

SUPPLEMENTARY DECLARATION NO. 213

LAS COLINAS AREA CCXIII

DALLAS COUNTY, TEXAS

This Supplementary Declaration, made this 9<sup>th</sup> day of December, 2006, by HINES LAS COLINAS LAND LIMITED PARTNERSHIP, hereinafter called the "Declarant").

- 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 Las Colinas Land Limited Partnership ("LCLLP") 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. LCLLP assigned all of its rights as "Declarant" under the Declaration to Declarant pursuant to an Assignment and Transfer of Rights of Declarant and Class B Member under Declaration dated as of December 23, 2005, recorded in Volume 200503641275, Deed Records, Dallas County, Texas.
- E. 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.
- F. 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.
- G. 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.
- H. The following terms have the following definitions: **Association** means The Las Colinas Association, the non-profit corporation of Las Colinas property owners; **Architectural**

**Control Committee** means the Architectural Control Committee of The Las Colinas Association; and **Owner** means each and every person, persons or legal entity who owns fee simple title to any lot, tract, or parcel of land in the Properties. All capitalized terms not defined herein shall have the same meaning as set forth in the Declaration.

NOW THEREFORE, Declarant declares as follows:

1. The real property described in Exhibit "A-213", attached hereto and incorporated herein by reference for all purposes (designated as **Area CCXIII** 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 213 which is applicable only to Area CCXIII.

Section 213. Covenants Applicable to Area CCXIII. The following provisions are applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CCXIII of the Properties:

a. Use Limitations.

- 1) Sites in Area CCXIII may be used for townhouse residential dwellings, single family attached dwellings, clubhouse and related facilities associated with the residential dwellings, community center, entertainment/recreational (both indoor and outdoor), parking, streets and roads, parks and open space. Sites in Area CCXIII may be used for single family detached dwellings, retail, restaurants, office buildings and related uses, banking and financial institutions, and childcare facilities only with prior written approval of the Declarant. In addition, sites in Area CCXIII 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 213.a.
  - A) The floor area of the main residential structure, exclusive of open porches and garages, shall not be less than 1550 square feet for a townhouse or single family attached dwelling unit or 1800 feet for a single family detached dwelling.
  - B) No structure of a temporary character, recreational vehicle, mobile home, trailer, boat trailer, basement tent, garage, barn, or other out building shall be used on any lot at any time as a residence. Temporary construction or marketing trailers or structures are permitted on a temporary basis in an area not fronting Kinwest Parkway.
  - C) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except dogs, cats, or other household pets may

be kept provided that they are not kept, bred, or maintained for any commercial purposes.

- D) No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All garbage and trash shall be kept in sanitary containers fully enclosed by a walled or fenced structure.
- E) No clothesline may be maintained on any lot.
- F) The use of any carport, driveway, private or public street, or parking area that may be in front of, adjacent to, or part of any lot as a parking place for trucks, trailers, mobile homes, recreational vehicles, boats, or commercial vehicles for more than three consecutive days is prohibited. The term "commercial vehicle" shall include all automobiles, trucks, and vehicular equipment, as well as station wagons, which shall bear signs or shall have printed on the sides of same reference to any commercial undertaking or enterprise.
- G) No above ground level swimming pool may be installed on any lot. Any swimming pool on any lot shall be designed and engineered in compliance with paragraph j (1) of this section 213.
- H) Except as otherwise governed by Federal statutes and/or rulings and regulations of the Federal Communications Commission applicable to 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.

2) Sites in Area CCXIII may not be used for:

- A) Experimental testing laboratories.
- B) Motor freight terminals.
- C) Gasoline service stations.
- D) Warehousing.
- E) Manufacturing.
- F) Raising, breeding or keeping of animals, birds or wildlife for commercial purposes.
- G) Purposes that involve noxious odors, or any excessive noise level that constitutes a nuisance.
- H) Any use contrary to law or which violates any part of this Section.
- I) Multifamily residential.
- J) Single family detached residential.

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 in front of the following minimum building setbacks:
    - A) Gran Via: 10 feet from the property line.
    - B) 50 feet from Riverside Drive
    - C) Public Streets (Primary): 10 feet from the property line.
    - D) Private Streets (Secondary or Internal): 2 feet from the property line.
    - E) Interior Property: 0 feet for attached units.  
6 feet per building.
    - E) Adjacent or Common Property Line 0 – 5 feet
  
  - 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) Stoops, chimneys, awnings, porches, canopies, eaves, bay windows, balconies, pilasters, and tower elements.
    - D) Post lights, bike racks, benches, trash receptacles, and flagpoles.
    - E) Planters, walls, fences, or hedges, not to exceed four feet in height.
    - F) Landscaping.
    - G) Aerial pedestrian crossings or connections.
    - H) Canopies.
  
  - 3) Declarant may grant exceptions to or variances from any setback lines established in 2b(1), provided that any variances or exceptions must be in writing.
- c. Minimum Building Height. All residential buildings in Area CCXIII must have a minimum height of at least 2 stories. Any clubhouse and related facilities associated with the residential dwellings may be one story.
  - d. Parking Areas. All parking areas including any off-street parking must meet the City of Irving standards.
  - e. Driveways. Driveways must:
    - 1) Be constructed as specified in paragraph d above.
  - f. Signs. All signs must be approved by the Architectural Control Committee in writing prior to installation.

- g. Landscaping. Landscaping must:
- 1) Be completed on all sites contemporaneously with completion of other improvements, subject to seasonal planting periods. In any event, all landscaping relating to specific building shall be installed in conjunction with the occupancy of that building. Landscaping areas fronting La Villita Boulevard must be installed prior to the completion of any residential building(s) notwithstanding minimal areas that may be used for construction ingress and egress during the normal construction process. Common areas adjacent to any structure must be completed within 30 days after the completion of such structure.
  - 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 2,500 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) Owner shall provide landscaping, including hardscape structures and walks as well as plant materials within the area between the right-of-way property line and the back of curb of any public or private street in accordance with plans submitted by the Owner and subjectively approved by the Architectural Control Committee. The Owner shall maintain the improvements within these areas in accordance with standards established from time to time by the Las Colinas Association.
- h. Special Street Front Requirements. Development plans and architectural plans for residential buildings facing on any public street must:
- 1) Provide attractive facades facing the street; and
  - 2) special attention must be given to landscaping and its drainage in all areas that lie between building structures and the street, and such landscaping and drainage must conform to plans and specifications approved by the Architectural Control Committee.
- i. Construction Standards. The main structure on all lots shall meet with the following requirements (except as modified by the Architectural Control Committee) :
- 1) The foundation system shall be designed by a structural engineer based on recommendations given in a soils report prepared by a soils engineering

firm, which report must include specific recommendations concerning swimming pool construction if it is contemplated that a swimming pool will be constructed on that lot. The soils investigation and analysis, and the design of the foundation system, shall be made by registered professional engineers.

- 2) The exposed exterior wall area, exclusive of door, window, and covered porch area, shall be masonry, lathe and plaster stucco, or other low maintenance material approved by the Architectural Control Committee. All chimneys shall be of masonry material unless prior approval for another material is given by the Architectural Control Committee.
  - 3) Complete guttering must be installed on all houses with downspouts carried to an outfall away from the foundation. No collected storm water runoff shall be discharged onto any adjacent property.
  - 4) Garages, mail ports, 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.
  - 5) No exterior alterations of any existing building may be permitted without the prior approval of the Architectural Control Committee.
  - 6) No exterior light shall be installed or maintained on any lot without the prior written approval of the Architectural Control Committee. Upon being given notice by the Association that any exterior light constitutes a nuisance, the owner of the lot on which same is located will immediately remove said light or have it shielded in such a way that it is no longer a nuisance.
- j. Design Guidelines for Escena, Las Colinas. Notwithstanding anything contained herein to the contrary, all improvements within Area CCXIII must conform to the standards established under the "Design Guidelines for Escena, Las Colinas", as same may be modified from time to time by Declarant. The Design Guidelines for Escena, Las Colinas 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 e. above and the rules, regulation, and requirements set out in the Design Guidelines for Escena, Las Colinas that are applicable to the same subject matter, the rules, regulations and requirements set out in the Design Guidelines for Escena, Las Colinas 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 Design Guidelines for Escena, Las Colinas, 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. Where Declarant is entitled herein to grant variances and exceptions, the granting of such 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, 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.

SIGNATURE PAGE TO SUPPLEMENTARY DECLARATION

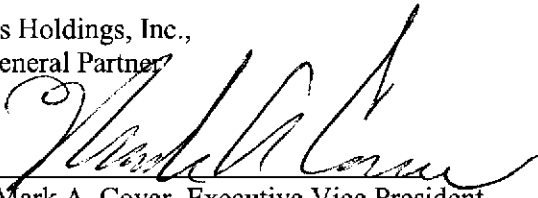
**SELLER:**

HINES LAS COLINAS LAND LIMITED PARTNERSHIP,  
a Texas limited partnership

By: Hines Las Colinas Land GP LLC,  
its General Partner

By: Hines Interests Limited Partnership,  
its sole member

By: Hines Holdings, Inc.,  
its General Partner

By:   
Mark A. Cover, Executive Vice President

STATE OF TEXAS

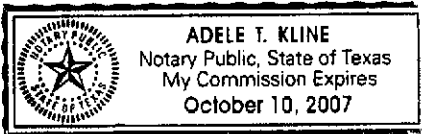
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COUNTY OF HARRIS

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This instrument was acknowledged before me on December 15, 2006, by Mark A. Cover, the Executive Vice President of Hines Holdings, Inc., the General Partner of Hines Interests Limited Partnership, the sole member of Hines Las Colinas Land GP LLC, the General Partner of Hines Las Colinas Land Limited Partnership, a Texas limited partnership, on behalf of said corporation, limited liability company and limited partnerships.



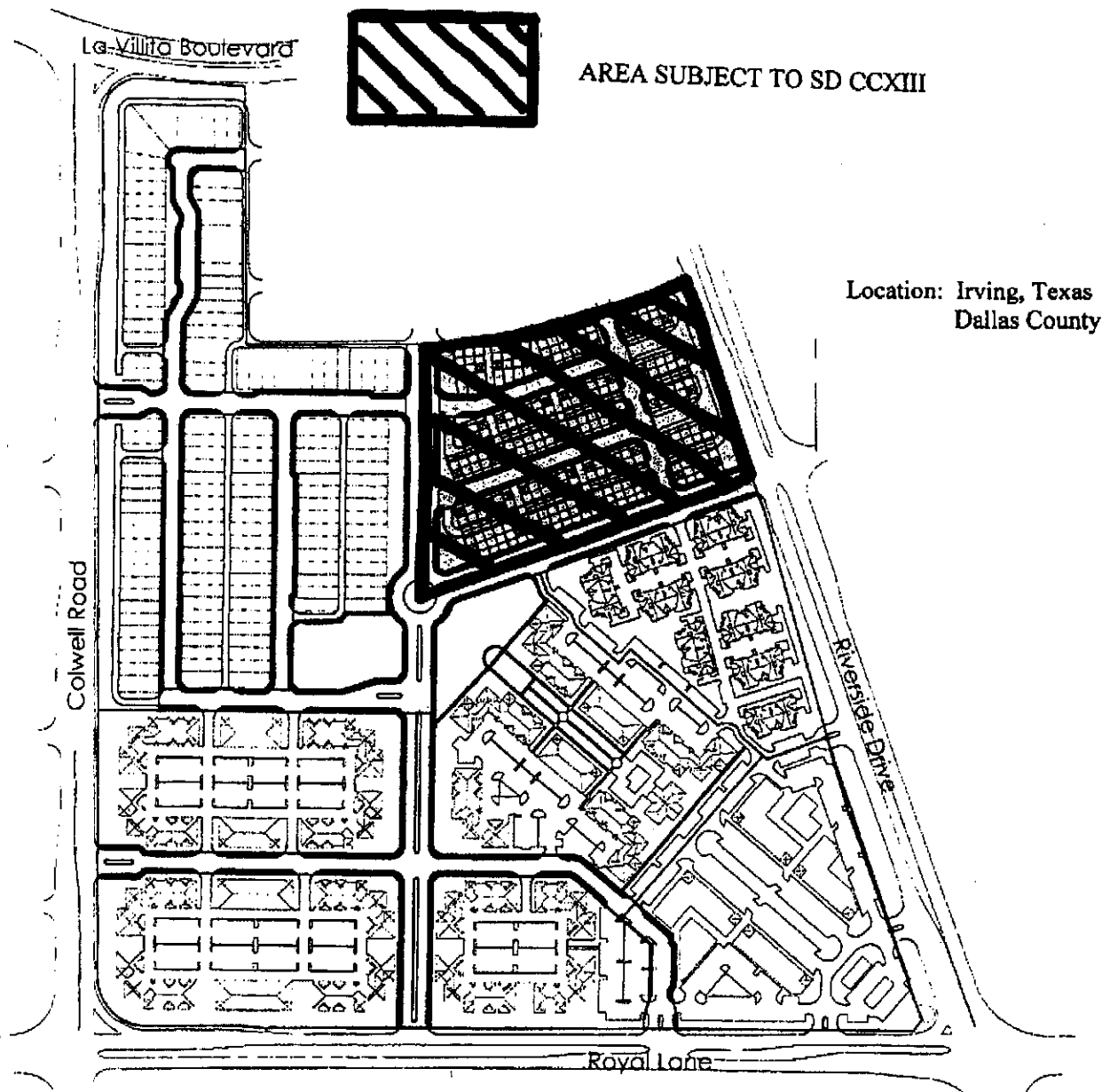
[ Personalized Notary Seal ]

  
Signature of Notary Public



LAS COLINAS AREA CCXIII

Being the area depicted below, which is a part of the land referred to as Site 50C and more particularly described in Schedule I to this Exhibit A - 213



Note: A metes and bounds legal description for the subject area shall be filed by Declarant at the time of platting of the subject tract, and shall not be subject to the amending language of the Declaration.

SCHEDULE I TO EXHIBIT A-213

Site 50C

Being an approximately 70.89 acre tract of land, situated in the Antonio Hernandez Survey, Abstract No. 550 in the City of Irving, Dallas County, Texas and being a portion of that certain tract of land conveyed to Las Colinas Land Limited Partnership as recorded in Volume 89128, Page 0714, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set for corner, said point being at the intersection of the north line of Royal Lane (a variable width right-of-way) and the west line of Riverside Drive (a variable width right-of-way), said point being the most easterly southeast corner of said 70.89 acre tract of land being described;

THENCE South 35 degrees 13 minutes 18 seconds West, along the intersection of said Royal Lane and said Riverside Drive, a distance of 32.73 feet to a 1/2 inch iron rod set corner;

THENCE North 89 degrees 58 minutes 51 seconds West, along the north line of said Royal Lane, a distance of 1197.35 feet to a 1/2 inch iron rod set for corner;

THENCE South 89 degrees 24 minutes 55 seconds West, continuing along the north line of said Royal Lane, a distance of 371.61 feet to a 1/2 inch iron rod set for corner, said point being the beginning of a curve to the left having a radius of 509.00 feet, a delta angle of 09 degrees 09 minutes 36 seconds, and a chord bearing and distance of North 86 degrees 00 minutes 18 seconds West, 81.29 feet;

THENCE in a northwesterly direction along said curve to the left, and continuing along the north line of said Royal Lane, an arc distance of 81.37 feet to a 1/2 inch iron rod set for corner;

THENCE South 89 degrees 24 minutes 55 seconds West, continuing along the north line of said Royal Lane, a distance of 200.00 feet to a 1/2 inch iron rod set for corner, said point being at the intersection of the north line of said Royal Lane and east line of Colwell Boulevard (a variable width right-of-way) same point being the beginning of a curve to the right having a radius of 120.00 feet, a delta angle of 89 degrees 59 minutes 05 seconds, and a chord bearing and distance of North 45 degrees 35 minutes 33 seconds West, 169.68 feet;

THENCE in a northwesterly direction along said curve to the right, an arc distance of 188.46 feet to a 1/2 inch iron rod set for corner;

THENCE North 00 degrees 36 minutes 01 seconds West, along the east line of said Colwell Boulevard, a distance of 1630.10 feet to a 1/2 inch iron rod set for corner, said point being the beginning of a curve to the right having a radius of 390.00 feet, a delta angle of 09 degrees 22 minutes 00 seconds, and a chord bearing and distance of North 04 degrees 04 minutes 59 seconds East, 63.69 feet;

THENCE in a northeasterly direction along said curve to the right, and continuing along the east line of said Colwell Boulevard, an arc distance of 63.76 feet to a 1/2 inch iron rod set for corner, said point being the beginning of a curve to the left having a radius of 510.00 feet, a delta angle

of 09 degrees 22 minutes 00 seconds, and a chord bearing and distance of North 04 degrees 05 minutes 00 seconds East, 83.28 feet;

THENCE in a northeasterly direction along said curve to the left, and continuing along the east line of said Colwell Boulevard, an arc distance of 83.37 feet to a 1/2 inch iron rod set for corner;

THENCE North 00 degrees 36 minutes 01 seconds West, continuing along the east line of said Colwell Boulevard, a distance of 283.71 feet to a 1/2 inch iron rod set for corner, said point being the beginning of a curve to the right having a radius of 91.00 feet, a delta angle of 99 degrees 14 minutes 39 seconds, and a chord bearing and distance of North 49 degrees 01 minutes 19 seconds East, 138.65 feet;

THENCE in a northeasterly direction along said curve to the right, and continuing along the east line of said Colwell Boulevard, an arc distance of 157.62 feet to a 1/2 inch iron rod set for corner, said point being at the intersection of the south line of La Villita Boulevard (a variable width right-of-way) and the east line of said Colwell Boulevard, same point being the beginning of a curve to the left having a radius of 1366.39 feet, a delta angle of 10 degrees 07 minutes 20 seconds, and a chord bearing and distance of South 86 degrees 25 minutes 02 seconds East, 241.08 feet;

THENCE in a northeasterly direction along said curve to the left, and continuing along the south line of said La Villita Boulevard, an arc distance of 241.40 feet to a 5/8 inch iron rod found for corner, said point being in most northerly northeast corner of said 70.89 acre tract being described and the northwest corner of a tract of land conveyed to Texas Health Resources by deed as recorded in Volume 2003031, Page 10303, Deed Records, Dallas County, Texas;

THENCE South 00 degrees 40 minutes 06 seconds East, along the common line of said Texas Health Resources tract and said 70.89 acre tract of land being described, a distance of 614.35 feet to a 1/2 inch iron rod set for corner, said point being the southwest corner of said Texas Health Resources tract;

THENCE North 89 degrees 19 minutes 54 seconds East, continuing along the common line of said Texas Health Resources tract and said 70.89 acre tract of land being described, a distance of 511.16 feet to a 1/2 inch iron rod set for corner, said point being the beginning of a curve to the left having a radius of 1000.00 feet, a delta angle of 19 degrees 29 minutes 00 seconds, and a chord bearing and distance of North 79 degrees 35 minutes 24 seconds East, 338.41 feet;

THENCE in a northeasterly direction along said curve to the left, an arc distance of 340.05 feet to a 1/2 inch iron rod set for corner;

THENCE North 69 degrees 50 minutes 54 seconds East, continuing along the common line of said Texas Health Resources tract and said 70.89 acre tract of land being described, a distance of 194.20 feet to a 5/8 inch iron rod found for corner, said point being the beginning of a curve to the left having a radius of 30.00 feet, a delta angle of 89 degrees 28 minutes 18 seconds, and a chord bearing and distance of North 24 degrees 36 minutes 50 seconds East, 42.23 feet;

THENCE in a northeasterly direction along said curve to the left, an arc distance of 46.85 feet to a 5/8 inch iron rod found for corner, said point being in the westerly line of said Riverside Drive, same point being the southeast corner of said Texas Health Resources tract and the northeast corner of said 70.89 acre tract of land being described;

THENCE South 20 degrees 09 minutes 06 seconds East, along the westerly line of said Riverside Drive, a distance of 617.55 feet to a 1/2 inch iron rod set for corner;

THENCE South 16 degrees 17 minutes 26 seconds East, continuing along the westerly line of said Riverside Drive, a distance of 727.68 feet to a 1/2 inch iron rod set for corner;

THENCE South 20 degrees 09 minutes 06 seconds East, continuing along the westerly line of said Riverside Drive, a distance of 541.41 feet to the POINT of BEGINNING and containing 3,088,109 square feet or 70.89 acres of land.

Schedule 1 to Exhibit A – 213 Supplementary Declaration No. 213 – FRAM (Site IV)  
509895 000013 DALLAS 2084803.2 clc 12/13/06

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



*Cynthia Figueroa Calhoun*

Cynthia Figueroa Calhoun, County Clerk  
Dallas County TEXAS

December 20 2006 12:15 PM

FEE: \$ 60.00

**200600469125**



201300271227  
DECLARATION 1/2

VIA: U.S. Regular Mail & Email

October 18, 2010

Mr. Luciano Bettin  
Escena Properties, LP ("Owner")  
6600 LBJ Freeway, Suite 188  
Dallas, TX 75240

Mr. Rick Bidne, President and General Manager  
The Las Colinas Association  
122 West Carpenter Freeway  
Suite 550  
Irving, TX 75039

Hines

Re: Las Colinas Area CCXIII --- Supplementary Declaration 213

Mr. Bettin and Mr. Bidne,

In accordance with Article V, Section 213 of Supplementary Declaration No. 213 ("SD 213") to the Declaration recorded in Volume 73166, Page 101 of the Dallas County Deed Records on August 22, 1973 (as amended and corrected, the "Master Declaration"), Hines Las Colinas Land Limited Partnership, as Declarant, and as provided in Section 213a of SD 213, hereby approves the use of the real property described in Exhibit "A-213" attached to SD 213 for single-family detached dwellings. This approval does not waive or alter any other provision of SD 213 or the Master Declaration. This approval is binding on Declarant and its successors as "Declarant" under the Master Declaration and is enforceable by Owner and any successor owners of the Property.

Notwithstanding anything to the contrary contained in this approval or in any related document, any recourse of Owner or any other person or entity against Declarant with respect to any obligation, responsibility, undertaking, duty, or liability of Declarant of any kind or nature under or in connection with this approval or any other related agreement or transaction, whether liquidated, unliquidated, claimed, or adjudged, is limited to the assets of Declarant as an entity, and no general or limited partner comprising Declarant or any other person or entity whatsoever, direct, indirect, contingent, or otherwise, in connection therewith.

Should you have any questions, please contact Rob Witte at (972) 716-2925.

**HINES LAS COLINAS LAND LIMITED PARTNERSHIP,**  
a Texas limited partnership

By: Hines Las Colinas Land GP LLC,  
its General Partner

By: Hines Interests Limited Partnership,  
its sole member

By: Hines Holdings, Inc.,  
its General Partner

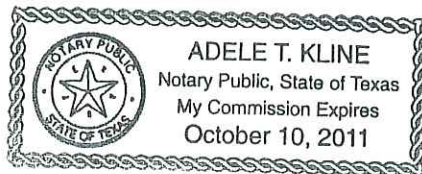
By: Charles W. Elder  
Name: Charles W. Elder  
Title: Senior Vice President

STATE OF TEXAS            }  
  }  
COUNTY OF Harris }

This instrument was acknowledged before me on October 18, 2010, by Charles W. Elder, the Senior Vice President of Hines Holdings, Inc., the General Partner of Hines Interests Limited Partnership, the sole member of Hines Las Colinas Land GP LLC, the General Partner of Hines Las Colinas Land Limited Partnership, a Texas limited partnership, on behalf of said corporation, limited liability company and limited partnerships.

Adele T. Kline  
Signature of Notary Public

[Personalized Notary Seal]



Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
08/27/2013 10:18:20 AM  
\$20.00



JF2

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