

**SUPPLEMENTARY DECLARATION NO. 235
LAS COLINAS AREA CCXXXV
DALLAS COUNTY, TEXAS**

This Supplementary Declaration (herein so called) is made this 10th day of Dec., 2021 (the "Effective Date"), by Sitatunga, LLC, hereinafter called "Owner". The term "Owner" also means each and every person, persons or legal entity who owns fee simple title to any unit, lot, tract, or parcel of land in Area CCXXXV (as hereinafter defined). All other capitalized terms not defined herein have the same meaning as set forth in the Declaration.

BACKGROUND:

WHEREAS, Las Colinas Corporation ("LCC"), executed a Declaration (together with all corrections, amendments and supplements thereto, the "Declaration") on the 22nd of August, 1973, applicable to certain real property described on Exhibit "A" attached thereto and filed of record in Volume 73166, Page 1001, et. seq. of the Real Property Records of Dallas County, Texas;

WHEREAS, concurrently with the recording of the Declaration, The Las Colinas Association (the "Association") was formed to manage the properties governed by the Declaration;

WHEREAS, heretofore, real property has been added to the scheme of the Declaration as permitted by Article I, Section 3 of the Declaration by recording Supplementary Declarations in the Real Property Records of Dallas County, Texas;

WHEREAS, Article I, Section 3, of the Declaration permits the addition of additional property to the scheme thereof by persons, firms or corporations [other than the Declarant] upon the prior consent of the Association's Board of Directors (the "Board") if such property is within the boundaries of the property described on Exhibit "B" to the Declaration, and such other persons files a Supplementary Declaration of record, which Supplementary Declaration may modify Article V of the Declaration as it pertains to such additional property; and

WHEREAS, Owner has obtained the written consent of the Board and desires to add the real property ("Area CCXXXV") described on Exhibit "A-235" attached hereto and incorporated herein by reference for all purposes (designated as Area CCXXXV for purposes of this Supplementary Declaration) to the scheme of the Declaration and to modify and replace Article V of the Declaration as it pertains to Area CCXXXV by the filing of this Supplementary Declaration.

NOW THEREFORE, Owner hereby declares as follows:

1. That, except as exempted under the Declaration or superseded, controlled, or preempted by the City of Irving's (the "City") police, zoning, and legislative powers, as a home-rule municipality on the Effective Date, and except for the City's applicable governmental immunities from suit and liability, Area CCXXXV is and shall be subject to the scheme of the Declaration, and is and shall be owned, held, leased, transferred, sold, conveyed, used, possessed 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 and hereby and as supplemented, corrected or amended.

2. That Article V of the Declaration is hereby replaced and modified by the addition thereto of the following Section 235, which shall be applicable only to Area CCXXXV.

Section 235. Covenants Applicable to Property/Area CCXXXV. The following provisions shall be applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CCXXXV and any portion thereof and any improvements thereon or thereto:

- a. Use Limitations. Area CCXXXV, or any portion thereof, may be used for a dog or open space and ancillary uses specifically related to a dog park or open space along with related facilities, structures and parking for the forgoing described permitted uses. The following uses are not permitted in, or on, Area CCXXXV or any portion thereof:

- (1) Any use which constitutes a nuisance (use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience) to Owners of properties subject to the scheme of the Declaration; and
- (2) Any use which is not expressly permitted by this Section 235.

- b. Structures.

- (1) No commercial or residential building structures of any kind are permitted to be constructed in, or, on Area CCXXXV; and
- (2) Notwithstanding existing utility structures or improvements and the associated rights of parties thereto, no permanent structures, buildings, antennas or towers shall be erected on any portion of Area CCXXXV without prior written approval from the Architectural Control Committee.

- c. Parking Areas. Parking areas shall:

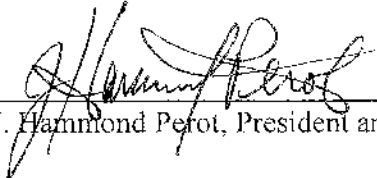
- (1) Be comprised of concrete and paved with a minimum of 5" reinforced concrete placed on a minimum 6" aggregate stabilized base or an equivalent as recommended in a geotechnical report signed and sealed by a registered Texas Professional Engineer. Parking shall meet or exceed the applicable parking design and construction standards of the City of Irving, Dallas County, Texas and/or any other governmental entity with jurisdiction over Area CCXXXV;
- (2) Include sufficient spaces to accommodate the anticipated parking needs for visitors and maintenance workers without the use of on-street parking; and

- (3) Be screened between adjacent public streets and adjacent interior boundary lines by use of berms, trees, landscaping, or other means reasonably acceptable, and conform to a landscaping plan approved by the Architectural Control Committee.
 - d. Driveways. Driveways shall:
 - (1) Be constructed as specified in 1(c) above; and
 - (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. 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 contemporaneously with completion of other improvements for the described uses, but in no event later than 180 days after substantial completion of the contemplated construction; and
 - (2) Conform to a landscaping plan approved by the Architectural Control Committee.
 - g. Screening. Storage areas, equipment and vehicles based in, or on, Area CCXXXV, portable toilets, and maintenance facilities shall screened from public view in a manner and at a location approved in writing by the Architectural Control Committee. Such screening at ground level must include, without limitation, landscaping or permanent fences of solid materials and be located as far from property lines as reasonably possible.
- 3. The Board may grant exceptions to, and/or variances from, the forgoing restrictions, provided that any such variances or exceptions shall not be valid or effective unless express prior written approval thereof and therefore is received from the Board.
 - 4. The Declaration, except as expressly modified and supplemented herein and hereby, remains in force and effect and is hereby ratified and confirmed.

EXECUTED as of the Effective Date.

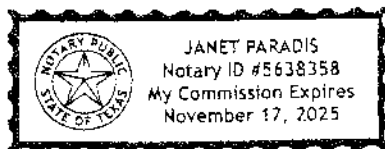
Sitatunga, LLC, a Texas limited liability company

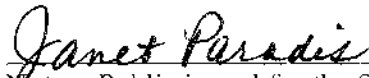
By: The Las Colinas Association, a Texas non-profit corporation, Manager

By: 
J. Hammond Perot, President and CEO

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

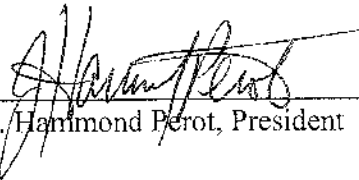
This instrument was acknowledged before me on December 10, 2021, by J. Hammond Perot, President and CEO of The Las Colinas Association, a Texas non-profit corporation, Manager of Sitatunga, LLC, on behalf of said limited liability company.




Notary Public in and for the State of Texas
(Printed or Typed Name of Notary)
Janet Paradis
My Commission Expires: 11-17-2025

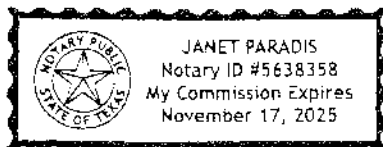
CONSENT:

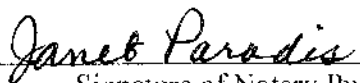
BOARD OF DIRECTORS,
THE LAS COLINAS ASSOCIATION,
a Texas non-profit corporation

By: 
J. Hammond Perot, President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on December 10, 2021, by J. Hammond Perot, President of The Las Colinas Association, a Texas non-profit corporation 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

EXHIBIT A
PROPERTY

TRACT 1:

BEING a 7.125 acre tract of land situated in the William A. Downing Survey, Abstract No. 391, City of Irving, Dallas County, Texas and being part of the Galloway Addition, an addition to the City of Irving according to the plat recorded in Volume 74240, Page 1354, Deed Records of Dallas County, Texas and being all of a called 7.089 acre tract of land described in Deed to David Albert Galloway recorded in Volume 91139, Page 2942 of said Deed Records and being part of a called 24.07 acre tract of land described in deed to Albert Keene Galloway, Sr., Albert Keene Galloway, Jr., John Thomas Galloway and James Ira Hall, recorded in Volume 4462, Page 464, Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set at the southeast corner of that certain 28.888 acre tract of land conveyed in Deed to the City of Irving as recorded in Volume 96087, Page 4392 of the Deed Records, Dallas County, Texas and being the beginning of a curve to the left having a delta angle of $3^{\circ}35'39''$, a radius of 4614.87 feet, a chord bearing and distance of North $41^{\circ}45'17''$ West, 289.44 feet;

THENCE in a northwesterly direction along said curve to the left, passing a 1/2" iron rod found at the southwest corner of said 7.089 acre tract at an arc distance of 41.30 feet and continuing in all a total arc distance of 289.49 feet to a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set for corner;

THENCE North $43^{\circ}33'46''$ West, along the common line of said City of Irving tract and said Galloway tract, a distance of 465.90 feet to a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set for corner from which a 1/2" iron rod found in the east right-of-way line of Riverside Drive (a variable width right-of-way) bears North $40^{\circ}25'43''$ West, a distance of 1804.37 feet;

THENCE North $0^{\circ}46'31''$ East, along the common line of said City of Irving tract and said Galloway tract, a total distance of 316.95 feet to a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set for corner, said point being the northwest corner of said 7.089 acre Galloway tract;

THENCE South $86^{\circ}09'59''$ East, along the north line of said 7.089 acre Galloway tract, a distance of 538.84 feet a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set for corner, said point being the northeast corner of said 7.089 acre Galloway tract, same point being in the west line of that certain 8.143 acre tract of land conveyed in Deed to John Ervin Galloway and Luke Edward Galloway as recorded in Volume 91139, Page 2938 of the Deed Records, Dallas County, Texas;

THENCE South $1^{\circ}28'45''$ West, along the west line of said 8.143 acre Galloway tract, a distance of 685.86 feet to a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set for corner;

THENCE South $24^{\circ}38'22''$ East, continuing along the west line of said 8.143 acre Galloway tract, a distance of 130.79 feet to a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set in the

south line of said Galloway Addition for the southwest corner of said 8.143 acre Galloway tract and the southeast corner of said 7.089 acre tract;

THENCE North 89°59'59" East, along the said south line of the Galloway Addition, a distance of 20.38 feet to a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set in the north right-of-way line of California Crossing (an 80-foot wide right-of-way) according to the plat recorded in Volume 74218, Page 1598 of said Deed Records, at the beginning of a non-tangent curve to the left having a central angle of 15°37'36", a radius of 326.48 feet, a chord bearing and distance of South 69°11'19" West, 88.77 feet;

THENCE with said north right-of-way line, in a southwesterly direction, with said curve to the left, an arc distance of 89.04 feet to the POINT OF BEGINNING and containing 7.125 acres or 310,356 square feet of computed land.

TRACT 2:

BEING a 1.3911 acre tract of land situated in the William A. Downing Survey, Abstract No. 391, City of Irving, Dallas County, Texas and being part of the Galloway Addition, an addition to the City of Irving according to the plat recorded in Volume 74240, Page 1354, Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set at the northeast corner of that certain tract of land conveyed in Deed to Kimberly Michele Galloway as recorded in Volume 91139, Page 2942 of the Deed Records, Dallas County, Texas and being the northwest corner of that certain tract of land conveyed to John Ervin Galloway and Luke Edward Galloway by deed as recorded in Volume 91139, Page 2938, of the Deed Records, Dallas County, Texas;

THENCE North 89°01'00" West, along the north line of said Kimberly Michele Galloway tract, a distance of 538.16 feet to a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set for corner;

THENCE North 0°46'31" East, along the common line of said City of Irving tract and said Galloway tract, passing a 5/8" iron rod with plastic cap stamped "R.P.L.S. No. 3046" set for a 100' reference point at a distance of 90.03 feet and continuing in all a total distance of 190.00 feet to a point for corner in the centerline of the Elm Fork of the Trinity River;

THENCE South 69°48'46" East, along said centerline of the Elm Fork of the Trinity River, a distance of 493.35 feet to a point for corner;

THENCE North 81°11'14" East, continuing along said centerline of the Elm Fork of the Trinity River a distance of 68.10 feet to the POINT OF BEGINNING and containing 1.3911 acres or 60,595 square feet of computed land.

**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202100372526

eRecording - Real Property

Recorded On: December 14, 2021 02:06 PM

Number of Pages: 8

" Examined and Charged as Follows: "

Total Recording: \$50.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202100372526
Receipt Number: 20211214000574
Recorded Date/Time: December 14, 2021 02:06 PM
User: Thelma B
Station: CC21

Record and Return To:

Simplifile



**STATE OF TEXAS
COUNTY OF DALLAS**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.**

John F. Warren
Dallas County Clerk
Dallas County, TX