

CORRECTION – This instrument is being re-recorded to correct a scrivener's error in the typing of 229 as a Roman numeral on page 2 and Exhibit A of the document. This correction instrument replaces the document previously recorded in instrument number 20100086128, Real Property Records, Dallas County, Texas.

SUPPLEMENTARY DECLARATION NO. 229

LAS COLINAS AREA CCXXIX

DALLAS COUNTY, TEXAS

This Supplementary Declaration is made, effective as of this 11th day of April, 2014, by HINES 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 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.



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DECLARATION 1/12



- 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. Declarant desires to add additional property located within the boundaries of the property described in Exhibit "B" to the Declaration to the scheme of the Declaration and to 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-229** attached hereto and incorporated herein by reference for all purposes (designated as **Area CCXXIX** 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 229, which is applicable only to Area CCXXIX.

Section 229. Covenants Applicable to Area CCXXIX. The following provisions are applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CCXXIX of the Properties:

- a. Use Limitations. Sites in Area CCXXIX may be used for detached single family residential dwellings (as defined by The Las Colinas Association), and for parks and open spaces created as part of the development process.
 - (1) No lot shall be used except for residential purposes or parks and open spaces created as part of the development process or for those lots specifically designated by Declarant for temporary marketing offices, construction trailers and field offices. No building shall be erected, altered, placed, or permitted to remain on any lot other than (i) one detached single family dwelling with a private garage for not more than four vehicles, or (ii) park and open space related facilities created as part of the development process.
 - (2) The floor area of the main structure, exclusive of one story open porches and garages, shall be as follows for each product type:
 - a) 40' Wide Pad at the Front Setback Line: no less than 1800 square feet for one-story dwellings and 2200 square feet for 1-1/2 and two-story dwellings.
 - b) 50' Wide Pad at the Front Setback Line: no less than 2000 square feet for one-story dwellings and 2400 square feet for 1-1/2 and two-story dwellings.

- (3) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance, dangerous or a nuisance to the neighborhood.
- (4) No structure of a temporary character, recreational vehicle, mobile home, trailer, boat trailer, tent, shed, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
- (5) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, or a sign of not more than five square feet advertising the property for sale, or signs of a size and design approved by the Architectural Control Committee used by a builder to advertise the property during the construction and sale period.
- (6) 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.
- (7) 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 structure.
- (8) Parking on the streets, in the driveways, or on any lot overnight (except where housed completely within an enclosed and roofed structure approved by the Architectural Control Committee) is prohibited for the following:

Commercial vehicles (The term "Commercial Vehicle" shall include all passenger vehicles, trucks and vehicular equipment which shall bear signs of shall have printed on the sides of same references to any commercial undertaking or enterprise.)

Truck over ¾ ton gross weight

Trailers

Mobile homes

Motorboats

Boats

Recreational vehicles

The preceding does not apply to temporary marketing offices, construction trailers, field offices, and related vehicles on specifically identified lot(s) or model homes with prior approval by the Architectural Control Committee.

- (9) No clothesline may be maintained on any lot.

- (10) Except as otherwise permitted 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 streets and highways.
- (11) No manufacturing, trade, business, commerce, industry, profession, or other occupation whatsoever will be conducted or carried on upon any lot or any part thereof, or in any building or other structure erected thereon except for activities consistent with temporary marketing offices, construction trailers, and field offices on specifically approved lot(s). This Section 229.a.(12) does not, however, prohibit a resident from using a dwelling for personal business or professional pursuits provided that: (i) the uses are incidental to the use of the dwelling as a residence; (ii) the uses conform to applicable governmental ordinances; and (iii) there is no external evidence of the uses.
- (12) No above ground level swimming pool may be installed on any lot, and any swimming pool shall be designed and engineered in compliance with Paragraph e. (1) of this Section 229.

b. Minimum Setback Lines.

- (1) No structure of any kind and no part thereof may be placed within these setback lines:
 - (A) 20 feet front yard setback from any street right of way for the main residential structure; where residences will have front entry garages facing the street, the minimum setback from any property line to the face of the garage shall be 22 feet; where residences will have a front swing garage, the minimum front yard setback for the garage shall be 20 feet.
 - (B) 15 feet from any street right of way other than those referenced in (A) above.
 - (C) 15 feet from any rear property line.
 - (D) 5 feet from any interior side lot lines.
- (2) The following improvements are expressly excluded from these setback restrictions:
 - (A) Structures below and covered by the ground.
 - (B) Steps, walks, patios, swimming pools, driveways, and curbing.

- (C) Planters, walls, fences or hedges not to exceed 4 feet in height within the front “Minimum Setback Lines” created by Section 2(b)(1)(A-B) above or 9 feet in height within rear and side street “Minimum Setback Lines”, except as approved by the Architectural Control Committee.
 - (D) Landscaping.
 - (E) Box or bay windows.
 - (F) Fireplaces and chimneys, to the extent any portion of same project from the side of a residential structure.
 - (G) Porches, balconies, stoops and awnings may encroach a maximum of 5 feet into the required front yard setbacks.
 - (H) Any other improvements approved in writing by Declarant. Roofed structures, including but not limited to cabanas, arbors, gazebos, etc., may in no event be approved within the front building setback, the side yard setback(s), or a rear yard setback equivalent in distance to the minimum side yard setback.
- (3) Declarant may grant exceptions to or variances from any setback lines established in 2b(1) above, provided that any variances or exceptions must be in writing.

c. Garages and Parking.

- (1) The interior walls of all garages must be finished (tape, bed, and paint as a minimum) like other rooms in the building.
- (2) No garage shall be permitted to be enclosed for living or used for purposes other than storage of passenger vehicles and related normal uses except for the temporary use of a home as a builder’s model, unless a new garage is constructed on the same property.

d. Landscaping, Walls, and Fences:

- (1) The horizontal visibility triangle area (as determined by the City of Irving Transportation Department) at the intersection of a street, alley or driveway shall remain clear of any man-made or natural items between an elevation of 2.5 feet and 7.5 feet above the pavement as measured at the gutter line. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at a sufficient height to prevent obstruction of such sight lines.
- (2) The minimum landscape plan shall include one (1) tree in the front yard, with two (2) additional trees required in the side yard of a corner lot adjacent to a street, and foundation planting. A minimum of one (1) rear yard tree as approved by the Architectural Control Committee is required.

Trees shall be a minimum 4" caliper, as measured vertically 12" from the ground line. Foundation planting is required as stipulated by the Architectural Control Committee based on the design of the house, including, but not limited to, a balanced combination of shrubs, vines, groundcovers and/or seasonal colors. All street parkways (area between the back of street curb and the sidewalk) must be turfed with natural sod and must be irrigated by an underground programmable irrigation system. All natural sod and planting bed areas must be irrigated by an underground programmable irrigation system, except for common areas which shall be addressed as appropriate. All applicants must submit landscape plans to the Architectural Control Committee for approval. The plans shall include, in general and as applicable, hardscape structures and walks where appropriate; a planting plan, including materials, species and size; landscape lighting, retaining walls and fencing; and an automatic, underground irrigation system. Landscaping shall be completed on all sites contemporaneously with completion of other improvements, but in no event later than 90 days after first occupancy of building(s).

- (3) Landscape border material is limited to steel edging, masonry or other hard surface construction materials to include brick, stone, moss boulders, or cast concrete stones or curbing specifically designed for borders. It is preferable that brick or stone match any brick or stone on the house. Complimentary brick or stone will be considered by the ACC. Stucco homes must have complimentary material and color. Wood, plastic, vinyl or non-suitable materials as determined by the ACC will not be approved. Installation of all masonry borders may be done by mortar or dry stack for natural stone. All installations should be top level and include a finished top or cap element. Holes in bricks may not be visible from any view.
- (4) The owners of the lots shall be responsible for the maintenance of parkways located between their lot lines and the back of curb of streets and alleys on which said lots abut. The owners thereof shall likewise maintain the exterior of all structures on their lot and their yards, hedges, plants, and shrubs in a neat and trim condition at all times.

e. 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 Registered Professional Engineer based on recommendations given in a geotechnical soils report prepared by a geotechnical engineering firm. The soils investigation and analysis, and the design of the foundation system, shall be prepared and stamped or sealed by a registered professional engineer. Any swimming pool shall be designed utilizing the data provided by the soils report and analysis with adequate surface and subsurface drainage provided.
- (2) All roof material must meet standards established by the Architectural Control Committee and may be random tab architectural composition

shingle roof (color must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Architectural Control Committee, and must exhibit a raised profile look, i.e. varied levels of visual depth and texture that give a dimensional appearance and as approved by the Architectural Control Committee), tile, slate, standing seam metal, or other equal or greater product as approved by the Architectural Control Committee. All roof materials shall be compatible with the architectural style of the home.

- (3) The exposed exterior wall area, exclusive of doors, windows, and covered porch areas, shall not be less than 75% brick, brick veneer, stone, stone veneer, lathe and plaster stucco, or stucco veneer construction, or other low maintenance material approved by the Architectural Control Committee. Only clay brick will be permitted. Stucco shall be traditional 3-coat process cement plaster stucco. EIFS is not allowed.
- (4) The entire structure shall be guttered with downspouts. All gutters and downspouts on the front of the house shall be molded from aluminum with a pre-painted finish, copper or paint grip metal. All downspouts except those emptying directly into streets or driveways shall be tied into underground drains if positive drainage does not exist. Gutters shall not drain across property lines.
- (5) Garages and all other outbuildings are to be given the same architectural treatment and be constructed of the same materials as the main structure. All garage doors shall be equipped with automatic remote controlled door openers. All garage doors must have a cedar clad facing, woodgrain simulated metal facing equivalent in quality to the cedar clad facing, or equal, as approved by the Architectural Control Committee. All doors must be stained or painted in a color compatible with the colors of the house.
- (6) All driveways must be concrete or other masonry products such as brick pavers, stone, interlocking pavers, stamped or stained concrete, or concrete with stone or brick veneer.
- (7) All exposed portions of the fire breast, flue and chimney shall be clad in brick, stone, or stucco and shall match the brick, stone or stucco used to meet the seventy five percent (75%) exterior surface requirement. Chimneys located on an exterior wall must be 100% brick or stone.
- (8) All window framing shall be bronzed, cream, sand, clay or white anodized aluminum, vinyl or wood. Painted wood or fiberglass window shutters may be used. No reflective window coverings or treatments shall be permitted. All windows facing a street front shall be divided light windows.
- (9) No exterior alterations of any existing building may be permitted without the prior written approval of the Architectural Control Committee. No

additional windows, balconies, platforms, etc. which may invade the privacy of adjacent dwellings are permitted.

- (10) Any and all lines or wires for communication or for transmission of current outside of the building shall be constructed, placed and maintained underground.
- (11) Lighting plans shall be designed to delicately accent architectural elements, and shall include a minimum of one light near the front door or porch. No exterior light shall be installed or maintained on any lot which is found to be objectionable by the Architectural Control Committee. Upon being given notice by the Association that any exterior light is objectionable, the owner of the lot will immediately remove said light or have the light shielded in such a way that it is no longer objectionable.
- (12) Mailboxes shall be Brandon Industries Dual Mailboxes, M1 Series, color Black, mounted on a smooth 4" black pole, or equal, as approved by the Architectural Control Committee.
- (13) 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, graded and landscaped in accordance with the approved landscape plan.
- (14) 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.
- (15) Temporary portable buildings may be used for construction purposes or as field offices or temporary marketing offices within Area CCXXIX in support of the sale of lots within Area CCXXIX only with the prior written approval of the Declarant. Such temporary portable buildings shall meet the following requirements:
 - (A) Be landscaped to the same standards as other residential lots.
 - (B) Allow no overnight parking of construction vehicles.
 - (C) Provide screening for all construction materials to be kept on site.
 - (D) Be kept in a clean, well-kept condition at all times.

Such temporary portable buildings shall be removed two (2) months after the date on which construction starts on the last of the lots. All landscaping, irrigation systems, hardscaping, signs and debris are to be removed and the area is to be graded, cleaned and turf established to the satisfaction of the Architectural Control Committee.

- (16) During construction on any lot, all trash and construction debris shall be contained within an on-site enclosure to be approved by the Association.

The trash container shall be maintained on the lot throughout the period of construction (subject to the need to promptly remove and replace same as it becomes full), and all waste materials and construction debris shall be placed therein on a daily basis in order to reduce the possible dispersal of such waste materials and construction debris to any other lot and to maintain a neat and orderly appearance on the lot on which construction is being performed. Such temporary trash container shall be removed within 10 calendar days following completion of construction on the lot.

- (17) No wooden fence, wall or hedge shall exceed eight (8) feet in height or be less than six (6) feet in height unless otherwise specifically required by the City of Irving or expressly approved by the Architectural Control Committee of the Las Colinas Association. The average height of the fence should be 6 feet 6 inches (6'-6") or less. All wooden fences shall be constructed of cedar and be stained a uniform color (medium brown as approved by the Architectural Control Committee), shall be supported with galvanized steel posts at six (6) feet on center, and all cedar privacy fences shall be board on board and include a top rail. All Lots backing or siding to a creek, lake, greenbelt/common areas shall have a six (6) feet in height wrought iron fence with a uniform design as approved by the Architectural Control Committee. Fence gates facing a street or open space shall be metal or wrought iron as approved by the Architectural Control Committee.
- (18) Roof vents and stacks should be located on the non-street slopes of a roof whenever possible. All exposed roof accessories (including, but not limited, to vents, flashing, attic ventilator, and metal chimney caps) must match or be compatible with the color of the roofing material.
- (19) Only concrete masonry type retaining walls are permitted. Examples (but not limited to) of permitted walls are stone, brick, interlocking wall systems, poured-in-place concrete utilizing a form liner or faced with an appropriate material, or CMU block faced with an appropriate material.
- (20) In order to maintain architectural variety along residential streets, homes shall adhere to a 360 degree rule, meaning an individual standing in the street turning in a complete circle shall not be able to view the same front elevation. Elevations shall be substantially different when viewed under the 360 degree rule as determined by the Architectural Control Committee.

Declarant may grant variances to and/or exceptions from any part of paragraph e. of this Section 229, provided that any such variances and/or exceptions 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.

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

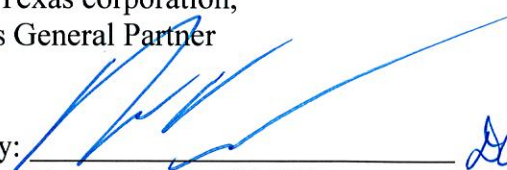
EXECUTED as of the day and year first written above.

HINES LAS COLINAS LAND LIMITED
PARTNERSHIP, a Texas limited partnership

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

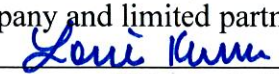
By: Hines Interests Limited Partnership,
a Delaware limited partnership,
its sole Member

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

By: 
Name: Robert W. Witte
Title: Sr. Managing Director

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on April 11, 2014, by Robert W. Witte, the Senior Managing Director 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.



Signature of Notary Public

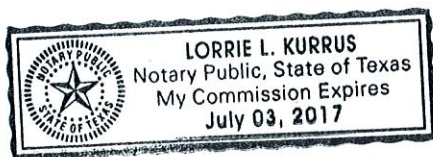


EXHIBIT A — 229

LAS COLINAS AREA CCXXIX

LEGAL DESCRIPTION

Being all of a tract of land situated in the City of Irving, Dallas County, Texas and being all of Lots 1-18, Block C, Lots 1X and 2X, Block C, Lot 7X, Block D, Lots 47-77, Block D, Lots 104-125, Block D, Lots 1-15, Block E, Lots 1-22, Block F, Lots 10-16, Block J, Lot 1X, Block K, and Lots 1-19, Block K of the Bridges at Las Colinas, Phase 1B, an Addition to the City of Irving according to the Plat thereof recorded in County Clerk's Document No. 201300195338, Official Public Records, Dallas County, Texas; and being all of Lot 1X, Block D, Amenity Center, Block D, Lots 1-19, Block D, Lots 1-21, Block H, and Lots 1-9, Block J of the Bridges at Las Colinas, Phase 2B-West, an Addition to the City of Irving according to the Plat thereof recorded in County Clerk's Document No. 201300382094, Official Public Records, Dallas County, Texas.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
04/11/2014 03:43:13 PM
\$70.00



A handwritten signature in black ink, appearing to be "JF2", is written over the seal.

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