

(3)

SUPPLEMENTARY DECLARATION NO. 179
LAS COLINAS AREA CLXXIX
DALLAS COUNTY, TEXAS

281561

Deed 09/02/98 1174164 \$31.00

This Supplementary Declaration, made this 28th day of AUGUST, 1998 by LAS COLINAS LAND LIMITED PARTNERSHIP, a Delaware limited partnership (Declarant).

WITNESSETH:

- A. Declarant's predecessor in interest, Las Colinas Corporation (LCC), executed a Declaration (as previously corrected and supplemented the Declaration) on the 22nd of August, 1973, applicable to certain real property described in Exhibit "A" attached thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas.
- B. The Declaration was filed of record in Volume 73166, Page 1001, of the Deed Records of Dallas County, Texas, a Correction to Declaration was filed of record in Volume 77154, Page 1096, of the Deed Records of Dallas County, Texas, a Second Correction to Declaration was filed of record in Volume 79122, Page 0749, of the Deed Records of Dallas County, Texas, and a Third Correction to Declaration was filed of record in Volume 82071, Page 3244, of the Deed Records of Dallas County, Texas.
- C. LCC assigned all of its rights as "Declarant" under the Declaration to Declarant under a Corrected Assignment and Transfer of Rights of Declarant under Declaration dated as of June 29, 1989, recorded in Volume 92041, Page 0446, of the Deed Records of Dallas County, Texas.
- D. Additional real property has been added to the scheme of the Declaration as contemplated in Article I, Section 3, thereof by recording Supplementary Declarations in the Deed Records of Dallas County, Texas.
- E. Article V of the Declaration (entitled Protective Covenants), as originally written and as modified by the previous Supplementary Declarations is applicable only to the real property described in Exhibit "A" to the Declaration and in Exhibits to the previous Supplementary Declarations and not to additional real property which may be added to the scheme of the Declaration by subsequent Supplementary Declarations.
- F. Article I, Section 3, of the Declaration permits the addition of additional property to the scheme thereof by filing a Supplementary Declaration of record, which Supplementary Declaration may modify Article V of the Declaration as it pertains to the additional property.
- G. Declarant desires to add additional property located within the boundaries of the property described in Exhibit "A-179" to the Declaration to the scheme of the Declaration and to modify Article V of the Declaration as it pertains to the additional property.

98172 04762

- H. The following terms have the following definitions: **Canal** means the Lake Carolyn Canal; **District** means Dallas County Utility and Reclamation District; and **Architectural Control Committee** means the Architectural Control Committee of The Las Colinas Association.

NOW THEREFORE, Declarant declares as follows:

1. The real property described in Exhibit "A-179" attached hereto and incorporated herein by reference for all purposes (designated as **Area CLXXIX** 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 179, which is applicable only to Area CLXXIX:

Section 179. Covenants Applicable to Area CLXXIX. The following provisions are applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CLXXIX of the Properties:

- a. Use Limitations. Sites in Area CLXXIX may be used for office buildings, banks and financial institutions, restaurants, health clubs, child care facilities, and other retail sales facilities contained wholly within the office buildings. The following uses of sites in Area CLXXIX are not permitted:

- (1) Warehouses and manufacturing.
- (2) Residential.
- (3) Any use which involves a noxious odor or any excessive noise level which constitutes a nuisance.
- (4) Any use which violates any part of this Section 179.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry for commercial purposes.

- 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 Las Colinas Boulevard.
 - (B) 50 feet from John W. Carpenter Freeway (S.H. 114) Service Road.

- (C) 25 feet from O'Connor Boulevard.
- (D) 25 feet from the dry wall of the Canal.
- (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, fences, or hedges, not to exceed four feet in height.
 - (D) Landscaping.
 - (E) Guardhouses.
 - (F) Gatehouses.
 - (G) Aerial pedestrian crossings or connections.
 - (H) Canopies.
 - (I) Minor encroachments of adequately screened parking structures or parking areas.
- (3) Declarant may grant exceptions to or variances from any setback lines established in b(1) above, except for b(1)(D) [setbacks from the Canal], provided that any variances or exceptions must be in writing.
- (4) Exceptions to or variances from b(1)(D) may be granted only upon written approval of both the Board of Directors of the District and the Architectural Control Committee. If the District ceases to function as a separate political subdivision of the State, exceptions to or variances from b(1)(D) may be granted only by the Architectural Control Committee, provided any exceptions or variances must be in writing.
- c. Minimum Building Height Requirements. Principal structures erected on sites in Area CLXXIX shall conform to the minimum height requirements set forth below:
 - (1) Not less than 18 stories, the floor level of the first story being at or above the top of curb elevation of Las Colinas Boulevard abutting the site.Exceptions to or variances from minimum building heights established in this paragraph c may be granted only upon written approval of the Declarant.
- d. Minimum Habitable Building Floor Level. The lowest habitable floor level of any building, other than basement mechanical storage and parking levels may not

be lower than elevation 425 mean sea level. No opening through the outside wall of any building is permitted lower than elevation 425 mean sea level.

e. Parking Areas. Parking areas shall:

- (1) Be curbed and guttered with concrete and paved with 5" reinforced concrete placed on a 6" lime stabilized base or an equivalent pavement section engineered by a registered professional engineer as approved by the Architectural Control Committee.
- (2) Have a maximum grade slope of 5% and a minimum grade slope of 1½%.
- (3) Not be provided in front of the minimum setback lines established above, nor 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 reasonably acceptable to the Architectural Control Committee in accordance with its customary use of discretion. Screening shall occur between all surfaced parking lots, adjacent public streets and adjacent exterior boundary lines.
- (5) Be sufficient to accommodate all parking needs for employees, company vehicles, customers and visitors without the use of onstreet parking. 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:
 - (A) 300 net square feet of health club space;
 - (B) 200 net square feet of retail store space;
 - (C) each 2½ restaurant or club seats;
 - (D) each 3½ theater, auditorium or assembly seats; and
 - (E) each 10 students in a child care facility

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

f. Driveways. Driveways must:

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

g. Signs. All signs must be approved by the Architectural Control Committee in writing prior to installation. Normally, approval will be limited to those signs that:

- (1) Identify the name and business of the occupant, or give directions, or offer the premises for sale or for lease.
- (2) Are not of an unusual size or shape when compared to the building or buildings on the premises.
- (3) Preserve the quality and atmosphere of the area.

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

h. Landscaping. Landscaping shall:

- (1) Be completed on all sites contemporaneously with completion of other improvements, but in no event later than 180 days after first occupancy of buildings.
- (2) Conform to a landscaping plan approved by the Architectural Control Committee under Article IV of the Declaration. Normally, approval will be limited to landscaping plans that:
 - (A) Provide automatic underground sprinkling systems for all landscaped areas;
 - (B) Permit reasonable access to public and private utility lines and easements for installation and repair, and
 - (C) Include at least one tree for each 4,500 square feet of area between exterior building walls and public street right-of-way lines and adjacent boundary lines.
- (3) Owners of sites adjacent to the Canal must provide landscaping, including hardscape structures and walks as well as plant materials, within the property owned by the District along that portion of the Canal adjacent to their respective sites in accordance with plans submitted by the owners and subjectively approved by the Board of Directors of the District and the Architectural Control Committee. The adjacent property Owner shall maintain the improvements in that portion of land along the Canal in accordance with standards established from time to time by the District and the Association.

- (4) Owners shall provide landscaping, including hardscape structures and walks as well as plant materials within the area adjacent to any public or private street in accordance with plans submitted by the Owners and subjectively approved by the Architectural Control Committee. Owners shall maintain the improvements within these areas in accordance with standards established from time to time by the Association.

i. Screening.

- (1) Storage areas, incinerators, storage tanks, 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) 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.

j. Loading Docks and Areas

- (1) Loading docks and areas may not be located on the street-side of any building or structure, except that the Architectural Control Committee may approve a street-side 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.
- (3) Loading docks and areas must be screened in a manner approved in writing by the Architectural Control Committee considering factors like location and views from adjacent and nearby properties and public rights-of-way.

- k. Exterior Illumination. Illumination is required for all exterior building walls that 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.

l. Special Canal Front Requirements.

- (1) Development plans and architectural plans for structures facing on the Canal must:
 - (A) Provide at the Canal level retail, personal service, and restaurant uses that will attract people to the Canal and that are conducive to use by pedestrians;
 - (B) provide attractive facades facing on the Canal, which facades must provide a "front door" atmosphere rather than a "rear door" or "service entrance" feeling or "back side" look; and
 - (C) provide pedestrian access at the Canal level into buildings from the Canal walkways.
- (2) Automobile parking areas, loading docks, cooling towers, antennas, and other similar equipment and installations must be screened from view from the Canal and from boats traveling on the Canal.
- (3) Driveways viewed from the Canal must be minimized and carefully landscaped so that views of vehicles from across the Canal and from boats traveling on the Canal are minimized.
- (4) Special attention must be given to landscaping and its drainage in all areas that lie between building structures and the Canal, and must conform to plans and specifications approved by the Architectural Control Committee. Owners shall maintain the improvements within these areas in accordance with standards established from time to time by the Association.
- (5) Boat docking, loading and unloading facilities, and storm sewers and storm sewer discharge structures, may be constructed only at locations approved in advance in writing by the Board of Directors of the District and the facilities must conform to designs approved by the District. All roof drainage and other collected storm water run-off must be carried into either a public storm sewer facility or into the Canal in a manner subjectively approved by the District. All discharge structures into the Canal for all collected storm water run-off must be below elevation 418 mean sea level and must be subjectively approved by the District.

m. Construction Standards.

- (1) All building sides must be faced with face brick or stone, or with other quality face materials approved in writing by the Architectural Control Committee. Windows may not be glazed or reglazed with mirrored or reflective glass and the spandrel area between window openings may

not be faced with a glass material without prior written approval of both the Architectural Control Committee and Declarant.

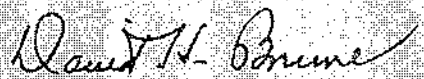

- (2) The design of all buildings, specifically including garage structures, fronting on Las Colinas Boulevard or O'Connor Boulevard must be designed so that the maximum amount of space within the building abutting the exterior walls facing Las Colinas Boulevard or O'Connor Boulevard will be of a construction plan that will facilitate the utilization of the space for shop, boutique, restaurant, or other purposes requiring a shop front appearance. The exterior facade at ground or street level facing Las Colinas Boulevard or O'Connor Boulevard of all buildings including garage structures, must be of an attractive "store front design" or otherwise attractively screened.
- (3) The design of all buildings, specifically including garage structures, fronting on the Canal must be designed so that the maximum amount of space within the building abutting the exterior walls facing the Canal is of a construction that will facilitate the utilization of the space for shop, boutique, restaurant, or other purposes requiring a shop front appearance. The finished floor elevation of the space must be no lower than elevation 425 mean sea level and must provide convenient access to the sidewalk adjacent to the Canal. Short term parking must be provided so as to be conveniently accessible to the Canal front area.
- (4) Construction must conform to plans and specifications approved in writing by the Architectural Control Committee under Article IV of the Declaration. Normally, approval will be limited to those plans which:
 - (A) Do not include wooden frames.
 - (B) Preserve the quality and atmosphere of the area and do not detract from adjacent property.
 - (C) Do not include exterior fire escapes.
- (5) 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 (including, without limitation, shredding, compaction, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Control Committee and the District.
- (6) All structures must be equipped with gutters, downspouts, or other drainage conveyances approved by the Architectural Control Committee.
- (7) All utility lines (public or private) shall be underground.

- (8) Once commenced, construction must be diligently pursued so it is not left in a partly finished condition for a period longer than eighteen (18) months without written approval from the Architectural Control Committee.
3. No approval of plans and specifications and no publication of requirements or guidelines herein or in the Declaration or otherwise by the Association or the Architectural Control Committee or granting of any exceptions or variances by Declarant may be construed as representing or implying that improvements built in accordance therewith will be free of defects or comply with applicable laws or ordinances. Any approvals and observations incident thereto concern matters of an aesthetic nature. No approvals and guidelines may be construed as representing or guaranteeing that any improvements built in accordance therewith will be designed or built in a good and workmanlike manner. The granting of any exceptions or variances by Declarant shall be in Declarant's sole discretion. Declarant, the Association, their respective directors, officers, employees, and agents, the Architectural Control Committee, and members of the Architectural Control Committee are not responsible or liable in damages or otherwise to anyone submitting plans and specifications for approval or to any owner of land subject to the Declaration for any defects in any plans or specifications submitted, revised, or approved, any loss or damages to any person arising out of approval or disapproval or failure to approve or disapprove any plans or specifications, any loss or damage arising from the noncompliance of the plans or specifications with any governmental ordinance or regulation, or any defects in construction undertaken pursuant to the plans and specifications. Approval of plans and specifications by the Architectural Control Committee may not be construed as approval by the City of Irving, Texas, as the approval processes are mutually exclusive. Unconditional approval of a complete set of plans and specifications by the Architectural Control Committee satisfies the requirements of all applicable subsections of this Supplementary Declaration that require written approval by the Architectural Control Committee for the plans and specifications. Any determination made by Declarant under this Supplementary Declaration, and the grant or denial of any exception or variance by Declarant under this Supplementary Declaration, is in Declarant's sole discretion.
4. The Declaration, except as expressly modified herein, remains in force and effect and is ratified and confirmed.

EXECUTED as of the day and year first written above.

LAS COLINAS LAND LIMITED PARTNERSHIP, a
Delaware limited partnership

By: Faison-Stone, Inc., a Texas corporation, Manager

By: 
David H. Brune
As its: Vice President 

THE STATE OF TEXAS

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COUNTY OF DALLAS

This instrument was acknowledged before me on August 28 1998, by David H. Brune, 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.



[SEAL]

Carol N. Wright
Notary Public in and for
the State of TEXAS

EXHIBIT A-179

BEING a 5.251 acre tract of land in the City of Irving, Dallas County, Texas, situated in the McKinney and Williams Survey, Abstract No. 1056 and the Elizabeth Crockett Survey, Abstract No. 217, said 5.251 acre tract of land being more particularly described as follows:

BEGINNING at an "x" found in concrete at the point of intersection of the curving Northerly right-of-way line of O'Connor Boulevard (a 110' R.O.W.), as described by plat recorded in Volume 80018, Page 0019, Deed Records of Dallas County, Texas, with the Westerly right-of-way line of Las Colinas Boulevard (a variable width R.O.W.), as described by plat recorded in Volume 82073, Page 0878, Deed Records of Dallas County, Texas;

THENCE Southwesterly along the curving right-of-way line of said O'Connor Boulevard, being on a curve to the left having a central angle of 08 degrees 21 minutes 20 seconds, a radius of 2370.26 feet, a chord distance of 345.35 feet having a bearing of South 62 degrees 11 minutes 27 seconds West, for an arc distance of 345.66 feet to an "x" set for corner on the Easterly right-of-way line of State Highway 114, John W. Carpenter Freeway, as described by the deed recorded in Volume 81175, Page 1172, Deed Records of Dallas County, Texas;

THENCE along the easterly right-of-way line of State Highway 114 the following:

North 77 degrees 57 minutes 09 seconds West, a distance of 58.72 feet to a 1/2 inch iron rod set for corner;

North 33 degrees 10 minutes 45 seconds West, a distance of 89.03 feet to a 1/2 inch iron rod found for corner at the point of curvature of a curve to the left having a central angle of 56 degrees 18 minutes 33 seconds, a radius of 295.87 feet, a chord distance of 279.21 feet bearing North 61 degrees 20 minutes 01 seconds West;

Northwesterly along said curve to the left for an arc distance of 290.78 feet to a 1/2 inch iron rod set for corner at the end of said curve;

North 85 degrees 21 minutes 12 seconds West, a distance of 57.55 feet to a 1/2 inch iron rod found at the beginning of a curve to the right having a central angle of 23 degrees 18 minutes 54 seconds, a radius of 264.02 feet, a chord distance of 106.70 feet having a bearing of North 73 degrees 41 minutes 39 seconds West;

Northwesterly along said curve to the right for an arc distance of 107.44 feet to a 1/2 inch iron rod set on the Southerly line of a 1.494 acre tract of land as described by deed recorded in Volume 84236, Page 0250, Deed Records of Dallas County, Texas;

THENCE departing said Easterly right-of-way line of State Highway 114, along the Southerly line of the said 1.494 acre tract the following:

North 60 degrees 47 minutes 00 seconds East, a distance of 113.56 feet to a 1/2 inch iron set for corner;

North 35 degrees 47 minutes 00 seconds East, a distance of 50.00 feet to a

1/2 inch iron rod set for corner;

North 60 degrees 47 minutes 00 seconds East, a distance of 332.22 feet to a 1/2 inch iron rod set for corner;

North 46 degrees 17 minutes 26 seconds East, a distance of 13.69 feet to a 1/2 inch iron rod set for corner;

South 43 degrees 42 minutes 34 seconds East, a distance of 30.00 feet to a 1/2 inch iron rod set for corner;

North 46 degrees 17 minutes 26 seconds East, a distance of 109.15 feet to a 1/2 inch iron rod set same being on the said Westerly right-of-way line of Las Colinas Boulevard;

THENCE along said Westerly right-of-way line of Las Colinas Boulevard the following:

South 44 degrees 47 minutes 30 seconds East, a distance of 132.44 feet to a 1/2 inch iron rod found at the beginning of a curve to the right;

Southeasterly, along said curve to the right having a central angle of 22 degrees 22 minutes 11 seconds, a radius of 768.51 feet, a chord distance of 298.14 feet having a bearing of South 33 degrees 36 minutes 24 seconds East, for an arc distance of 300.05 feet to a 1/2 inch iron rod set at the end of said curve;

THENCE South 22 degrees 25 minutes 19 seconds East, a distance of 79.25 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 228,734 square feet or 5.251 acres of land, more or less.

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COURTESY SJ3
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SUPPLEMENTARY DECLARATION 179
EXCEPTION VARIANCE

STATE OF TEXAS

COUNTY OF DALLAS

The undersigned, HINES LAS COLINAS LAND LIMITED PARTNERSHIP, a Texas limited partnership, AS SUCCESSOR IN INTEREST TO LAS COLINAS LAND LIMITED PARTNERSHIP, a Delaware limited partnership, in its capacity as Declarant hereby grants an exception variance to that certain Supplementary Declaration No. 179.2.c. (1) Las Colinas Area CLXXIX, dated August 28, 1998 and recorded in Volume 98172, Page 04762 (the "Las Colinas Declaration") to allow principal structures erected on sites in Area CLXXIX to conform to a minimum height requirement of not less than six (6) stories, the floor level of the first story being at or above the top of curb elevation of Las Colinas Boulevard abutting the site.

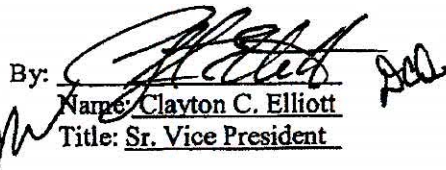
EXECUTED as of February 5, 2008.

HINES LAS COLINAS LAND LIMITED
PARTNERSHIP, a Texas limited partnership

By: Hines Las Colinas Land GP LLC,
a Delaware limited partnership,
its General Partner

By: Hines Interests Limited Partnership,
a Delaware limited partnership,
its sole Member

By: Hines Holding, Inc.,
a Texas corporation,
its General Partner

By: 
Name: Clayton C. Elliott
Title: Sr. Vice President

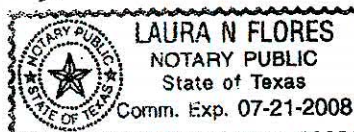
STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on February 5, 2008,
by Clayton C. Elliott, Senior Vice President of Hines Las Colinas Land Limited Partnership, a
Texas limited partnership, manager for Hines Las Colinas Land GP LLC, a Delaware limited
partnership, on behalf of said partnership and corporation.




Notary Public, State of Texas





FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

A stylized, handwritten signature of John F. Warren in black ink, set against a background of a fine, dotted grid pattern.

John F. Warren, County Clerk

Dallas County TEXAS

March 03 2008 09:57 AM

FEE: \$ 16.00

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**FIRST AMENDMENT
TO THE
SUPPLEMENTARY DECLARATION NO. 179
LAS COLINAS AREA CLXXIX
DALLAS COUNTY, TEXAS**

**STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS;
COUNTY OF DALLAS §**

This First Amendment to Supplementary Declaration No.179, Las Colinas Area CLXXIX, is made this 2nd day of November, 2017, by The Las Colinas Association, a Texas non-profit corporation, hereinafter called the "Association."

RECITALS:

A. The Las Colinas Corporation ("LCC"), a Texas corporation, executed a Declaration [for] Las Colinas Area I (as 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

B. The Declaration was filed of record in Volume 73166, page 1001 *et seq.* of the Deed Records of Dallas County, Texas; a Correction to Declaration was filed of record in Volume 77154, page 1096 *et seq.* of the Deed Records of Dallas Country, Texas; a Second Correction to Declaration was filed of record in Volume 79122, Page 0749 *et seq.* of the Deed Records of Dallas County, Texas; a Third Correction to Declaration was recorded in Volume 82071, Page 3244 *et seq.* of the Deed Records of Dallas County, Texas; and a First Amendment to the Corrected Las Colinas Declaration was recorded as Document No. 201400111545 of the Deed Records of Dallas County, Texas (such Declaration as so corrected and amended being referred to as the "Declaration").

C. LAS COLINAS AREA CLXXIX ("Area CLXXIX"), that certain 5.251 acre tract, was added to Las Colinas pursuant to Supplementary Declaration No. 179, Las Colinas Area CLXXIX, recorded in Volume 98172, Page 04762 *et seq.*, of the Deed Records of Dallas County, Texas, as described more particularly in Exhibit "A-179" of Supplementary Declaration No. 179 (the "Original Supplement").

D. MJS Development is the owner of property within Area CLXXIX and has requested an amendment to Supplementary Declaration No. 179 to permit the development of governmental uses as a component of another permitted use as provided herein.

E. Section 215.008(d) of the Texas Property Code provides that the declaration and any supplementary declaration, including amendments, modifications, or corrections, may be amended by a simple majority of the eligible votes being cast in favor of the amendment.

F. More than a majority of the eligible votes of the membership were cast to approve the following amendment of Article V, Section 179 of the Declaration, after due and proper notice, at a Special Meeting of the Association held on November 2, 2017.

NOW THEREFORE, the Declaration, as supplemented by the Original Supplement and as amended by this First Amendment to Supplementary Declaration No. 179, Las Colinas Area CLXXIX is hereby amended as follows:

1. That Article V, Section 179, Subsection (a) of the Declaration is hereby replaced with the following:

- a. Use Limitations. Sites in Area CLXXIX may be used for office buildings, banks and financial institutions, restaurants, health clubs, child care facilities, and other retail sales facilities contained wholly within the office buildings.

Sites in Area CLXXIX may also be used for hotel, a minimum one story

freestanding retail or restaurant building not to exceed 10,000 square feet (however, the Board of Directors may grant a variance to the maximum square feet restriction) built simultaneously with the office building or hotel, residential condominiums are allowed as part of either a hotel or office building that meets the minimum required building height restriction.

The following uses in Area CLXXIX are not permitted:

- (1) Warehouses and manufacturing.
- (2) Residential, except as detailed above.
- (3) Any use which involves a noxious odor or any excessive noise level which constitutes a nuisance.
- (4) Any use which violates any part of this Section 179.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry for commercial purposes.
- (6) Any one person or entity may not own more than three (3) residential condominium units.

2. That Article V, Section 179, Subsection (m)(3) of the Declaration is hereby replaced with the following:

(3) The design of all buildings specifically including garage structures, fronting the Canal must be designed so that the maximum amount of space within the building abutting the exterior wall facing the Canal is of a construction that will facilitate the utilization of the space for shop, boutique, restaurant, or other purposes requiring a shop front appearance or otherwise attractively screened as approved by the Architectural Control Committee. The finished floor elevation

must be no lower than elevation 425 mean sea level and must provide convenient access to the sidewalk adjacent to the Canal. Short term parking must be provided so as to be conveniently accessible to the Canal front area.

3. That Article V, Section 179, Subsection (c) of the Declaration is hereby replaced with the following:

c. Parking Areas. Parking areas shall:

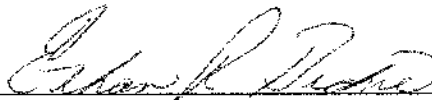
- (1) (Surface Parking) Be curbed and guttered with concrete and paved with 5" reinforced concrete placed on a 6" lime stabilized base or an equivalent pavement section engineered by a registered professional engineer as approved by the Architectural Control Committee.
- (2) (Surface Parking) Have a maximum grade slope of 7% and a minimum grade slope of 1%.
- (3) Be sufficient to accommodate all parking needs for employees, company vehicles, and visitors. If parking needs increase, additional parking on-site shall be provided by the Owner. Parking shall meet or exceed the 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 and as approved by the Architectural Control Committee. Declarant may grant exceptions to or variances from any part of this subsection c, provided that any variances or exceptions must be in writing.

4. The recitals set forth above are hereby adopted by reference and declared to be true and correct.

5. The Corrected Supplementary Declaration No. 179, Las Colinas Area CLXXIX, except as expressly amended by this First Amendment to Supplementary Declaration No. 179, Las Colinas Area CLXXIX hereby remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first above written

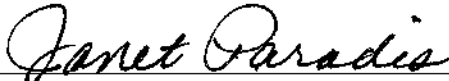
THE LAS COLINAS ASSOCIATION,
a Texas non-profit corporation

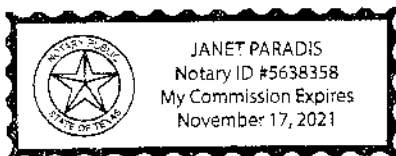
By: 
Ethan R. Bidne, President

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 2nd day of November, 2017, by Ethan R. Bidne, President of The Las Colinas Association, a Texas non-profit corporation, on behalf of such corporation.


Notary Public in and for the State of Texas



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