



201700082422 ✓

DECLARATION 1/13

**SUPPLEMENTARY DECLARATION NO. 234  
LAS COLINAS AREA CCXXXIV  
DALLAS COUNTY, TEXAS**

This Supplementary Declaration, made this 22 day of MARCH 2017, by PALACE AT PARK CENTRAL, LLC, hereinafter called "Developer".

**BACKGROUND:**

- A. Las Colinas Corporation ("LCC"), executed a Declaration (as previously corrected and supplemented, the "Declaration") on the 22<sup>nd</sup> 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 Hines Las Colinas Land Limited Partnership ("Declarant") pursuant to an Assignment and Transfer of Rights of Declarant and Class B Member under Declaration sated 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 persons other than the Declarant if such other person obtains the written consent of the Las Colinas Association's Board of Directors and such other persons file a Supplementary Declaration of record, which Supplementary Declaration may modify Article V of the Declaration as it pertains to such additional property.

- H. Developer 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, and Developer does not desire to add Common Properties as defined by the Declaration by the filing of this Supplementary Declaration.
- I. Developer has obtained the written consent of the Board of Directors of the Las Colinas Association, as evidenced by its execution of the consent attached hereto.
- J. The following terms have the following definitions:
- a. **Association** means the Las Colinas Association;
  - b. **Architectural Control Committee** ("ACC") means the Architectural Control Committee of the Las Colinas Association;
  - c. **Board of Directors** means the Board of Directors of the Las Colinas Association;
  - d. **Declaration** means as described in paragraph B. above;
  - e. **Nuisance** means a use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience;
  - f. **Owner** means each and every person, persons or legal entity who owns fee simple title to any unit, lot, tract, or parcel of land in the Property.

All capitalized terms not defined herein have the same meaning as set forth in the Declaration.

NOW THEREFORE, Developer hereby declares as follows:

1. That the real property described in Exhibit "A-234" attached hereto and incorporated herein by reference for all purposes (designated as Area CCXXXIV 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. That Article V of the Declaration is hereby modified by the addition thereto of the following Section 234, which shall be applicable only to Area CCXXXIV.

Section 234. Covenants Applicable to Area CCXXXIV. The following provisions shall be applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CCXXXIV of the Properties:

- a. Use Limitations. Sites in Area CCXXXIV may be used for office buildings and related facilities, childcare facilities, day nurseries and kindergartens, school facilities and related uses, hospitals, health care, medical and dental clinics, offices for physicians, dentists and other health care professionals, senior living independent living, assisted living, memory care, intermediate and skilled care nursing and other long-term care facilities, pharmacies, laboratory services, health

and fitness facilities, and all of the following which are ancillary to the primary health care uses: retail sales and service and café, restaurant and other food service facilities, and over night accommodations for patient visitors; and any other uses and facilities which are related or incidental to the foregoing. Hotel use may be approved by the Board of Directors subject to the following: A four-star, luxury full service hotel with restaurants, and other retail sales facilities contained wholly within the hotel building. The following uses on sites in Area CCXXXIV are not permitted:

- (1) Any use which involves a noxious odor or any excessive noise level which constitutes a nuisance.
  - (2) Any use which is not expressly permitted by this Section 234.
- b. Minimum Setback Lines. No building structure of any kind and no part thereof shall be placed within these setback lines:
- (1) 50 feet from State Highway 114 right of way.
  - (2) 50 feet from Royal Lane right of way.
  - (3) 30 feet from any other public or private street (except shared access drives) property line.

The following improvements are expressly excluded from this restriction:

- (a) Structures below and covered by the ground.
- (b) Steps, walks, driveways, and curbing.
- (c) Landscape planters, walls, fences, or hedges, not to exceed 4 feet in height.
- (d) Landscaping.
- (e) Guardhouses.
- (f) Gatehouses.
- (g) Aerial pedestrian crossings or connections.
- (h) Canopies.
- (i) Minor encroachments of adequately screened structures or parking areas; and
- (j) Approved signs and monuments.

Board of Directors may grant exceptions to and/or variations from any setback lines established in this paragraph b. of this Section 234, provided that any such variances or exceptions must be in writing.

c. 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 as recommended in a geotechnical report signed and sealed by a registered Texas Professional Engineer.
- (2) Have a minimum grade slope of 1 ½ %.
- (3) Not be provided in front of the minimum setback lines established above. Not be provided in front of any building facing a public street unless expressly approved in writing by the Architectural Control Committee, which may not approve parking in front of minimum setback lines unless a written variance approving same is granted by Board of Directors.
- (4) Be screened at a minimum height of 42" above the parking surface at the time of installation by use of berms, trees, landscaping, or other means reasonably acceptable to the Architectural Control Committee. Screening shall occur between all surfaced parking lots, adjacent public streets and adjacent interior boundary lines.
- (5) Be sufficient to accommodate all parking needs for employees, company vehicles, and visitors without the use of on-street parking. If parking needs increase, additional off-street parking 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. Board of Directors may grant exceptions to or variances from any part of this subsection c, provided that any variances or exceptions must be in writing.

d. Driveways. Driveways shall:

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

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

- (1) Identify the name and business of the occupant, or which give directions, or which offer the premises for sale or for lease.

- (2) Are not of an unusual size or shape when compared to the building or buildings on the premises.
- (3) Do not project above the roof line of a building or in front of the setback line.
- (4) 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 or at a level 30 feet, to the top of the sign, above the mean sea level of the street fronting the subject sign (not to project above the roof line of the building); provided, Board of Directors 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.

f. Landscaping. Landscaping shall:

- (1) Be required on all sites contemporaneously with completion of other improvements, but in no event later than 180 days after first occupancy of buildings.
- (2) Conform to a landscaping plan approved by the Architectural Control Committee pursuant to Article IV of the Declaration. Normally, such approval will be limited to landscaping plans which:
  - i. Provide automatic underground sprinkling systems for all landscaped areas;
  - ii. Permit reasonable access to public and private utility lines and easements for installation and repair; and
  - iii. Include at least one tree for each 4,500 square feet of area between exterior building walls and public street right-of-way lines.
- (3) Owners shall provide landscaping, including hardscape structures (such as sidewalks, benches, planter boxes, etc.), as well as plant materials, within the area adjacent to any public or private street in accordance with plans submitted by such owners and approved by the Architectural Control Committee. Owners shall maintain the improvements within these areas as required in Article VI of the Declaration.

g. Screening.

- (1) Storage areas, incinerators, storage tanks, trucks based on the premises, roof objects (including fans, vents, cooling towers, skylights and all roof mounted equipment which rise above the roof line), trash containers and maintenance facilities, shall either be housed in closed buildings or otherwise screened from public view in a manner and at a location approved in writing by the Architectural Control Committee. Such screening at ground level would normally include landscaping or permanent fences of solid materials and be located as far from property lines as reasonably possible.
- (2) Antennas or towers, including those required for hospital or medical facility use, shall not be erected on any property without prior written approval from the Architectural Control Committee.

h. Loading Docks and Areas.

- (1) Loading docks and areas shall be located in a manner considering such things as views from adjacent and nearby properties subject to express screening requirements.
- (2) Loading areas may not encroach setback areas except in areas identified as shared access drives or easements. The Board of Directors may give written approval for such encroachments.

i. Exterior Illumination.

Illumination will be required on all exterior building walls which face existing or proposed public streets from dusk to midnight accenting the architectural qualities of the building and activity after dark and for all parking areas and walkways between buildings and parking areas unless otherwise waived or modified by Board of Directors in writing. All exterior illumination must conform to plans approved in writing by the Architectural Control Committee pursuant to Article IV of the Declaration.

j. Construction Standards.

- (1) All building sides must be faced with face brick, stucco or stone, or with such other quality face materials as may be approved in writing by the Architectural Control Committee. Windows shall not be glazed or reglazed with mirrored or reflective glass exceeding an exterior light reflectance of 22% and the spandrel area between window openings shall not be faced with a glass material without prior written approval of both the Architectural Control Committee and Board of Directors.

- (2) Construction must conform to plans and specifications approved in writing by the Architectural Control Committee pursuant to Article IV of the Declaration. Normally, such approval will be limited to those plans which:
    - i. Do not include wooden frames except as specifically approved by the Architectural Control Committee considering engineering and applicable codes;
    - ii. Preserve the quality and atmosphere of the area and do not detract from adjacent property; and
    - iii. Do not include exterior fire escapes;
    - iv. Provide for all underground utilities (public and private);
    - v. Do not include concrete tilt wall construction, except that concrete tilt wall construction may be approved for a portion of a building;
    - vi. The collection, storage, sorting, removing, and disposing of all waste materials must be housed or screened in a manner approved in writing by the Architectural Control Committee. All facilities and plans for the disposal of wastes other than through public sanitary sewers (such other methods including, without limitation, shredding, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Control Committee;
    - vii. All structures will be equipped with gutters, downspouts, and/or other drainage conveyances;
    - viii. No excavation shall be made except in conjunction with construction of an improvement. When such improvement is completed, all exposed opening shall be back filled and graded;
    - ix. Once commenced, construction shall be diligently pursued to the end that it may not be 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 shall be construed as representing or implying that improvements built in accordance therewith shall be free of defects. Any approvals and observations incident thereto shall concern matters of an aesthetic nature. Such approvals and guidelines shall in no event be construed as representing or guaranteeing that any improvements built in accordance therewith will be designed or built in a good and workmanlike manner. Neither Declarant, the Association, their respective directors, officers, employees, and agents, the

Architectural Control Committee, nor any of the members of the Architectural Control Committee shall be responsible or liable in damages or otherwise to anyone submitting plans and specifications for approval or to any owner of land subject to the Declaration for any defects in any plans or specifications submitted, revised, or approved, any loss or damages to any person arising out of approval or disapproval or failure to approve or disapprove any plans or specifications, any loss or damage arising from the noncompliance of such plans or specifications with any governmental ordinance or regulation, nor any defects in construction undertaken pursuant to such plans and specifications. Approval of plans and specifications by the Architectural Control Committee is not to be construed as approval by the City of Irving, Texas, as the approval processes are mutually exclusive. Unconditional approval of a complete set of plans and specifications by the Architectural Control Committee shall satisfy the requirements of all applicable subsections of this Supplementary Declaration which require written approval by the Architectural Control Committee for such plans and specifications.

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



EXECUTED as of the day and year first written above.

PALACE AT PARK CENTRAL, LLC

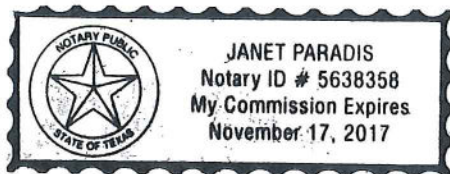
By: Bharat D. Bhakta  
Bharat D. Bhakta

Title: Manager

THE STATE OF TEXAS   §  
                                  §

COUNTY OF DALLAS   §

This instrument was acknowledged before me on March 22, 2017, by Bharat D. Bhakta, the Manager of Palace at Park Central, LLC, on behalf of said limited liability company.



Notary Public in and for  
the State of T E X A S

Janet Paradis  
(Printed or Typed Name of Notary)  
My Commission Expires:

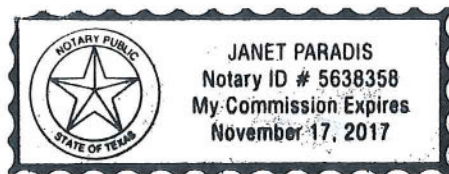
CONSENT:

BOARD OF DIRECTORS,  
THE LAS COLINAS ASSOCIATION,  
A Texas non-profit corporation

By:   
Ethan R. (Rick) Bidne, President

STATE OF TEXAS           §  
                                     §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on March 22, 2017, by Ethan R. (Rick) Bidne, President of The Las Colinas Association, on behalf of said non-profit corporation and Board of Directors.

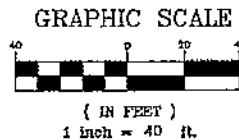
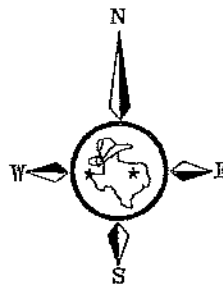


  
Signature of Notary Public

After Recording, Return to:

The Las Colinas Association  
Attn: Jan Paradis  
3838 Teleport Boulevard  
Irving, TX 75039-4303





### PROPERTY DESCRIPTION

BEING A 5.731 ACRE TRACT OF LAND SITUATED IN THE B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 186, IN THE CITY OF IRVING, DALLAS COUNTY, TEXAS, AND BEING A PART OF A CALLED 13.226 ACRE TRACT OF LAND CONVEYED TO GRAHAM MORTGAGE CORPORATION, AS RECORDED IN COUNTY CLERK'S FILE NO. 201108087234, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER, WITNESSED BY A 1/2" IRON ROD WITH CAP TX NO. 3963 FOUND BEARS N 55°11' 51" W FOR A DISTANCE OF 0.53', AT THE INTERSECTION OF THE NORTHWEST RIGHT OF WAY LINE OF LONGHORN DRIVE (70 FOOT RIGHT OF WAY) WITH THE NORTHEAST RIGHT OF WAY LINE OF STATE HIGHWAY NO. 114 (JOHN W. CARPENTER FREEWAY, A VARIABLE WIDTH RIGHT OF WAY);

THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEAST RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 114 NORTH 48°44'11" WEST A DISTANCE OF 35.53 FEET TO A 5/8" IRON ROD FOUND;

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 57°59'10" WEST A DISTANCE OF 615.18 FEET (DEED N57°56'11"W-615.58') TO A CONCRETE MONUMENT (BROKEN) FOUND;

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 66°37'35" WEST A DISTANCE OF 93.08 FEET TO A 1/2" IRON ROD SET;

THENCE DEPARTING SAID RIGHT OF WAY LINE NORTH 44°37'02" EAST A DISTANCE OF 385.01 FEET (DEED S44°04'22"W-384.94') TO A 5/8" IRON ROD FOUND WITH CAP JACOBS ON THE SOUTHWEST RIGHT OF WAY LINE OF ROYAL LANE (110 FOOT RIGHT OF WAY) AND BEING THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE LEFT;

THENCE ALONG SAID RIGHT OF WAY LINE 551.34 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 1200.92 FEET, A DELTA OF 26°46'52" AND A CHORD BEARING SOUTH 63°27'30" EAST A DISTANCE OF 556.24 FEET TO A 5/8" IRON ROD FOUND AT THE MOST NORTHERN END OF A CORNER CLIP;

THENCE SOUTH 33°13'37" EAST ALONG SAID CORNER CLIP A DISTANCE OF 21.60 FEET TO A 1/2" IRON ROD FOUND AT THE SOUTH END OF SAID CORNER CLIP AND BEING IN THE NORTHWEST RIGHT OF WAY LINE OF LONGHORN DRIVE;

THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 10°45'55" EAST A DISTANCE OF 62.33 FEET TO A 1/2" IRON ROD FOUND WITH CAP TX NO. 3963 AND BEING THE POINT OF CURVATURE OF A CURVE TO THE RIGHT;

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE 353.83 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 919.93 FEET, A DELTA OF 22°02'14" AND A CHORD BEARING SOUTH 21°47'02" WEST A DISTANCE OF 351.65 FEET TO A POINT FOR CORNER WITNESSED BY A 1/2" IRON ROD FOUND WITH CAP TX NO. 3963 BEARS N 76°09' 02" W FOR A DISTANCE OF 0.28';

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE SOUTH 32°48'10" WEST A DISTANCE OF 7.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.731 ACRES OR 249,642 SQUARE FEET OF LAND.

"A-234"

Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
03/23/2017 10:52:52 AM  
\$70.00



A handwritten signature in black ink, appearing to be "JF2" followed by a horizontal line.

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