 556 Addition, and continuing over and across said remainder 276.597 acre tract for a total distance of 381.54 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

THENCE, continuing over and across said remainder 276.597 acre tract the following courses and distances:

North 00 degrees 23 minutes 52 seconds East, a distance of 380.79 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

South 89 degrees 36 minutes 08 seconds East, a distance of 327.35 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner and the beginning of a tangent curve to the right having a radius of 161.50 feet, a central angle of 31 degrees 40 minutes 51 seconds, and a long chord that bears South 73 degrees 45 minutes 42 seconds East, a distance of 88.17 feet;

Along said tangent curve to the right an arc length of 89.30 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

South 57 degrees 55 minutes 17 seconds East, a distance of 108.11 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner and the beginning of a tangent curve to the left having a radius of 463.50 feet, a central angle of 35 degrees 17 minutes 56 seconds, and a long chord that bears South 75 degrees 34 minutes 15 seconds East, a distance of 281.06 feet;

Along said tangent curve to the left an arc length of 285.55 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

South 03 degrees 13 minutes 13 seconds East, a distance of 1.00 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

North 86 degrees 46 minutes 47 seconds East, a distance of 81.35 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

South 03 degrees 13 minutes 13 seconds East, a distance of 6.50 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

North 86 degrees 46 minutes 47 seconds East, a distance of 6.23 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set on an East line of said remainder 276.597 acre tract and the common West line of Tract A, conveyed to Dallas County Utility And Reclamation District, recorded in Volume 85105, Page 5064, Deed Records, Dallas County, Texas;

THENCE, along said common line the following courses and distances:

South 00 degrees 20 minutes 23 seconds West, a distance of 184.45 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner and the beginning of a tangent curve to the left having a radius of 220.00 feet, a central angle of 32 degrees 11 minutes 54 seconds, and a long chord that bears South 15 degrees 45 minutes 32 seconds East, a distance of 122.01 feet;

Along said tangent curve to the left an arc length of 123.63 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

THENCE, over and across said remainder 276.597 acre tract the following courses and distances:

South 51 degrees 36 minutes 56 seconds West, a distance of 37.21 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner and being the beginning of a non-tangent curve to the left having a central angle of 05 degrees 34 minutes 56 seconds, a radius of 257.00 feet, and a long chord that bears South 35 degrees 35 minutes 35 seconds East, a distance of 25.03 feet;

Along said non-tangent curve to the left an arc length of 25.04 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

South 38 degrees 23 minutes 04 seconds East, a distance of 32.25 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

North 51 degrees 36 minutes 56 seconds East, a distance of 37.00 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner on aforesaid East line of said remainder 276.597 acre tract and the common West line of aforesaid Tract A;

THENCE, along said common line the following courses and distances:

South 38 degrees 23 minutes 04 seconds East, a distance of 437.99 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner and being the beginning of a tangent curve to the right having a radius of 140.00 feet, a central angle of 38 degrees 36 minutes 31

seconds, and a long chord that bears South 19 degrees 04 minutes 49 seconds East, a distance of 92.56 feet;

Along said tangent curve to the right an arc length of 94.34 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for a Southeast corner of said remainder 276.597 acre tract, being in the existing North right-of-way line of said Royal Lane;

THENCE, departing said common line, and along the South line of said remainder 276.597 acre tract and said existing North right-of-way line of Royal Lane the following courses and distances:

South 57 degrees 46 minutes 37 seconds West, a distance of 74.77 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

South 00 degrees 21 minutes 21 seconds East, a distance of 40.00 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

South 89 degrees 42 minutes 13 seconds West, a distance of 85.59 feet to a 5/8 inch iron rod with yellow plastic cap stamped "Carter Burgess" set for corner;

North 89 degrees 53 minutes 47 seconds West, a distance of 708.60 feet to the POINT OF BEGINNING and containing 16.293 acres of land, more or less.



DALLAS CO., TEXAS  
COUNTY CLERK



*Clifford G. Johnson*

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FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

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