

SUPPLEMENTARY DECLARATION NO. 58

LAS COLINAS AREA LVIII A

DALLAS COUNTY, TEXAS

3667

27.00 DEED
0 2 03/15/84

This Supplementary Declaration, made this 8th day of March,
1984 by KINWEST DEVELOPMENT CORPORATION, hereinafter called Owner.

WITNESSETH:

WHEREAS, Las Colinas Corporation as Declarant executed a Declaration (the Declaration) on the 22nd day 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

WHEREAS, the Declaration was filed of record in Volume 73166, Page 1001 of the Deed Records of Dallas County, Texas, on August 22, 1973, and corrected by Correction to Declaration dated August 8, 1977, and recorded in Volume 77154, Page 1096 of the Deed Records of Dallas County, Texas, and corrected by Second Correction to Declaration dated June 19, 1979, and recorded in Volume 79122, Page 0749 of the Deed Records of Dallas County, Texas, and corrected by Third Correction to Declaration dated March 1, 1982 and recorded in Volume 82071, Page 3244 of the Deed Records of Dallas County, Texas; and

WHEREAS, additional real property has previously been added to the scheme of the Declaration by Supplementary Declarations duly recorded to the Deed Records of Dallas County, Texas; and

WHEREAS, Article V, of the Declaration (entitled Protective Covenants), as originally written and as modified by said previous Supplementary Declarations, is applicable only to the real property described in said Exhibit "A" to the Declaration and in Exhibits to said Supplementary Declarations and not to additional real property which may be added to the scheme of the Declaration by subsequent supplementary declaration; and

WHEREAS, Article I, Section 3 of the Declaration permits the addition of additional property to the scheme thereof by persons other than Declarant who obtains approval from The Las Colinas Association's Board of Directors and file 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 approval from the Board of Directors of The Las Colinas Association as evidenced by the consent set forth hereinafter; and

WHEREAS, Owner 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 so modify Article V of the Declaration as it pertains to said additional property:

NOW THEREFORE, Owner hereby declares as follows:

1. That the real property described in Exhibit "A-58" attached hereto and incorporated herein be reference for all purposes (designated as Area LVIII 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 58, which shall be applicable only to Area LVIII:

Section 58. Covenants Applicable to Area LVIII. The following provisions shall be applicable to any and all construction, improvement, alteration, addition, or use of, in, or to Area LVIII of the Properties:

a. Use Limitations. Sites in Area LVIII may be used for office buildings and related facilities. Such sites may also be used for the following uses, but only with the specific prior written approval of Declarant:

- (1) Multi-family residential dwellings.
- (2) Hotel, restaurant, gasoline service station, and other retail sale purposes.

The following uses of sites in Area LVIII are not permitted.

- (1) Single family detached residential dwellings.
- (2) Any use which involves a noxious odor, excessive emission of smoke, steam, or vapor, or an excessive noise level.
- (3) Any use contrary to law or which violates any part of Section 58 of this Article V.
- (4) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in covered and enclosed areas.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry other than two household pets per unit.
- (6) Uses not expressly permitted hereinabove.

b. Minimum Setback Lines. No structure of any kind and no part thereof shall be placed within these setback lines:

- (1) 50 feet from Valley View (Proposed S.H. 161) right of way.
- (2) 50 feet from State Highway 114 right of way.
- (3) 50 feet from MacArthur Blvd. right of way.
- (4) 50 feet from Royal Lane right of way.
- (5) 30 feet from Hackberry Creek Channel property line.
- (6) 30 feet from any other public or private street property line.

The following improvements are expressly excluded from this setback restriction:

- (a) Structures below and covered by the ground.
- (b) Steps, walks, driveways, and curbing.
- (c) Planters, walls, fences or hedges, not to exceed 4 feet in height.
- (d) Landscaping.
- (e) Any other improvements approved in writing by Declarant. Roofed structures, other than the following, may in no event be so approved:
 - i. guardhouses;
 - ii. Gatehouses;
 - iii. relatively minor encroachments of adequately screened parking structures.

Declarant may grant exceptions to and/or variations from any part of paragraph "b" of this Section 58 provided that any such variations and/or exceptions must be in writing.

c. Parking Areas. Parking areas shall:

- (1) Be curbed, guttered, and paved with 5" reinforced concrete or with 5" asphaltic concrete; both the reinforced concrete and the asphaltic concrete shall be placed on a 6" lime stabilized base.
- (2) Have a maximum grade slope of 7½% and a minimum grade slope of 1½%.
- (3) Not be provided in front of minimum setback lines.
- (4) Not be provided in front of any building line fronting any public thoroughfare unless expressly so approved in writing by the Architectural Control Committee which Committee may not approve such parking in front of minimum setback lines.
- (5) Be adequately screened by use of berm, trees, landscaping, or other means acceptable to the Architectural Control Committee.
- (6) Be sufficient to accommodate all parking needs for employees, company vehicles, residents, and visitors without the use of on street parking. If parking needs increase, additional off street parking shall be provided by the owner. In no event shall less than one parking space be provided for each of the following, as applicable:

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- (a) 300 gross square feet of office space;
- (b) 250 gross square feet of banking or retail store space;
- (c) Each hotel or motel guest room;
- (d) Each 2½ restaurant or club seats;
- (e) Each 3½ theatre, auditorium, or assembly seats;
- (f) 1.2 for each one bedroom dwelling unit;
- (g) 2.0 for each two bedroom dwelling unit;
- (h) 0.5 for each bedroom in excess of two;

In no event shall there be less than 2.5 parking spaces per multifamily dwelling unit.

Declarant may grant exceptions to and/or variations from any part of paragraph "c" of this Section 58 provided that any such variations and/or exceptions must be in writing.

d. Driveways. Driveways shall

- (1) Not intersect roads, streets, or thoroughfares within 30 feet of intersections.
- (2) Be constructed as specified in "c(1)" above except that reinforced concrete shall be used in construction between building lines and streets.
- (3) 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) Do not block or detract from adjacent property.
- (5) Preserve the quality and atmosphere of the area.

No signs, symbols, advertising insignia or similar items will be permitted on top of or on the face of buildings at a location higher than the area immediately above those levels where there are outside entrances into such buildings. Signs of a flashing or moving character and inappropriately

colored signs will not be permitted. The Association shall have the right to enter on and remove any sign erected without such 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 or completion of buildings, whichever shall first occur.
- (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:
 - (a) Provide automatic underground sprinkling system for landscaped areas;
 - (b) Do not obstruct sight lines at street or driveway intersections;
 - (c) Preserve existing trees to the extent practical;
 - (d) Include at least one tree for each 4,500 square feet of area between building lines and street property lines;
 - (e) Permit reasonable access to public and private utility lines and easements for installation and repair.

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 rises above the roof line), trash containers, and maintenance facilities shall either be housed in closed buildings or otherwise completely screened from public view in a manner and at a location approved in writing by the Architectural Control Committee. Such screening would normally include landscaping or permanent fences of solid materials and be located as far from property lines as reasonably possible. Such screening may not be required for roof fans, vents, and skylights which do not extend more than 18 inches above roof lines of warehousing, manufacturing, assembling, processing, or servicing facilities, if, in the sole judgement of the Architectural Control Committee (confirmed in writing), such fans, vents, or skylights are architecturally acceptable and do not detract from the quality of the area or from the external appearance of the structure.
- (2) No antenna or tower shall be erected on any property for any purpose without prior written approval from the Architectural Control Committee.
- (3) Any and all lines and/or wires for communication or for transmission of sound or current, not within a building, shall be constructed or placed and maintained underground. Declarant may, at its sole discretion, install temporary above ground electric and telephone service lines for the purpose of providing temporary service pending installation of permanent underground service.

h. Loading Docks and Areas

- (1) Loading docks and areas shall not be located on the street side of any building or structure, except that the Architectural Control Committee may approve such location in writing (subject to express screening requirements).
- (2) Loading areas may not encroach setback areas, except that Declarant may approve such encroachment in connection with the approval of side street loading areas for corner buildings.
- (3) Loading dock and areas shall be screened in a manner approved in writing by Declarant, considering such things as location (street side, rear, etc.) and views from adjacent and nearby properties.

i. Exterior Illumination - Illumination will be required on all exterior walls 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 pursuant to Article IV of the Declaration.

j. Construction Standards

- (1) All building sides must be faced with face brick 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 without prior written approval of the Architectural Control Committee.
- (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:
 - (a) Do not include wooden frames, except in the case of multifamily residential structures;
 - (b) Provide adequate fire protection systems;
 - (c) Provide for all underground utilities (public and private);
 - (d) Preserve the quality and atmosphere of the area and do not detract from adjacent property;
 - (e) Do not include exterior fire escapes;
 - (f) Do not make extensive use of reflective or mirrored glass;
 - (g) Do not include concrete tilt wall construction, except that concrete tilt wall construction may be approved for a portion of a building.
 - (h) Have an exterior providing an "office appearance".
- (3) Each dwelling unit shall contain a trash compactor and a water flushing garbage grinder disposal.
- (4) Each commercial building, complex of buildings, or separate commercial business enterprise shall have a trash compactor on the premises adequate to handle the trash and waste items generated,

manufactured, or acquired thereon by such commercial activities. The sorting, removing, and disposing of all such 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 by public sewerage methods (such as shredding, compaction, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Control Committee.

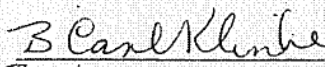
- (5) Each kitchen facility within a commercial building or complex of buildings shall contain a water flushing garbage grinder disposal.
- (6) All structures will be equipped with gutters, downspouts, and/or other drainage conveyances.
- (7) It shall be the responsibility of the owner to install, in conjunction with the construction of any dwelling, building, or other permanent facility, and at the owner's sole expense, a conduit separate from other conduits and for the sole purpose of permitting the connection of Las Colinas Association Communications System to an individual dwelling, building or other permanent facility. The termination points of the conduit, the conduit size and type, the type of pullwire or rope to be installed with the conduit and the physical routing and the depth of the conduit shall be in accordance with plans and specifications approved in writing by the Architectural Control Committee of the Las Colinas Association.
- (8) No excavation shall be made except in conjunction with construction of an improvement. When such improvement is completed, all exposed openings shall be back filled and graded.
- (9) Once commenced, construction shall be dilligently pursued to the end that it may not be left in a partly finished condition any longer than reasonably necessary.

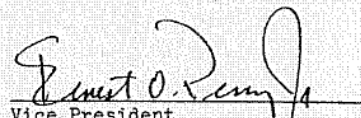
3. The Declaration, except as expressly modified herein, remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first written above.

ATTEST:

KINWEST DEVELOPMENT CORPORATION


Assistant Secretary
B. CARL KLINK


Vice President
ERNEST O. PERRY, JR.

CONSENT

The undersigned, being all of the Directors of The Las Colinas Association, hereby consent to the execution of this Supplementary Declaration No. 58 by Owner and approve the addition of the real property described in Exhibit "A-58" to the scheme of the Declaration as provided in Article I, Section 3 thereof.

Ben H. Carpenter
Ben H. Carpenter

Dan C. Williams
Dan C. Williams

John W. Carpenter, III
John W. Carpenter, III

Ernest O. Perry, Jr.
Ernest O. Perry, Jr.

Richard W. Douglas
Richard W. Douglas

(ACKNOWLEDGEMENT)

THE STATE OF TEXAS ↓

COUNTY OF DALLAS ↓

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared ERNEST O. PERRY, JR., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that this was the act of the said KINWEST DEVELOPMENT CORPORATION, a Texas corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 8th day of March, 1984.

Michelle Mackie
Notary Public

My Commission Expires:

6/13/84

(CORPORATE ACKNOWLEDGEMENT)

THE STATE OF TEXAS ↓

COUNTY OF DALLAS ↓

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared Ben H. Carpenter, Dan. C. Williams, John W. Carpenter, III, Richard W. Douglas, Ernest O. Perry, Jr., of The Las Colinas Association, a corporation, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 8th day of March, 1984.

Michelle Mackie
Notary Public

My Commission Expires:

6/13/84

EXHIBIT "A-58"

LAS COLINAS AREA LVIII

TRACT 1:

BEING a 6.498 acre tract of land situated in the D. W. BARNETT SURVEY, ABSTRACT NO. 216 and the CLARINDA SQUIRES SURVEY, ABSTRACT NO. 1322, both in Dallas County, Texas, and being a part of the land conveyed to Kinwest Development Corporation by deed recorded in Volume 80009, Page 0741, Deed Records of said Dallas County, said 6.498 acres being more particularly described as follows:

COMMENCING at an iron rod on the northerly Right-of-Way line of Royal Lane (a variable width R.O.W.), said point being the most westerly corner of Parcel 4 out of the Royal Lane Widening Amendment to MacArthur Boulevard Installment (recorded in Volume 81102, Page 2950, said Deed Records); Thence South 89 deg. 57 min. 39 sec. West, along said northerly line of Royal Lane, 2093.36 feet to the POINT OF BEGINNING, an iron rod on the proposed southerly Right-of-Way line of Royal Lane (a proposed 110 foot R.O.W.) said point being South 66 deg. 50 min. West, 845 feet from the northeast corner of said Barnett Survey;

THENCE South 89 deg. 57 min. 39 sec. West, leaving said proposed southerly R.O.W. line of Royal Lane and along said existing northerly line of Royal Lane, 769.76 feet to an iron rod at the beginning of a tangent curve to the right having a central angle of 34 deg. 19 min. 08 sec. and a 530.69 foot radius;

THENCE westerly and northwesterly along said existing line of Royal Lane with said curve for an arc distance of 317.87 feet to an iron rod at the end of said curve, said point being on the proposed southeasterly right-of-way line of State Highway No. 161 (a variable width R.O.W.);

THENCE North 47 deg. 21 min. 29 sec. East leaving said existing line of Royal Lane and along said proposed line of S.H. 161, 335.17 feet to an iron rod;

THENCE North 55 deg. 07 min. 28 sec. East, continuing along said proposed line of S. H. 161, 365.18 feet to an iron rod on the aforementioned southerly line of proposed Royal Lane;

THENCE South 36 deg. 41 min. 21 sec. East, leaving said proposed line of S.H. 161 and along said proposed line of Royal Lane, 306.27 feet to an iron rod at the beginning of a tangent curve to the left and having an overall central angle of 53 deg. 21 min. 00 sec. and a radius of 936.47 feet;

THENCE Southwesterly along said proposed line of Royal Lane with said curve through a central angle of 27 deg. 16 min. 30 sec. for an arc distance of 445.80 feet to the POINT OF BEGINNING and containing 283,044 square feet or 6.498 acres of land, more or less.

TRACT 3:

BEING a 23.795 acre tract of land situated in the D. W. BARNETT SURVEY, ABSTRACT NO. 216 and the JAMES A. MOORE SURVEY ABSTRACT NO. 908, both in Dallas County, Texas, and being part of the land conveyed to Kinwest Development Corporation by deeds recorded in Volume 80009, Page 0741 and Volume 80188, Page 0928, Deed Records of said Dallas County, said 23.795 acres being more particularly described as follows:

COMMENCING at an iron rod on the existing southerly Right-of-Way line of Royal Lane (a variable width R.O.W.), said point being the most westerly corner of parcel 3 out of the Royal Lane Widening Amendment to MacArthur Boulevard Installment (recorded in Volume 81102, Page 2950, said Deed Records); Thence South 89 deg. 57 min. 39 sec. West., along said southerly line of Royal Lane, 362.49 feet to an iron rod; Thence N. 0 deg. 02 min. 21 sec. West, continuing along said line of Royallane, 15.00 feet to an iron rod; Thence South 89 deg. 57 min. 39 sec. West, continuing along said line of Royal Lane, 1732.69 feet to the POINT OF BEGINNING, an iron rod on the westerly top of bank of a temporary channel for Hackberry Creek, said point being South 53 deg. 15 min. West, 689 feet from the northeast corner of said Barnett Survey;

THENCE leaving said line of Royal Lane and along said westerly top of bank of said temporary channel as follows:

South 5 deg. 51 min. 05 sec. East, 30.81 feet to an iron rod;
South 12 deg. 26 min. 05 sec. East, 95.00 feet to an iron rod;
South 31 deg. 46 min. 05 sec. East, 76.00 feet to an iron rod;
South 63 deg. 01 min. 05 sec. East, 93.00 feet to an iron rod;
South 80 deg. 31 min. 05 sec. East, 188.88 feet to an iron rod on a line 20 feet from the top of bank of the permanent Hackberry Creek Channel;

THENCE leaving said line of said temporary channel and along said line of said permanent channel as follows:

South 18 deg. 21 min. 05 sec. East, 35.39 feet to an iron rod;
South 58 deg. 11 min. 04 sec. East, 182.22 feet to an iron rod;
South 71 deg. 12 min. 38 sec. East, 260.67 feet to an iron rod;
South 66 deg. 12 min. 34 sec. East, 253.32 feet to an iron rod;
South 56 deg. 26 min. 20 sec. West, 35.70 feet to an iron rod;
South 72 deg. 47 min. 22 sec. West, 1041.98 feet to an iron rod on the proposed northerly Right-of-Way line of State Highway 114 (a variable width Right-of-Way);

THENCE North 57 deg. 08 min. 51 sec. West, leaving said line of said permanent channel and along said proposed line of S.H. 114, 1474.48 feet to an iron rod on the proposed southeasterly line of S.H. 161 (a variable width R.O.W.);

THENCE North 22 deg. 05 min. 16 sec. West, continuing along said proposed line of S.H. 161, 112.67 feet to an iron rod on the existing southerly line of Royal Lane;

THENCE North 89 deg. 57 min. 39 sec. East, along said line of existing Royal Lane, 1328.75 feet to the POINT OF BEGINNING and Containing 1,036,495 square feet or 23.795 acres of land, more or less.

TRACT 4:

BEING a 1.309 acre tract of land situated in the D. W. BARNETT SURVEY, ABSTRACT NO. 216 in Dallas County, Texas, and being a part of the land conveyed to Kinwest Development Corporation by deed recorded in Volume 80009, Page 0741, Deed Records of said Dallas County, said 1.309 acres being more particularly described as follows:

COMMENCING at an iron rod on the existing southerly Right-of-Way line of Royal Lane (a variable width R.O.W.), said point being the most westerly corner of Parcel 3 out of the Royal Lane Widening Amendment to MacArthur Boulevard Installment (recorded in Volume 81102, Page 2950 said Deed Records); THENCE South 89 deg. 57 min. 39 sec. West, along said southerly line of Royal Lane, passing at 362.49 feet the existing R.O.W. and continuing along the proposed southerly R.O.W. line of Royal Lane (a proposed 110 feet R.O.W.) for a total distance of 1844.17 feet to the POINT OF BEGINNING, an iron rod on a line 20 feet from the top of bank of the permanent Hackberry Creek Channel;

THENCE South 18 deg. 21 min. 05 sec. East, leaving said line of Royal Lane and along said line 20 feet from said top of bank, 259.72 feet to an iron rod on the top of bank of a temporary channel for said Hackberry Creek Channel;

THENCE along said top of bank of said temporary channel as follows:

North 80 deg. 31 min. 05 sec. West, 188.88 feet to an iron rod;

North 63 deg. 01 min. 05 sec. West 93.00 feet to an iron rod;

North 31 deg. 46 min. 05 sec. West, 76.00 feet to an iron rod;

North 12 deg. 26 min. 05 sec. West, 95.00 feet to an iron rod;

North 5 deg. 51 min. 05 sec. West, 30.81 feet to an iron rod on said existing southerly R.O.W. line of Royal Lane;

THENCE North 89 deg. 57 min. 39 sec. East, leaving said top of bank and along said line of Royal Lane, 17.04 feet to an iron rod on said proposed southerly line of Royal Lane, said point being the beginning of a non-tangent curve to the left having a central angle of 10 deg. 16 min. 06 sec. and a 936.47 foot radius that bears No. 10 deg. 13 min. 45 sec. East, from said point;

THENCE leaving said existing line of Royal Lane and along said proposed line of Royal Lane, southeasterly and easterly with said curve for an arc distance of 167.83 feet to an iron rod at the end of said curve;

THENCE North 89 deg. 57 min. 39 sec. East continuing along said proposed line of Royal Lane, 67.03 feet to the POINT OF BEGINNING and containing 57,029 square feet or 1.309 acres of land, more or less.

TRACT 5:

BEING a 2.959 acre tract of land situated in the JAMES A. MOORE SURVEY, ABSTRACT NO. 908, and the D. W. BARNETT SURVEY, ABSTRACT NO. 216, both in Dallas County, Texas, and being a part of the land conveyed to Kinwest Development Corporation by deeds recorded in Volume 80188, Page 0928, Volume 80188, Page 0932, and Volume 80009, Page 0741, Deed Records of said Dallas County; said 2.959 acres being more particularly described as follows:

COMMENCING at an iron rod on the westerly Right-of-Way line of MacArthur Boulevard (a 100 ft. R.O.W. recorded as Parcel No. 2 in Volume 81057, Page 0517, said Deed Records) said point being the most southerly corner of Parcel 3 out of the Royal Lane Widening Amendment to MacArthur Boulevard Installment (recorded in Volume 81102, Page 2950, said Deed Records); THENCE along said westerly line of MacArthur with a curve to the right having a central angle of 26 deg. 22 min. 00 sec. and a 768.51 foot radius bearing N. 83 deg. 38 min. 48 sec. W. from said point, in a southwesterly direction for an arc distance of 353.66 feet to an iron rod at the end of said curve; THENCE S. 32 deg. 43 min. 12 sec. W., continuing along said line of MacArthur, 783.70 feet to an iron rod at the beginning of a tangent curve to the right having a central angle of 32 deg. 52 min. 08 sec. and a 666.20 foot radius; THENCE southwesterly with said curve, continuing along said line of MacArthur for an arc distance of 382.18 feet to an iron rod on the proposed northerly Right-of-Way line of State Highway No. 114 (a variable width R.O.W.); THENCE along said line of S.H. 114 as follows:

N. 57 deg. 16 min. 48 sec. W., 50.27 feet to an iron rod at the beginning of a tangent curve to the left having a central angle of 59 deg. 30 min. 00 sec. and a 504.46 foot radius;

Northwesterly, Westerly and Southwesterly with said curve for an arc distance of 523.87 feet to an iron rod at the end of said curve;

S. 63 deg. 13 min. 12 sec. W., 6.62 feet to an iron rod at the beginning of a tangent curve to the right having a central angle of 26 deg. 02 min. 41 sec. and 450.46 foot radius;

Southwesterly and Westerly with said curve for an arc distance of 204.76 feet to the POINT OF BEGINNING, an iron rod being on a line 20 feet from the top of bank of the Hackberry Creek Channel, said point being N. 4 deg. 30 min. W., 65 feet from the southwest corner of said Moore Survey;

THENCE westerly and northwesterly continuing along said line of S.H. 114 with said curve to the right having a central angle of 47 deg. 55 min. 21 sec. and a 450.46 foot radius, for an arc distance of 376.78 feet to an iron rod at the end of said curve;

THENCE N. 42 deg. 48 min. 46 sec. W., continuing along said line of S.H. 114, 86.50 feet to an iron rod at the beginning of a tangent curve to the left having a central angle of 0 deg. 27 min. 44 sec. and a 790.94 foot radius;

THENCE northwesterly continuing along said line of S.H. 114 with said curve for an arc distance of 6.38 feet to an iron rod on a line 20 feet from the top of bank of the Hackberry Creek Channel;

THENCE N. 72 deg. 49 min. 39 sec. E., leaving said line of S.H. 114 and along said line 20 feet from the top of bank, 701.02 feet to an iron rod;

THENCE S. 32 deg. 48 min. 44 sec. W., continuing along said line 20 feet from the top of bank, 499.00 feet to the POINT OF BEGINNING and Containing 128,911 square feet or 2.959 acres of land, more or less.

TRACT 6:

BEING a 4.993 acre tract of land situated in the JAMES A. MOORE SURVEY, ABSTRACT NO. 908 in Dallas County, Texas, and being a part of the land conveyed to Kinwest Development Corporation by deeds recorded in Volume 80188, Page 0928 and Volume 80188, Page 0932, Deed Records of said Dallas County; said 4.993 acres being more particularly described as follows:

COMMENCING at an iron rod on the westerly Right-of-Way line of MacArthur Boulevard (a 100 ft. R.O.W. recorded as Parcel No. 2 in Volume 81057, Page 0517, said Deed Records) said point being the most southerly corner of Parcel 3 out of the Royal Lane Widening Amendment to MacArthur Boulevard Installment (recorded in Volume 81102, Page 2950, said Deed Records); Thence along said westerly line of MacArthur Boulevard with a curve to the right having a central angle of 26 deg. 22 min. 00 sec. and a 768.51 foot radius bearing North 83 deg. 38 min. 48 sec. West from said point, in a southwesterly direction for an arc distance of 353.66 feet to an iron rod at the end of said curve; Thence South 32 deg. 43 min. 12 sec. West, continuing along said line of MacArthur Boulevard, 706.70 feet to the POINT OF BEGINNING, an iron rod on a line that is 20 feet from the top of bank of the Hackberry Creek Channel said point is North 75 deg. 18 min. East, 1,103 feet from the southwest corner of said Moore Survey;

THENCE South 32 deg. 43 min. 12 sec. West, along said line of MacArthur Blvd., 77.00 feet to an iron rod at the most northerly corner of Parcel No. 3 (Volume 81057, page 0517, said Deed Records), said point being the beginning of a tangent curve to the right having a central angle of 32 deg. 52 min. 08 sec. and a 666.20 foot radius;

THENCE southwesterly with said curve along the northerly line of said Parcel No. 3, for an arc distance of 382.18 feet to an iron rod on the proposed northerly Right-of-Way line of State Highway No. 114 (a variable width R.O.W.)

THENCE North 57 deg. 16 min. 48 sec. West, leaving said line of MacArthur Blvd. and along said line of S. H. 114, 50.27 feet to an iron rod at the beginning of a tangent curve to the left having a central angle of 51 deg. 32 min. 10 sec. and a 504.46 foot radius;

THENCE northwesterly, westerly and southwesterly with said curve, continuing along said line of S.H. 114, for an arc distance of 453.75 feet to an iron rod at the end of said curve, said point being on the aforementioned line 20 feet from the top of bank of the Hackberry Creek Channel;

THENCE leaving said line of S. H. 114 and along said line 20 feet from the said top of bank as follows:

North 32 deg. 42 min. 33 sec. East, 268.80 feet to an iron rod;

North 48 deg. 12 min. 52 sec. East, 162.53 feet to an iron rod;

North 79 deg. 40 min. 12 sec. East, 209.36 feet to an iron rod;

South 83 deg. 05 min. 10 sec. East, 166.61 feet to an iron rod;

South 54 deg. 02 min. 36 sec. East, 205.89 feet to the POINT OF BEGINNING

and Containing 217,499 square feet or 4.993 acres of land, more or less.

Return to:
DALLAS
4956 N. GILBERT
DALLAS, TEXAS 75206

STATE OF TEXAS
I hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly re-
corded in the volume and page of the named records
of Dallas County, Texas as stamped hereon by me.

MAR 15 1984



Eau Bullock
COUNTY CLERK, Dallas County, Texas

84 MAR 14 PM 2:54

FILED
Eau Bullock
COUNTY CLERK
DALLAS COUNTY

84053 5723



201700314515

AM 1/5



**FIRST AMENDMENT
TO THE
SUPPLEMENTARY DECLARATION NO. 58
LAS COLINAS AREA LVIII
DALLAS COUNTY, TEXAS**

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

This First Amendment to Supplementary Declaration No.58, Las Colinas Area LVIII, 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 County, 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 LVIII ("Area LVIII"), those certain 39.554 acre tracts, were added to Las Colinas pursuant to Supplementary Declaration No. 58, Las Colinas Area LVIII, recorded in Volume 84053, Page 5710 *et seq.*, of the Deed Records of Dallas County, Texas, as described more particularly in Exhibit "A-58" of Supplementary Declaration No. 58 (the "Original Supplement").

D. Rosewood Property Company is the owner of property within Area LVIII and has requested an amendment to Supplementary Declaration No. 58 to permit the development of medical office, medical clinic, and surgery 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 58 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. 58, Las Colinas Area LVIII is hereby amended as follows:

1. That Article V, Section 58, Subsection (a) of the Declaration is hereby replaced with the following:

- a. Use Limitations. Sites in Area LVIII may be used for office buildings and related facilities. In addition to the foregoing uses, sites in Area LVIII may be used for medical office, medical clinic, and day surgery. Such sites may also

be used for the following uses, but only with the specific prior written approval of Declarant:

- (1) Multi-family residential dwellings.
- (2) Hotel, restaurant, gasoline service station, and other retail sale purposes.

The following uses of sites in Area LVIII are not permitted:

- (1) Single family detached residential dwellings.
- (2) Any use which involves a noxious odor, excessive emission of smoke, steam, or vapor, or an excessive noise level.
- (3) Any use contrary to law or which violates any part of Section 58 of this Article V.
- (4) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in covered or enclosed areas.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry other than two household pets per unit.
- (6) Uses not expressly permitted hereinabove.

2. That Article V, Section 58, 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.

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

4. The Supplementary Declaration No. 58, Las Colinas Area LVIII, except as expressly amended by this First Amendment to the Supplementary Declaration No. 58, Las Colinas Area LVIII 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

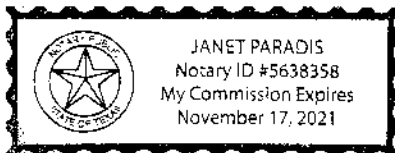
By: 
Ethan R. Bidne, President

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.

Janet Paradis
Notary Public in and for the State of Texas



Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
11/07/2017 11:27:39 AM
\$42.00



[Signature]

201700314515