

SUPPLEMENTARY DECLARATION NO. 8

RESTRICTIONS

LAS COLINAS AREA VIII
DALLAS COUNTY, TEXAS

DEED RECORD

This Supplementary Declaration, made this 22nd day of NOVEMBER,
1976, by LAS COLINAS CORPORATION, hereinafter called Declarant,

WITNESSETH:

WHEREAS, 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

WHEREAS, additional real property has previously been added to the scheme of the Declaration by Supplementary Declarations duly recorded in 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 previous 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 filing a supplementary declaration of record, which supplementary declaration may modify Article V of the Declaration as it pertains to such additional property; and

WHEREAS, Declarant desires to so 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, Las Colinas Corporation, Declarant, hereby declares as follows:

1. That the real property described in Exhibit "A-8" attached hereto and incorporated herein by reference for all purposes (designated as Area VIII 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 8, which shall be applicable only to Area VIII:

Section 8. Covenants Applicable to Area VIII. The following provisions shall be applicable to any and all construction, improvement, alteration, addition, or use of, in, or to Area VIII of The Properties:

a. Use Limitations. Sites in Area VIII may be used for office, warehousing, assembling, processing, wholesaling, research and development, servicing and distribution purposes. Sites in Area VIII may be used for light manufacturing, multi-family residential, hotel, restaurant, gasoline service station, and other retail sale purposes only with the prior written approval of Declarant. The following uses of sites in Area VIII 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 8 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.

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

- (1) 50 feet from Walnut Hill Lane right-of-way.
- (2) 30 feet from any other public street property line.
- (3) 20 feet from any Private Right-of-Way Easement shown on the recorded plat.

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. gate houses;
 - iii. relatively minor encroachments of adequately screened parking structures.

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 7-1/2% and a minimum grade slope of 1-1/2%.
- (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. There shall be provided at least 2.5 parking spaces per residential dwelling unit. In no event shall less than one parking space be provided for each of the following, as applicable:
 - (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 2-1/2 restaurant or club seats;

- (e) Each 3-1/2 theatre, auditorium, or assembly seats;
- (f) 1,000 gross square feet of warehouse area;
- (g) 500 gross square feet of manufacturing, assembling, processing, or servicing area.

Declarant may grant exceptions to and/or variations from any part of paragraph "c" of this Section 8 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.

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 to 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 systems for all 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 multi-family residential, warehousing, manufacturing, assembling, processing, or servicing facilities, if, in the sole judgment 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 docks 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 facing public streets or proposed public streets and for all parking areas and walkways between buildings and parking areas unless otherwise waived or modified by Declarant in writing. All exterior illumination must conform

to plans approved in writing by the Architectural Control Committee 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 multi-family 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.

(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) 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.

(8) Once commenced, construction shall be diligently 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:

LAS COLINAS CORPORATION

Rhodes S. Baker, Jr.
Asst Secretary

By: Ernest O. Perry, Jr.
President

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 the same was the act of the said LAS COLINAS 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 22 day of November, 1976.



Dwight A. Walsworth
Notary Public in and for Dallas
County, Texas

EXHIBIT A-8

TO

SUPPLEMENTARY DECLARATION NO. 8

LAS COLINAS AREA VIII
DALLAS COUNTY, TEXAS

FIELD NOTES

BEGINNING at the Northwest corner of Tract "G" of Las Colinas Walnut Hill Distribution Center, an Addition to the City of Irving, Texas, according to the plat thereof as filed in Volume 75126, Page 2076, of the Deed Records of Dallas County, Texas:

THENCE North $45^{\circ}13'10''$ East 1065.07 feet,

THENCE North $44^{\circ}45'10''$ West 1500.43 feet,

THENCE North $00^{\circ}25'35''$ East 1555.66 feet,

THENCE North $89^{\circ}29'30''$ East 187.02 feet,

THENCE in a Southeasterly direction 596.24 feet with a curve to the right of central angle of $40^{\circ}07'27''$ and a radius of 851.47 feet,

THENCE South $50^{\circ}23'03''$ East 170.69 feet to a point in the West line of Walnut Hill Lane,

THENCE in a Southerly direction 1628.25 feet with a curve to the left of central angle of $85^{\circ}28'06''$ and a radius of 1091.62 feet,

THENCE South $44^{\circ}16'40''$ East 100.0 feet,

THENCE in a Southeasterly direction 386.41 feet with a curve to the right of central angle of $12^{\circ}28'29''$ and a radius of 1774.92 feet,

THENCE South $31^{\circ}48'11''$ East 982.8 feet,

THENCE in a Southerly direction 553.81 feet with a curve to the right of central angle of $31^{\circ}52'31''$ and a radius of 995.54 feet,

THENCE South $00^{\circ}04'20''$ West 25.0 feet,

THENCE South $89^{\circ}43'20''$ West 885.23 feet,

THENCE in a Westerly direction 236.36 feet with a curve to the right of central angle of $17^{\circ}09'05''$ and a radius of 789.65 feet,

THENCE North $73^{\circ}07'35''$ West 496.21 feet to the point of beginning.

CONTAINING 59.68 acres of land.

LAS COLINAS CORP.
 c/o JOHN E. SMITH
 314 NORTHGATE VILLAGE CENTER
 IRVING, TX 75062

COUNTY CLERK, Dallas County, Texas
 28 NOV 29 1976
 STATE OF TEXAS COUNTY OF DALLAS
 I hereby certify that this instrument was
 filed on this date and time stamped for me
 and was duly recorded in the public
 County, Texas as shown herein by me.

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FILED
 J. E. Macintosh
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