

#290 D.36478-C

SUPPLEMENTARY DECLARATION NO. 163

LAS COLINAS AREA CLXIII

DALLAS COUNTY, TEXAS

2130539

10/31/97 726523 129.00
Deed

This Supplementary Declaration, made this 30th day of October, 1997, by LAS COLINAS LAND LIMITED PARTNERSHIP, hereinafter called Declarant.

WITNESSETH:

A. Declarant's predecessor in interest, Las Colinas Corporation ("LCC"), executed a Declaration (as previously corrected and supplemented the "Declaration") on the 22nd of August, 1973, applicable to certain real property described in Exhibit "A" thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

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; and

C. LCC assigned all of its rights as "Declarant" under the Declaration to Declarant pursuant to a Corrected Assignment and Transfer of Rights of Declarant under Declaration dated as of June 29, 1989, recorded in Volume 92041, Page 446, of the Deed Records of Dallas County, Texas; and

D. 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; and

E. 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; and

F. 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

REDAL 125478 2 30145-00006

97213 12869

278-F 02/13 1-898

42148557584

FROM-MUNSCHE HARDT

5 Sep-19-02 10:19am

G. Declarant desires to add additional property such property being located within the boundaries of the property described in Exhibit "B" to the Declaration to the scheme of the Declaration and to modify Article V of the Declaration as it pertains to the additional property:

NOW, THEREFORE, Declarant declares as follows:

1. That the real property described in Exhibit "A-163" attached hereto and incorporated herein by reference for all purposes (designated as Area CLXIII 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 the 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 modified by the addition thereto of the following Section 163, which shall be applicable only to Area CLXIII.

Section 163. Covenants Applicable to Area CLXIII. The following provisions shall be applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CLXIII of the Properties:

a. Use Limitations. Sites in Area CLXIII may be used for office buildings and related facilities. Retail, restaurants, and health clubs are "related facilities" as long as these uses are located within an office building for primary use by occupants of the building. The following uses of sites in Area CLXIII are not permitted:

(1) Any use which involves a noxious odor or any excessive noise level which constitutes a nuisance - it being agreed that diesel engine generators for emergency power do not violate this restriction.

(2) Any use which is not expressly permitted by this Section 163.

b. Minimum Setback Lines.

(1) No structure of any kind and no part thereof shall be placed within these setback lines:

(A) 50 feet from Las Colinas Boulevard right-of-way.

(B) 50 feet from Colwell Boulevard right-of-way.

(C) 50 feet from Buffalo Boulevard right-of-way.

REDAL 125478 2 30145-00000

2

37213 02850

(D) 30 feet from any other public street right-of-way.

(E) 10 feet from any interior boundary line (i.e., a common boundary line with another owner).

(2) The following improvements are expressly excluded from this restriction:

(A) Structures below and covered by the ground;

(B) Steps, walks, driveways, and curbing;

(C) Planters, walls, or fences, not to exceed four (4) feet in height;

(D) Landscaping;

(E) Guardhouses;

(F) Gatehouses;

(G) Aerial pedestrian crossings or connections;

(H) Canopies;

(I) Minor encroachments of adequately screened parking structures;

(J) Parking areas in compliance with subsection 2.c. below; and

(K) Lighting fixtures within parking areas in compliance with subsection 2.c. below.

(3) Declarant may grant exceptions to or variances from any setback lines established in this subsection b. provided that any such variances or exceptions must be in writing.

c. Parking Areas. Parking areas shall:

(1) Be curbed and guttered with concrete as approved by the Architectural Control Committee and paved with 5" reinforced concrete placed on a 6" lime stabilized base.

(2) Have a maximum grade slope of 5% and a minimum grade slope of 1 1/2%.

(3) Not be closer than 30 feet to any public street, nor be provided in front of any building facing a public street unless expressly approved in writing by the Architectural Control Committee.

(4) Be adequately screened by use of berms, trees, landscaping, or other means reasonably acceptable to Declarant and acceptable to the Architectural Control Committee in accordance with its customary use of discretion. Screening shall occur between all surface parking lots and adjacent public streets.

(5) Be sufficient to accommodate all parking needs for employees, company vehicles, customers, and visitors without the use of onstreet parking. If parking needs increase, additional offstreet parking on-site shall be provided by the owner. In no event shall less than one parking space be provided for each 300 net square feet of office space.

Declarant may grant exceptions to or variances from any part of this subsection c, provided that any variance or exception must be in writing.

d. Driveways. Driveways shall:

(1) Be constructed as specified in subsection 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.

57213 02852

(3) 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 the ground level outside entrances into such buildings; provided, Declarant may grant exceptions to or variances from the restrictions in this sentence as long as same are in writing. Signs of a flashing or moving character or inappropriately colored signs will not be permitted. No signs, symbols, advertising insignia or similar items pertaining to the non-office related facilities within an office building (e.g., sundry store, cafeteria, sandwich shop, health club or cleaners) will be permitted if visible from the surrounding public roads. The Association shall have the right 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; and
- ii. Permit reasonable access to public and private utility lines and easements for installation and repair.

(3) Owners shall provide landscaping, including hardscape structures and walks as well as plant materials, within the area adjacent to any public or private street in accordance with plans submitted by such owners and subjectively approved by the Architectural Control Committee. In particular, a 50 foot greenbelt shall be provided along the east right-of-way of Las Colinas Boulevard. Owners shall maintain the improvements within these areas in accordance with standards established from time to time by the Association.

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 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, including, without limitation, dish type antennas, and towers must be approved by the Architectural Control Committee, which may consider such things as size, location and ability to screen the antenna(s) and tower(s) from view from adjacent properties and from public streets and highways.

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 give written approval for such encroachments 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 and views from adjacent and nearby properties.

i. Exterior Illumination. Illumination will be required on all exterior building walls which face existing 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, stone or architecturally designed concrete, 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 and the spandrel area between window openings shall not be faced with a

97213 02854

glass material without prior written approval of both the Architectural Control Committee and Declarant.

(2) Construction must conform to plans and specifications approved in writing by the Architectural Control Committee. Normally, such approval will be limited to those plans which:

- i. Do not include wooden frames;
- ii. Preserve the quality and atmosphere of the area and do not detract from adjacent property; and
- iii. Do not include exterior fire escapes.

(3) 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, compaction, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Control Committee.

(4) All structures must be equipped with gutters, downspouts, and/or other drainage conveyances.

(5) 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.

(6) All utility lines (public and private) shall be underground.

(7) Once commenced, construction shall be diligently pursued to the end that it will not be left in a partly finished condition for a period longer than eighteen (18) months without written approval from the Architectural Control Committee.

(8) Each dwelling unit or kitchen facility (other than break areas in office spaces) within a commercial building or complex of buildings shall contain a water flushing garbage grinder disposal.

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

07213 02855

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. Declarant, the Association, their respective directors, officers, employees, and agents, the Architectural Control Committee, and members of the Architectural Control Committee are not responsible or liable in damages or otherwise to anyone submitting plans and specifications for approval or to any owner of land subject to the Declaration for any defects in any plans or specifications submitted, revised, or approved, any loss or damages to any person arising out of approval or disapproval or failure to approve or disapprove any plans or specifications, any loss or damage arising from the noncompliance of 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.

LAS COLINAS LAND LIMITED PARTNERSHIP, a
Delaware limited partnership

BY: Faison-Stone, Inc., a Texas corporation, Manager

By: Charles E. Colten
Charles E. Colten
Vice President

Buc

REDACTED 125478 2 3045-00000

8

7213 02856

THE STATE OF TEXAS

§

COUNTY OF DALLAS

§

This instrument was acknowledged before me on October 30, 1997, by Charles E. Cotten, Vice President of Falson-Stone, Inc., a Texas corporation, Manager of **LAS COLINAS LAND LIMITED PARTNERSHIP**, a Delaware limited partnership, on behalf of said corporation and partnership.

Kim Hession

Notary Public in and for
the State of Texas

AFTER RECORDING PLEASE RETURN
TO: STEVE TERRY
SOUTHWEST LAND TITLE CO.
500 N. AKARD, STE 2900
DALLAS, TEXAS 75201

RECEIVED 10/14/97 10:43:00 AM

9

97213 02857

T-698 P. 10/13 F-847

+2148557584

Sep-19-97 10:21am From-MUNSCHE HARDT

EXHIBIT "A-163"

LAS COLINAS AREA CLXIII

BEING a tract of land situated in the Oakley Glass Survey, Abstract No. 537, R. W. Fryer Survey, Abstract No. 491 and the Antonio Hernandez Survey, Abstract No. 550 in the City of Irving, Dallas County, Texas and being part of Tracts 14-1 and 14-2 as conveyed to Las Colinas Land Limited Partnership by deed recorded in Volume 89128, Page 0714 of the Deed Records of Dallas County, Texas, and also being a portion of Raspberry Road as abandoned by Dallas County Quitclaim Deed recorded in Volume 95061, Page 0946 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at "X" cut set for corner at the northeast corner of a tract conveyed to the Associates Bancorp, Inc. as recorded in Volume 96099, Page 3760 of the Deed Records of Dallas County, Texas, said "X" cut also being in the West Right of Way line of Colwell Blvd. (100' ROW) as recorded in Volume 97182, Page 1513 of the Plat Records of Dallas County, Texas;

THENCE North 89 degrees 52 minutes 51 seconds West following the north line of said Associates tract a distance of 1902.70 to a 1/2 inch iron rod set for corner at the northwest corner of said Associates tract, said iron rod also being in a curve to the left which center bears South 58 degrees 42 minutes 51 seconds West with a radius of 859.50 feet, said iron rod also being in the east Right of Way line of Las Colinas Blvd. as recorded in Volume 97182, Page 1529 of the Plat Records of Dallas County, Texas;

THENCE along said curve to the left following the east ROW line of said Las Colinas Blvd through a central angle of 12 degrees 29 minutes 19 seconds and an arc distance of 187.34 feet to a 1/2 inch iron rod set for corner;

THENCE North 43 degrees 46 minutes 28 seconds West following the east ROW line of Las Colinas Blvd. and passing at 171.69 the end of said ROW line continuing in all a distance of 310.86 feet to a 1/2 inch iron rod set for corner at the beginning of a curve to the right with a radius of 840.50 feet;

THENCE along said curve to the right through a central angle of 97 degrees 21 minutes 31 seconds and an arc distance of 1428.20 feet to a 1/2 inch iron rod set for corner at a point of a reverse curve with a radius of 1263.85 feet;

THENCE along said curve to the left through a central angle of 24 degrees 38 minutes 43 seconds and an arc distance of 543.63 feet to a 1/2 inch iron rod set for corner at a point of a reverse curve with a radius of 390.00 feet;

THENCE along said curve to the right through a central angle of 6 degrees 20 minutes 47 seconds and an arc distance of 43.20 feet to a 1/2 inch iron rod set for corner at a point of a reverse curve with a radius of 510.00 feet;

THENCE along said curve to the left through a central angle of 13 degrees 48 minutes 38 seconds and an arc distance of 122.93 feet to a 1/2 inch iron rod set for corner at a point of a compound curve with a radius of 1275.85 feet;

THENCE along said curve to the left through a central angle of 14 degrees 20 minutes 39 seconds and an arc distance of 319.41 feet to a 1/2 inch iron rod set for corner at a point of a reverse curve with a radius of 90.50 feet;

17213 02858

THENCE along said curve to the right through a central angle of 83 degrees 55 minutes 54 seconds and an arc distance of 132.57 feet to a 1/2 inch iron rod set for corner at a point of a compound curve with a radius of 795.00 feet;

THENCE along said curve to the right through a central angle of 44 degrees 56 minutes 28 seconds and an arc distance of 623.57 feet to a 1/2 inch iron rod set for corner in the south Right of Way line of Buffalo Blvd. (a variable width ROW) as recorded in Volume 86113, Page 0076 of the Plat Records of Dallas County, Texas;

THENCE South 43 degrees 59 minutes 47 seconds East following the south ROW line of said Buffalo Blvd. a distance of 551.88 to a 1/2 inch iron rod set for corner at the beginning of a curve to the left with a radius of 1366.39 feet;

THENCE along said curve to the left following the south ROW line of said Buffalo Blvd. through a central angle of 4 degrees 41 minutes 17 seconds and an arc distance of 111.80 feet to a 1/2 inch iron rod set for corner at a point of a reverse curve with a radius of 390.00 feet;

THENCE along said curve to the right following the south ROW line of said Buffalo Blvd. through a central angle of 6 degrees 33 minutes 35 seconds and an arc distance of 44.66 feet to a 1/2 inch iron rod set for corner at a point of a reverse curve with a radius of 510.00 feet;

THENCE along said curve to the left following the south ROW line of said Buffalo Blvd. through a central angle of 13 degrees 21 minutes 34 seconds and an arc distance of 118.91 feet to a 1/2 inch iron rod set for corner at a point of a compound curve with a radius of 1378.39 feet;

THENCE along said curve to the left following the south ROW line of said Buffalo Blvd. through a central angle of 13 degrees 17 minutes 20 seconds and an arc distance of 319.70 feet to a 1/2 inch iron rod set for corner at a point of a reverse curve with a radius of 120.00 feet;

THENCE along said curve to the right following the south ROW line of said Buffalo Blvd. through a central angle of 68 degrees 10 minutes 21 seconds and an arc distance of 142.78 feet to a 1/2 inch iron rod set for in the west ROW line of said Colwell Blvd.;

THENCE South 0 degrees 36 minutes 01 seconds East following the west ROW line of said Colwell Blvd. a distance of 1486.54 feet to the POINT OF BEGINNING and containing 4,697,074 square feet or 107.830 acres of land.

47213 02859

FILED
97 OCT 31 AM 11:27
CLERK
COUNTY CLERK
DALLAS COUNTY

ALL PROBATE CASES MUST BE FILED WITHIN THE TIME PERIOD SET FORTH IN THE
STATUTE OF TEXAS. FAILURE TO DO SO WILL RESULT IN THE CASE BEING
DECLINED FOR FILING. THE JUDICIAL BRANCH OF THE COUNTY OF DALLAS
COUNTY OF DALLAS
OCT 31 1997
COUNTY CLERK, Dallas County, Texas

97213 02860

**SECOND AMENDMENT TO SUPPLEMENTARY DECLARATION NO. 163****LAS COLINAS AREA CLXIII****DALLAS COUNTY, TEXAS**

This Second Amendment to Supplementary Declaration No. 163 is made as of this 29th day of April, 2008, by THE LAS COLINAS ASSOCIATION, hereinafter called "Association."

RECITALS:

A. The Las Colinas Corporation ("LCC") as "Declarant" executed a Declaration on the 22nd of August, 1973, applicable to certain real property 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 (such Declaration as so corrected being referred to as the "Declaration").

C. LCC assigned all of its rights as "Declarant" under the Declaration to Las Colinas Land Limited Partnership ("LCLLP") under a Corrected Assignment and Transfer of Rights of Declarant under Declaration, 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 under an Assignment and Transfer of Rights of Declarant and Class B Member Under Declaration, recorded in the Deed Records of Dallas County, Texas, as document number 200503641275.

E. Section 3 of Article I of the Declaration specifies the manner in which additional property may be added to the scheme of the Declaration.

F. On October, 30 1997, LCLLP executed Supplementary Declaration No. 163, thereafter recorded in Volume 97213, Page 2849, of the Deed Records of Dallas County Texas, which was applicable to a 107.830 acre tract of real property more particularly described therein (Exhibit "A-163").

G. Supplementary Declaration No. 163 has previously been amended by the Corrected Amendment Number One Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, dated June 20, 2005, and filed in the Deed Records of Dallas County, Texas, as document number 200600404997 (the "First Amendment").

H. Associates Information Services, Inc. ("Property Owner") is the owner of a 9.9941 acre tract described in Exhibit "C-163" attached hereto and made a part hereof, such tract being within the boundaries of property covered by Supplementary Declaration No. 163. Property Owner has requested a special meeting of the members of the Association to consider further amending Supplementary Declaration No. 163 to permit certain changes as set forth in this Second Amendment to Supplementary Declaration No. 163 applicable to the area in Exhibit "C-163".

I. To amend any existing Supplementary Declaration, the Declaration requires a vote of sixty percent (60%) of the total eligible votes of membership voting together, in person or by proxy, at a meeting duly noticed and called for such purpose.

J. After due and proper notice, at a meeting held on April 29, 2008, sixty percent (60%) or more of the total eligible votes voted to approve the amendment of Article V, Section 163 of the Declaration in accordance with this Second Amendment to Supplementary Declaration No. 163.

NOW THEREFORE, the Association declares as follows:

1. An education and child care facility has not been constructed on the land designated as Exhibit "B-163" as contemplated in the First Amendment, prior to termination of the First Amendment, and that First Amendment is hereby terminated and of no further force and effect.

2. That Article V, Section 163.a. of Supplementary Declaration No. 163 shall be amended to supplant the current language: "Sites in Area CLXIII may be used for office buildings and related facilities; and sites located in Amended Tract (Exhibit "B-163"), may also be used for educational facilities and child care facilities. Retail, restaurants, health clubs are "related facilities" as long as these uses are located within an office building, educational facility or child care facility for primary use by occupants of the building. The following uses of sites in Area CLXIII are not permitted..."

With the following:

"Sites in Area CLXIII may be used for office buildings and related facilities; and sites located in Amended Tract (Exhibit "C-163") may also be used for education and child care facilities. Retail, restaurants, health clubs are "related facilities" as long as these uses are located within an office building, educational facility or child care facility for primary use by occupants of the building. The following uses of sites in Area CLXIII are not permitted..."

3. Exhibit "C-163" attached to this Amendment is hereby attached to Supplementary Declaration No. 163 as Exhibit "C-163."

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

5. Supplementary Declaration No. 163, except as expressly amended, 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 not-for-profit corporation

By: 

William F. Tichy, Chairman

THE STATE OF TEXAS

§

§

COUNTY OF DALLAS

§

This instrument was acknowledged before me on the 29th day of April, 2008, by William F. Tichy, Chairman of The Las Colinas Association, a Texas not-for-profit corporation, on behalf of such corporation.

Velma Martindale

Notary Public in and for the State of Texas

My Commission Expires:

March 9, 2011



EXHIBIT C-163

LEGAL DESCRIPTION

BEING a tract of land situated in the R.W. Fryer Survey, Abstract No. 491, the Oakley Glass Survey, Abstract No. 537, and the Antonio Hernandez Survey, Abstract No. 550, in the City of Irving, Dallas County, Texas, and being a part of a called 107.830 acre tract of land described in deed to Associates Information Services, Inc., recorded in Volume 97213, Page 02867 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an 5/8-inch iron rod set in the southwesterly right-of-way line of La Villita Boulevard (a variable width public right-of-way), dedicated by deed to the City of Irving, recorded in Volume 86113, Page 0075 of the Deed Records of Dallas County, Texas;

THENCE with the southwesterly right-of-way line of La Villita Boulevard, and the northeasterly line of called 107.830 acre tract the following courses and distances to wit:

South 44°43'06" East, a distance of 81.32 feet to a ½-inch iron rod found for corner and the beginning of a curve to the left;

Southerly, with the curve to the left, through a central angle of 04°41'19", having a radius of 1366.39 feet, and a chord bearing and distance of South 47°03'55" East, 111.78 feet, an arc distance of 111.82 feet to a ½-inch iron rod found for the end of said curve, and the beginning of a reverse curve to the right;

Southerly, with the curve to the right, through a central angle of 06°33'35", having a radius of 390.00 feet, and a chord bearing and distance of South 46°07'47" East, 44.63 feet an arc distance of 44.65 feet to a ½-inch iron rod found for the end of said curve, and the beginning of a reverse curve to the left;

Southerly, with the curve to the left, through a central angle of 13°21'29", having a radius of 510.00 feet, and a chord bearing and distance of South 49°31'47" East, 118.63 feet, and arc distance of 118.90 feet to a ½-inch iron rod found for the end of said curve, and the beginning of a curve to the left;

Southerly with the curve to the left, through a central angle of 13°17'22", having a radius of 1378.39 feet, and a chord bearing and distance of South 62°51'15" East, 319.00 feet, an arc distance of 319.71 feet to a ½-inch iron rod found for the end of said curve, and the beginning of a curve to the right;

Southerly with the curve to the right, through a central angle of 68°10'24", having a radius of 120.00 feet, and a chord bearing and distance of South 35°24'41" East, 134.51 feet, an arc distance of 142.78 feet to a ½-inch iron rod found for the end of said curve, and westerly right-of-way line of a tract of land dedicated by plat to the City of Irving for Colwell Boulevard (a variable width public right-of-way), dedicated by deed to the City of Irving, recorded in Volume 96244, Page 02896 of the Deed Records of Dallas County, Texas,

THENCE South 01°19'30" East, along the west right-of-way line of Colwell Boulevard and the northeasterly line of called 107.830 acre tract, a distance of 4.02 feet to 5/8-inch iron rod set for corner;

THENCE South 08°06'33" West, leaving the west right-of-way line of Colwell Boulevard across called 107.830 acre tract, a distance of 61.01 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE South 01°19'30" West, across called 107.830 acre tract, a distance of 220.59 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE South 89°16'28" West, across called 107.830 acre tract, a distance of 521.13 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE North 39°08'32" West, across called 107.830 acre tract, a distance of 576.69 feet to a 5/8-inch iron rod with "KHA" cap set for corner;

THENCE North 39°08'32" East, across called 107.830 acre tract, a distance of 497.79 feet to the POINT OF BEGINNING and containing 9.9941 acres of land.

**THIRD AMENDMENT
TO
SUPPLEMENTARY DECLARATION NO. 163
LAS COLINAS AREA CLXIII
DALLAS COUNTY, TEXAS**

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

This Third Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, is made this 4th day of October, 2022, by The Las Colinas Association, a Texas non-profit corporation, hereinafter called the "Association."

RECITALS:

A. The Las Colinas Corporation ("LCC"), as "Declarant", 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; and a Third Correction to Declaration was recorded in Volume 82071, Page 3244 *et seq.* of the Deed Records of Dallas County, Texas; a First Amendment to the Corrected Declaration was filed in the Deed Records of Dallas County, Texas as Document Number 20140011545; and a Second Amendment to the Deed Records of Dallas County, Texas as

document number 202000193684 (such Declaration as so corrected herein referred to as the "Declaration").

C. LCC assigned all of its rights as "Declarant" under the Declaration to Las Colinas Land Limited Partnership ("LCLLP") under a Corrected Assignment and Transfer Tights of Declarant under Declaration, recorded in Volume 92041, Page 0446, of the Deed Records of Dallas County, Texas.

D. LCLLP assigned all of its rights as the "Declarant" under the Declaration to Hines Las Colinas Land Limited Partnership under an Assignment and Transfer of Rights of Declarant and Class B Member Under Declaration, recorded in the Deed Records of Dallas County, Texas, as document number 200503641275.

E. Section 3 of Article I of the Declaration specifies the manner in which additional property may be added to the scheme of the Declaration.

F. On October 31, 1997, LCLLP executed Supplementary Declaration No. 163, thereafter recorded in Volume 97213, Page 2849, of the Deed Records of Dallas County Texas, which was applicable to a 107.830 acre tract of real property more particularly described in Exhibit "A-163" (the "Original Tract").

G. Supplementary Declaration No. 163 has previously been amended by the Corrected Amendment Number One Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, dated June 20, 2005, and filed in the Deed Records of Dallas County, Texas as Document No. 200600404997 (the "First Amendment") and the Second Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, dated April 29, 2008, and filed in the Deed Records of Dallas County, Texas, as Document No. 20080179088 (the "Second Amendment").

H. Fluor Enterprises, Inc. ("Property Owner") is the owner of a 22.10 acre tract (the "Fluor Tract") described in Exhibit "B-163" attached hereto and made a part hereof, such tract being within the boundaries of property covered by Supplementary Declaration No. 163. Property Owner has requested a special meeting of the members of the Association to consider further amending Supplementary Declaration No. 163 to allow single family development upon the "Fluor Tract" as further restricted by the restrictions contained in Exhibit "C-1".

I. Section 215.008(d) of the Texas Property Code provides that the Declaration and any supplementary declarations may be amended by a simple majority of the eligible votes of the membership being cast in favor of the amendment.

J. More than a majority of the eligible votes of the membership were cast to approve the following amendment of Article V, Section 163 of the Declaration, after due and proper notice, at a Special Meeting of the Association, held on October 4, 2022.

Now THEREFORE, Supplementary Declaration No. 163, as amended by the First Amendment to Supplementary Declaration No. 163 and the Second Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, is hereby amended as follows:

1. That the Fluor Tract which is part of the Original Tract is and shall continue to be the subject to the scheme of Supplementary Declaration No. 163, and is and shall continue to be held, transferred, sold, conveyed, used and occupied subject to the covenants, restrictions, easements, charges, assessments and liens set forth in Supplementary Declarations No. 163 (as modified by this Third Amendment to Supplementary Declaration No. 163)

2. That Article V, Section 163 Subsection (a) entitled "Use Limitations" of the Declaration, Area I, is hereby amended to allow for single family development as the Fluor Tract only by supplanting the current language:

- a. Use Limitations. Sites in Area CLXIII may be used for office, warehousing, wholesaling, research and development, assembling, processing, and service and distribution purposes. Sites in Area CLXIII may be used for light manufacturing, multi-family residential, hotel, restaurant, gasoline service station, and other retail sale purposes. The following uses of sites in Area CLXIII 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 163 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.

with the following:

- a. Use Limitations. Sites in Area CLXIII may be used for office, warehousing, wholesaling, research and development, assembling, processing, and service

and distribution purposes. In addition to the foregoing uses, sites in Area CLXIII may be used for medical office, medical clinic, and surgery. Sites in Area CLXIII 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 LCA Board of Directors. Single family residential dwellings shall be allowed in the portion of Area CLXIII identified by Exhibit B-1 and further restricted by Exhibit C-1 with respect to residential single family platted lots. Provided, however, that if a conflict exists between the restrictions placed on a property by Sections 163(b) through 163(j) of the Original Supplement, and those restrictions found in Exhibit C-1, the restrictions found in Exhibit C-1 shall control with regard to all residential single family platted lots located within the area identified by Exhibit B-1. Parks and open space shall be allowed in that portion identified by Exhibit B-1. 1. The following uses of sites in Area XVI are not permitted:

- (1) Single family detached residential dwellings, except for that portion identified by Exhibit B-1 which may have single family 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 163 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.

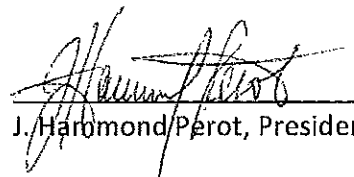
2. The recitals set forth above are hereby adopted by reference and declared to be true and correct.

3. Supplementary Declaration No. 163, Las Colinas Area CLXIII, except as expressly amended by the First Amendment to the Corrected Supplementary Declaration No. 163, Las Colinas Area CLXIII, amended by the Second Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, and this Third Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, 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

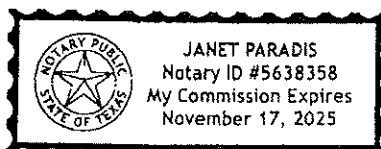
By:


J. Hammond Perot, President & CEO

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 18th day of October, 2022, by J. Hammond Perot, President & CEO of The Las Colinas Association, a Texas non-profit corporation, on behalf of such corporation.





Notary Public in and for the State of Texas

EXHIBIT B-1

Legal Description

BEING a 22.10 acre tract of land, situated in the R.W. FRYER, ABSTRACT NO. 491, the ANTONIO HERNANDEZ SURVEY, ABSTRACT NO. 550 and the OAKLEY GLASS SURVEY, ABSTRACT NO. 537 in the City of Irving, Dallas County, Texas and being a portion of that certain tract of land conveyed to the Associates Information Services, Inc by deed as recorded in Volume 97213, Page 2867, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Beginning at a 1/2 inch iron rod set for corner at the intersection of the south line of La Villita Boulevard (a variable width right-of-way) and the east line of Las Colinas Boulevard (a variable width right-of-way), same point being the northwest corner of said 22.10 acre tract of land being described, said point being the beginning of a curve to the right having a radius of 795.00 feet, a delta angle of 44 degrees 56 minutes 28 seconds, and having a chord bearing and distance of South 66 degrees 28 minutes 01 seconds East, 607.71 feet;

THENCE in a southeasterly direction along said curve to the right and along the south line of said La Villita Boulevard, an arc distance of 623.57 feet to a 1/2 inch iron rod set for corner;

THENCE South 43 degrees 59 minutes 47 seconds East, continuing along the south line of said La Villita Boulevard, a distance of 470.52 feet to a 1/2 inch iron rod set for corner, said point being the northeast corner of said 22.10 acre tract of land being described;

THENCE South 39 degrees 52 minutes 02 seconds West, departing the south line of said La Villita Boulevard and through the interior of said Associates Information Services, Inc tract, a distance of 992.78 feet to a 1/2 inch iron rod set for corner, said point being the southeast corner of said 22.10 acre tract of land being described;

THENCE North 48 degrees 27 minutes 19 seconds West, continuing through the interior of said Associates Information Services, Inc. tract, a distance of 880.70 feet to a 1/2 inch iron rod set for corner, said point being the southwest corner of said 22.10 acre tract of land being described, said point being the beginning of a curve to the left having a radius of 1263.85 feet, a delta angle of 12 degrees 36 minutes 15 seconds and a chord bearing and distance of North 35 degrees 14 minutes 28 seconds East, 277.47 feet;

THENCE in a northeasterly direction along said curve to the left and along the easterly line of said Las Colinas Boulevard, an arc distance of 278.03 feet to a 1/2 inch iron rod set for corner, said point being the beginning of a curve to the right having a radius of 390.00 feet, a delta angle of 06 degrees 20 minutes 47 seconds and a chord bearing and distance of North 32 degrees 06 minutes 44 seconds East, 43.18 feet;

THENCE in a northeasterly direction along said curve to the right and along the easterly line of said Las Colinas Boulevard, an arc distance of 43.20 feet to a 1/2 inch iron rod set for corner, said being the beginning of a curve to the left having a radius of 510.00 feet, a delta angle of 13 degrees 48 minutes 38 seconds and a chord bearing and distance of North 28 degrees 22 minutes 48 seconds East, 122.63 feet;

THENCE in a northeasterly direction along said curve to the left and along the easterly line of said Las Colinas Boulevard, an arc distance of 122.93 feet to a 1/2 inch iron rod set for corner, said point being the beginning of a curve to the left having a radius of 1275.85 feet, a delta angle of 14 degrees 20 minutes 39 seconds and a chord bearing and distance of North 14 degrees 18 minutes 10 seconds East, 318.58 feet;

THENCE in a northeasterly direction along said curve to the left and along the easterly line of said Las Colinas Boulevard, an arc distance of 319.41 feet to a 1/2 inch iron rod set for corner, said point being the beginning of a curve to the right having a radius of 90.50 feet, a delta angle of 83 degrees 55 minutes 54 seconds and a chord bearing and distance of North 49 degrees 05 minutes 48 seconds West, 121.03 feet;

THENCE in a northeasterly direction along said curve to the right and along the easterly line of said Las Colinas Boulevard, an arc distance of 132.57 feet to the POINT OF BEGINNING and containing 962,677 square feet or 22.10 acres of computed land.

EXHIBIT "C-1"

RESTRICTIONS ON SINGLE FAMILY RESIDENTIAL DWELLINGS

- a. Use Limitations. Sites in Area 163 as located within land as described in Exhibit "B-1" may be used for single family residential dwellings (as defined by The Las Colinas Association), and for parks and open spaces created as part of the development process.
- (1) The floor area of the main structure, exclusive of one-story open porches and garages, shall be no less than 3,000 square feet for one-story dwellings and 3,500 square feet for 1½ and two-story dwellings.
 - (2) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance, dangerous or a nuisance to the neighborhood.
 - (3) No structure of a temporary character, recreational vehicle, mobile home, trailer, boat trailer, tent, shed, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
 - (4) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, or a sign of not more than five square feet advertising the property for sale, or signs of a size and design approved by the Architectural Control Committee used by a builder to advertise the property during the construction and sale period.
 - (5) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot; except dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes. The limitation of two household pets per unit does not apply to single family uses.
 - (6) No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All garbage and trash shall be kept in sanitary containers fully enclosed by a walled structure.
 - (7) No truck, trailer, mobile home, or vehicle other than passenger vehicles or temporary marketing offices, construction trailers and field offices on specifically approved lot(s), shall be permitted to park on the streets, in the driveways, or on any lot overnight.
 - (8) No motorboat, boat, trailer, recreational vehicle, mobile home, or other similar vehicle may be maintained, stored, or kept on a lot unless housed completely within an enclosed and roofed structure approved by the

Architectural Control Committee except for temporary marketing offices, construction trailers, and field offices on specifically approved lot(s).

- (9) No clothesline may be maintained on any lot.
- (10) Except as otherwise permitted by Federal statutes and/or rules and regulations of the Federal Communications Commission, the use of antennas, including, without limitation, dish type antennas, and towers must be approved by the Architectural Control Committee, which may consider things like size, location, and ability to screen the antenna(s) and tower(s) from view from adjacent properties and from streets and highways.
- (11) No manufacturing, trade, business, commerce, industry, profession, or other occupation whatsoever will be conducted or carried on upon any lot or any part thereof, or in any building or other structure erected thereon except for activities consistent with temporary marketing offices, construction trailers, and field offices on specifically approved lot(s). This restriction of Supplementary Declaration No. 163 does not, however, prohibit a resident from using a dwelling for personal business or professional pursuits provided that: (i) the uses are incidental to the use of the dwelling as a residence; (ii) the uses conform to applicable governmental ordinances; and (iii) there is no external evidence of the uses.
- (12) The use of any carport, driveway, street, or parking area that may be in front of, adjacent to, or part of any lot as a habitual parking place for trucks, trailers, mobile homes, recreational vehicles, boats, or commercial vehicles, except for vehicles used in conjunction with temporary marketing offices, construction trailers, and field offices on specifically approved lot(s) or model homes, is prohibited. The term "Commercial Vehicle" shall include all passenger vehicles, trucks, and vehicular equipment which shall bear signs or shall have printed on the sides of same reference to any commercial undertaking or enterprise.
- (13) No above ground level swimming pool may be installed on any lot, and any swimming pool shall be designed and engineered in compliance with Paragraph e.(1) below.
- (14) No storage buildings may be installed on property on a permanent nature

b. Minimum Setback Lines.

- (1) No structure of any kind and no part thereof may be placed within these setback lines:

- (A) Setbacks from all property lines, public or private street rights-of-way shall be required by City of Irving zoning.
- (2) The following improvements are expressly excluded from these setback restrictions:
 - (A) Structures below and covered by the ground.
 - (B) Steps, walks, patios, swimming pools, driveways, and curbing.
 - (C) Planters, walls, fences or hedges not to exceed 4 feet in height within the front "Minimum Setback Lines" (b.)(1)(A-B) or 9 feet in height within rear and side street "Minimum Setback Lines", except as approved by the Architectural Control Committee.
 - (D) Landscaping.
 - (E) Box or bay windows.
 - (F) Fireplaces and chimneys, to the extent any portion of same project from the side of a residential structure.
 - (G) Porches, balconies, stoops and awnings may encroach a maximum of 5 feet into the required front yard setbacks.
 - (H) Any other improvements approved in writing by LCA Board of Directors. Roofed structures, other than the following, may in no event be approved:
 - [1] guard houses
 - [2] gate houses
 - [3] swimming pool equipment houses and cabanas
 - [4] greenhouses
 - [5] non-enclosed outdoor living spaces, including, but not limited to, built-in outdoor grills and outdoor fireplaces
- (3) LCA Board of Directors may grant exceptions to or variances from any setback lines established in b.(1) above, provided that any variances or exceptions must be in writing.
- c. Garages and Parking.
 - (1) The interior walls of all garages must be finished (tape, bed, and paint as a minimum) like other rooms in the building.

- (2) No garage shall be permitted to be enclosed for living or used for purposes other than storage of passenger vehicles and related normal uses except for the temporary use of a home as a builder's model, unless a new garage is constructed on the same property. No exterior wall mounted or roof mounted air conditioning units permitted.

d. Landscaping, Walls, and Fences:

- (1) The horizontal visibility triangle area (as determined by the City of Irving Transportation Department) at the intersection of a street, alley or driveway shall remain clear of any man-made or natural items between an elevation of 2.5 feet and 7.5 feet above the pavement as measured at the gutter line. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at a sufficient height to prevent obstruction of such sight lines.
- (2) The minimum landscape plan shall include one (1) tree in the front yard, and foundation planting. Trees shall be a minimum 3" caliper if container grown or 3-1/2" if ball and burlaped, as measured vertically 12" from the ground line. All front yard (excluding J-drive setbacks areas) planting beds shall include a portion that extends an average of 5 feet from the building foundation and shall be comprised of a balanced combination of shrubs, vines, groundcovers and/or seasonal colors. The front, side and rear yards must be irrigated by a programmable irrigation system and sodded with grass or artificial turf using Easy Turf Ultimate Natural 80 oz. or an equivalent as approved by the Architectural Control Committee. Rear and side yards may have alternate materials as approved by the Architectural Control Committee. All applicants must submit landscape plans to the Architectural Control Committee for approval. The plans shall include, in general, hardscape structures and walks, where appropriate; a planting plan, including materials, species and size; landscape lighting, retaining walls and fencing; and an automatic, underground irrigation system. Landscaping shall be completed on all sites contemporaneously with completion of other improvements, but in no event later than 90 days after first occupancy of building(s).
- (3) No structure, wall, fence, or hedge over 4 feet in height shall be constructed, erected, placed, planted, set out, maintained, or permitted upon any lot outside the front building line on any lot, except as approved by the Architectural Control Committee of the Las Colinas Association.
- (4) Landscape border material is limited to steel edging, high quality composite material, masonry, or other hard surface construction materials to include brick, stone, boulders, or cast concrete stones or will be considered by the Architectural Control Committee. Stucco homes must have complimentary material and color. Wood, plastic vinyl or non-

suitable materials as determined by the Architectural Control Committee will not be approved. Installation of all masonry borders may be done by mortar or dry stack for natural stone. All installations should be top level, no scallop allowed and include a finished top or cap element. Holes in brick may not be visible from any view.

- (5) Street facing fences shall be a minimum of 5' from the front elevation. Corner Lot Fence Requirements – (i) A 5'-6" Maximum height wrought iron fence per the City of Irving's minimum standards and as approved by the Architectural Control Committee of the Las Colinas Association shall be permitted within the streetside side yard setback of all corner lots. A minimum 10' setback from the front yard building line shall be required. (ii) On all reverse frontage lots, the streetside side yard setback requirement shall be waived in favor of a side yard visibility easement setback, as determined by the City of Irving Transportation Department, and any fence built within the streetside side yard setback shall conform to the requirements of (i), above. Where a visibility easement setback is not indicated on the approved plat for a specific corner lot, the lot Owner may construct the wrought iron fence on the streetside side yard property line per the requirements of item (i), above. On all reverse frontage lots, the 15' streetside side yard setback requirement shall conform to the platted streetside side yard building line where the Owner desires to construct a wooden fence meeting the standards of the City of Irving Fence Ordinance and as approved by the Architectural Control Committee of the Las Colinas Association in lieu of the wrought iron fence.
- (6) The owners of the lots shall be responsible for the maintenance of parkways located between their lot lines and the back of curb of streets and alleys on which said lots abut. The owners thereof shall likewise maintain the exterior of all structures on their lot and their yards, hedges, plants, and shrubs in a neat and trim condition at all times.

e. Construction Standards. The main structure on all lots shall meet with the following requirements (except as modified by the Architectural Control Committee):

- (1) The foundation system shall be designed by a Registered Professional Engineer based on recommendations given in a geotechnical soils report prepared by a geotechnical engineering firm. The soils investigation and analysis, and the design of the foundation system, shall be prepared and stamped or sealed by a registered professional engineer. Any swimming pool shall be designed utilizing the data provided by the soils report and analysis with adequate surface and subsurface drainage provided.
- (2) All roofs may be random tab architectural composition shingle roof (with a minimum 50-year warranty or the highest warranty readily available),

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

- (3) The exposed exterior wall area, exclusive of doors, windows, and covered porch areas, shall not be less than 80% brick, brick veneer, stone, stone veneer, lathe and plaster stucco, or stucco veneer construction, or other low maintenance material approved by the Architectural Control Committee.
- (4) Complete guttering must be installed on all houses with downspouts carried to an outfall well away from the foundation. All gutters and downspouts to be molded from aluminum and have a pre-painted finish and added rain chains of copper or equivalent material as approved by Architectural Control Committee. All downspouts except those emptying into streets or driveways shall be tied into underground drains if positive drainage does not exist. Gutters shall not drain across property lines.
- (5) Garages and all other outbuildings are to be given the same architectural treatment and be constructed of the same materials as the main structure. All garage doors shall be equipped with automatic remote controlled door openers. All garages viewed from a street or common area must have a cedar clad, or equal, or smooth metal facing, or materials as approved by the Architectural Control Committee of the Las Colinas Association.
- (6) All driveways shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped, scored or stained concrete, concrete pads with synthetic turf borders, or concrete with stone or brick border that coordinates with house color.
- (7) All exposed portions of the fire breast, flue and chimney shall be clad in brick, stone, or stucco and shall match the brick, stone or stucco used to meet the eighty percent (80%) exterior surface requirement. Chimneys located on an exterior wall must be 100% brick or stone.
- (8) All window framing will be black, bronzed, cream, sand or white anodized aluminum, vinyl, wood, or sage for Palm Beach Modern, or as approved by the Architectural Control Committee. Window shutters may be used. Painted or stained wood or fiberglass will be acceptable. No reflective window coverings or treatments shall be permitted.

- (9) No exterior alterations of any existing building may be permitted without the prior written approval of the Architectural Control Committee. No additional windows, balconies, platforms, etc. which may invade the privacy of adjacent dwellings are permitted.
- (10) Any and all lines or wires for communication or for transmission of current outside of the building shall be constructed, placed and maintained underground.
- (11) No exterior light shall be installed or maintained on any lot which is found to be objectionable by the Architectural Control Committee. Upon being given notice by the Association that any exterior light is objectionable, the owner of the lot will immediately remove said light or have the light shielded in such a way that it is no longer objectionable. Lighting plans shall be designed to delicately accent architectural elements, and shall include a minimum of one light, near the front door or porch area. All exterior illumination must be approved by the Architectural Control Committee of the Las Colinas Association.
- (12) Mailboxes shall be in a cluster mail station as noted on the site plan and installed by the developer as approved by the Architectural Control Committee.
- (13) No excavation may be made except in conjunction with construction or maintenance of an improvement. When the improvement or maintenance is completed, all exposed openings must be back filled, compacted, graded and landscaped in accordance with the approved landscape plan.
- (14) Once commenced, construction must be diligently pursued so it is not left in a partly finished condition for a period longer than ninety (90) days without written approval from the Architectural Control Committee.
- (15) Temporary portable buildings may be used for construction purposes or as field offices or temporary marketing offices in support of the sale of lots only with the prior written approval of the LCA Board of Directors. Such temporary portable buildings shall meet the following requirements:
 - (A) Be landscaped to the same standards as other residential lots.
 - (B) Allow no overnight parking of construction vehicles. (N/A for infrastructure construction)
 - (C) Provide screening for all construction materials to be kept on site.
 - (D) Be kept in a clean, well-kept condition at all times.

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

- (16) During construction on any lot, all trash and construction debris shall be contained within an on-site enclosure to be approved by the Association. The trash container shall be maintained on the lot throughout the period of construction (subject to the need to promptly remove and replace same as it becomes full), and all waste materials and construction debris shall be placed therein on a daily basis in order to reduce the possible dispersal of such waste materials and construction debris to any other lot and to maintain a neat and orderly appearance on the lot on which construction is being performed. Such temporary trash container shall be removed within 10 calendar days following completion of construction on the lot.
- (17) No wooden fence, wall or hedge shall exceed nine (9) feet in height along the rear of the property line or eight feet in height along the side property lines or be less than six (6) feet in height unless otherwise specifically required by the City of Irving or expressly approved by the Architectural Control Committee of the Las Colinas Association. All wooden fences shall be constructed of cedar and be stained a color to coordinate with each home's exterior color scheme (such as "Ready Seal" brand or equal), shall be supported with galvanized steel posts at six (6) feet on center, and all cedar privacy fences shall be board on board and include a top rail. All Lots backing or siding to a creek, lake, greenbelt/common areas shall have a wrought iron fence, not less than four (4) feet in height and with a uniform design as approved by the Architectural Control Committee of the Las Colinas Association. Fence gates facing a street or open space shall be metal or wrought iron as approved by the Architectural Control Committee of the Las Colinas Association. Fence posts shall be on the inside of the fence or if visible from public view or adjacent properties, posts shall be wrapped in cedar fence material. All security or privacy fencing between residential lots and adjacent commercial properties shall be brick screen walls or a combination of brick and stone screen walls with a minimum height of six feet.
- (18) To maintain architectural variety along residential streets, homes shall adhere to a 360-degree rule, meaning an individual standing in the street turning in a complete circle shall not be able to view the same model or front elevation. In addition, homes with the same floor plan but a different elevation shall maintain a minimum of two (2) units between one another, whether on the same side of the street or on opposite sides of the street.

- (19) No second floor, rear facing balconies will be allowed on any interior lots. The only lots that will accommodate a second-floor balcony are those lots that back to a creek, greenbelt, street, or that are situated on the perimeter of the development. All rear facing balconies must be approved prior to construction by the Architectural Control Committee of the Las Colinas Association.

The Las Colinas Association Board of Directors may grant variances to and/or exceptions from any part of paragraph e. of this Restriction on Single Family Residential Dwellings, provided that any such variances and/or exceptions must be in writing.

**FOURTH AMENDMENT
TO
SUPPLEMENTARY DECLARATION NO. 163
LAS COLINAS AREA CLXII
DALLAS COUNTY, TEXAS**

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

This Fourth Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, is made this 15th day of November, 2023, by The Las Colinas Association, a Texas non-profit corporation, hereinafter called the "Association."

R E C I T A L S:

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 Country, 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; and a Third Correction to Declaration was recorded in Volume 82071, Page 3244 *et seq.* of the Deed Records of Dallas County, Texas (such Declaration as so corrected being referred to as the "Declaration").

C. LAS COLINAS AREA CLXIII ("Area CLXIII"), those certain 107.830 acre tracts, were added to Las Colinas pursuant to Supplementary Declaration No. 163, Las Colinas Area CLXIII, recorded in Volume 97213, Page 02849 *et seq.*, of the Deed Records of Dallas County,

Texas, and are described more particularly in Exhibit "A-163" of Supplementary Declaration No. 163; a Corrected Amendment Number One Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, was filed of record as Document No. 200600404997 of the Deed Records of Dallas County, Texas; a Second Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, was filed of record as Document No. 20080179088 of the Deed Records of Dallas County, Texas; and a Third Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, was filed of record as Document No. 202200275455 of the Deed Records of Dallas County, Texas (the "Original Supplement").

D. CITICORP ("Property Owner") is the owner of a 9.9942 acre tract (the "CITICORP Tract") described in Exhibit "B-163" attached hereto and made a part hereof, such tract being within the boundaries of property covered by Supplementary Declaration No. 163. Property Owner has requested a special meeting of the members of the Association to consider further amending Supplementary Declaration No. 163 to allow single family development upon the "Tract" as further restricted by the restrictions contained in Exhibit "C-163".

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 fifty percent (50%) of the eligible votes of the membership were cast to approve the following amendment of Article V, Section 163 of the Declaration, after due and proper notice, at a Special Meeting of the Association held on November 7, 2023.

NOW THEREFORE, the Declaration, as supplemented by the Original Supplement and as further amended by this Fourth Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII is hereby amended as follows:

1. That Article V, Section 163, Subsection (a) of the Declaration is hereby amended to supplant the current language:

a. Use Limitations. Sites in Area CLXIII may be used for office, warehousing, wholesaling, research and development, assembling, processing, and service and distribution purposes. Sites in Area CLXIII may be used for light manufacturing, multi-family residential, hotel, restaurant, gasoline service station, and other retail sale purposes. The following uses of sites in Area CLXIII 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 163 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.

with the following:

- a. Use Limitations. Sites in Area CLXIII may be used for office, warehousing, wholesaling, research and development, assembling, processing, and service and distribution purposes. In addition to the foregoing uses, sites in Area CLXIII may be used for medical office, medical clinic, and surgery. Sites in Area CLXIII 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 LCA Board of Directors. Single family residential dwellings shall be allowed in the portion of Area CLXIII identified by Exhibit B-163 and further restricted by Exhibit C-163 with respect to residential single family platted lots. Provided, however, that if a conflict exists between the restrictions placed on a property by Sections 163(b) through 163(j) of the Original Supplement, and those restrictions found in Exhibit C-163, the restrictions found in Exhibit C-163 shall control with regard to all residential single family platted lots located within the area identified by Exhibit B-163. Parks and open space shall be allowed in that portion identified by Exhibit B-163. The following uses of sites in Area CLXIII are not permitted:
- (1) Single family detached residential dwellings except for that portion identified by Exhibit B-163 which may have single family 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 163 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.

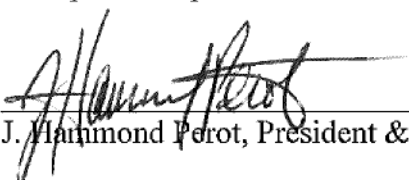
(6) Uses not expressly permitted hereinabove.

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

3. The Supplementary Declaration No. 163, Las Colinas Area CLXIII, except as expressly amended by the Corrected Amendment Number One Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, the Second Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, the Third Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas, and this Fourth Amendment to Supplementary Declaration No. 163, Las Colinas Area CLXIII, Dallas County, Texas hereby remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first above written

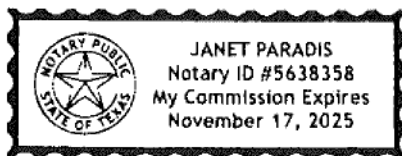
THE LAS COLINAS ASSOCIATION,
a Texas non-profit corporation

By: 
J. Hammond Perot, President & CEO

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 15th day of November, 2023, by J. Hammond Perot, President & CEO 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

My Commission Expires:

11-17-2025

EXHIBIT "B - 163"

BEING a 9.9942 acre tract of land, situated in the ANTONIO HERNANDEZ SURVEY, ABSTRACT NO. 550 in the City of Irving, Dallas County, Texas and being a portion of that certain tract of land conveyed to the Citicorp Credit Services Inc. by deed as recorded in Instrument Number 201300002226, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Being all of Lot 1, Block A of the CITIGROUP NORTH ADDITION NO. 2, an addition to the City of Irving, Dallas County, Texas, according to the Plat thereof recorded in Instrument No. 20080286135, Official Public Records, Dallas County, Texas.

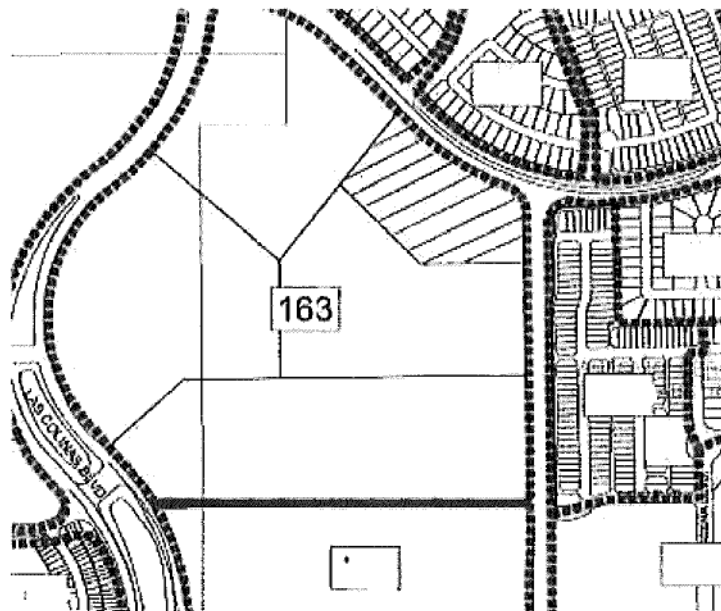


EXHIBIT "C – 163"

RESTRICTIONS ON SINGLE FAMILY RESIDENTIAL DWELLINGS

- a. Use Limitations. Sites in Area 163 as located within land as described in Exhibit "B-1" may be used for single family residential dwellings (as defined by The Las Colinas Association), and for parks and open spaces created as part of the development process.
- (1) The floor area of the main structure, exclusive of one-story open porches and garages, shall be no less than 3,000 square feet for one-story dwellings and 3,500 square feet for 1 1/2 and two-story dwellings.
 - (2) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance, dangerous or a nuisance to the neighborhood.
 - (3) No structure of a temporary character, recreational vehicle, mobile home, trailer, boat trailer, tent, shed, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.
 - (4) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, or a sign of not more than five square feet advertising the property for sale, or signs of a size and design approved by the Architectural Control Committee used by a builder to advertise the property during the construction and sale period.
 - (5) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot; except dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes. The limitation of two household pets per unit does not apply to single family uses.
 - (6) No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. All garbage and trash shall be kept in sanitary containers fully enclosed by a walled structure.
 - (7) No truck, trailer, mobile home, or vehicle other than passenger vehicles or temporary marketing offices, construction trailers and field offices on specifically approved lot(s), shall be permitted to park on the streets, in the driveways, or on any lot overnight.
 - (8) No motorboat, boat, trailer, recreational vehicle, mobile home, or other similar vehicle may be maintained, stored, or kept on a lot unless housed completely within an enclosed and roofed structure approved by the Architectural Control Committee except for temporary marketing offices, construction trailers, and field offices on specifically approved lot(s).
 - (9) No clothesline may be maintained on any lot.
 - (10) Except as otherwise permitted by Federal statutes and/or rules and regulations of the Federal Communications Commission, the use of antennas, including, without limitation, dish type antennas, and towers must be approved by the Architectural

Control Committee, which may consider things like size, location, and ability to screen the antenna(s) and tower(s) from view from adjacent properties and from streets and highways.

- (11) No manufacturing, trade, business, commerce, industry, profession, or other occupation whatsoever will be conducted or carried on upon any lot or any part thereof, or in any building or other structure erected thereon except for activities consistent with temporary marketing offices, construction trailers, and field offices on specifically approved lot(s). This restriction of Supplementary Declaration No. 163 does not, however, prohibit a resident from using a dwelling for personal business or professional pursuits provided that: (i) the uses are incidental to the use of the dwelling as a residence; (ii) the uses conform to applicable governmental ordinances; and (iii) there is no external evidence of the uses.
- (12) The use of any carport, driveway, street, or parking area that may be in front of, adjacent to, or part of any lot as a habitual parking place for trucks, trailers, mobile homes, recreational vehicles, boats, or commercial vehicles, except for vehicles used in conjunction with temporary marketing offices, construction trailers, and field offices on specifically approved lot(s) or model homes, is prohibited. The term "Commercial Vehicle" shall include all passenger vehicles, trucks, and vehicular equipment which shall bear signs or shall have printed on the sides of same reference to any commercial undertaking or enterprise.
- (13) No above ground level swimming pool may be installed on any lot, and any swimming pool shall be designed and engineered in compliance with Paragraph e.(1) below.
- (14) No storage buildings may be installed on property on a permanent nature.

b. Minimum Setback Lines.

- (1) No structure of any kind and no part thereof may be placed within these setback lines:
 - (i) Setbacks from all property lines, public or private street rights-of-way shall be required by City of Irving zoning.
- (2) The following improvements are expressly excluded from these setback restrictions:
 - (i) Structures below and covered by the ground.
 - (ii) Steps, walks, patios, swimming pools, driveways, and curbing.
 - (iii) Planters, walls, fences or hedges not to exceed 4 feet in height within the front "Minimum Setback Lines" (b.)(1)(A-B) or 9 feet in height within rear and side street "Minimum Setback Lines", except as approved by the Architectural Control Committee.
 - (iv) Landscaping.
 - (v) Box or bay windows.

- (vi) Fireplaces and chimneys, to the extent any portion of same project from the side of a residential structure.
- (vii) Porches, balconies, stoops and awnings may encroach a maximum of 5 feet into the required front yard setbacks.
- (viii) Any other improvements approved in writing by LCA Board of Directors. Roofed structures, other than the following, may in no event be approved:
 - 1. guard houses
 - 2. gate houses
 - 3. swimming pool equipment houses and cabanas
 - 4. greenhouses
 - 5. non-enclosed outdoor living spaces, including, but not limited to, built-in outdoor grills and outdoor fireplaces

- (3) LCA Board of Directors may grant exceptions to or variances from any setback lines established in b.(1) above, provided that any variances or exceptions must be in writing.

c. Garages and Parking.

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

d. Landscaping, Walls, and Fences.

- (1) The horizontal visibility triangle area (as determined by the City of Irving Transportation Department) at the intersection of a street, alley or driveway shall remain clear of any man-made or natural items between an elevation of 2.5 feet and 7.5 feet above the pavement as measured at the gutter line. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at a sufficient height to prevent obstruction of such sight lines.
- (2) The minimum landscape plan shall include one (1) tree in the front yard, and foundation planting. Trees shall be a minimum 3" caliper if container grown or 3 ½" if ball and burlap, as measured vertically 12" from the ground line. All front yard (excluding J-drive setbacks areas) planting beds shall include a portion that extends an average of 5 feet from the building foundation and shall be comprised of a balanced combination of shrubs, vines, groundcovers and/or seasonal colors. The front, side and rear yards must be irrigated by a programmable irrigation system and sodded with grass or synthetic turf using Easy Turf Ultimate Natural 80 oz. or an equivalent as approved by the Architectural Control Committee. Rear and side yards may have alternate materials as approved by the Architectural Control Committee. All applicants must submit landscape plans to the Architectural Control Committee for approval. The plans shall include, in general, hardscape structures and walks, where appropriate; a planting plan,

including materials, species and size; landscape lighting, retaining walls and fencing; and an automatic, underground irrigation system. Landscaping shall be completed on all sites contemporaneously with completion of other improvements, but in no event later than 90 days after first occupancy of building(s).

- (3) No structure, wall, fence, or hedge over 4 feet in height shall be constructed, erected, placed, planted, set out, maintained, or permitted upon any lot outside the front building line on any lot, except as approved by the Architectural Control Committee of the Las Colinas Association.
 - (4) Landscape border material is limited to steel edging, high quality composite material, masonry, or other hard surface construction materials to include brick, stone, boulders, or cast concrete stones or will be considered by the Architectural Control Committee. Stucco homes must have complimentary material and color. Wood, plastic vinyl or non-suitable materials as determined by the Architectural Control Committee will not be approved. Installation of all masonry borders may be done by mortar or dry stack for natural stone. All installations should be top level, no scallop allowed and include a finished top or cap element. Holes in brick may not be visible from any view.
 - (5) Street facing fences shall be a minimum of 5' from the front elevation. Corner Lot Fence Requirements:
 - (i) A 5'-6" Maximum height wrought iron fence per the City of Irving's minimum standards and as approved by the Architectural Control Committee of the Las Colinas Association shall be permitted within the streetside side yard setback of all corner lots. A minimum 10' setback from the front yard building line shall be required.
 - (ii) On all reverse frontage lots, the streetside side yard setback requirement shall be waived in favor of a side yard visibility easement setback, as determined by the City of Irving Transportation Department, and any fence built within the streetside side yard setback shall conform to the requirements of (i), above. Where a visibility easement setback is not indicated on the approved plat for a specific corner lot, the lot Owner may construct the wrought iron fence on the streetside side yard property line per the requirements of item (i), above. On all reverse frontage lots, the 15' streetside side yard setback requirement shall conform to the platted streetside side yard building line where the Owner desires to construct a wooden fence meeting the standards of the City of Irving Fence Ordinance and as approved by the Architectural Control Committee of the Las Colinas Association in lieu of the wrought iron fence.
 - (6) The owners of the lots shall be responsible for the maintenance of parkways located between their lot lines and the back of curb of streets and alleys on which said lots abut. The owners thereof shall likewise maintain the exterior of all structures on their lot and their yards, hedges, plants, and shrubs in a neat and trim condition at all times.
- e. Construction Standards. The main structure on all lots shall meet with the following requirements (except as modified by the Architectural Control Committee):

- (1) The foundation system shall be designed by a Registered Professional Engineer based on recommendations given in a geotechnical soils report prepared by a geotechnical engineering firm. The soils investigation and analysis, and the design of the foundation system, shall be prepared and stamped or sealed by a registered professional engineer. Any swimming pool shall be designed utilizing the data provided by the soils report and analysis with adequate surface and subsurface drainage provided.
- (2) All roofs may be random tab architectural composition shingle roof (with a minimum 50-year warranty or the highest warranty readily available), tile, slate, standing seam metal, or other equal or greater product as approved by the Architectural Control Committee. Color must appear to be weathered wood shingle, black or slate, unless such other color is approved by the Architectural Control Committee and must exhibit a raised profile look or varied levels of visual depth, texture, and appearance to be approved by the Architectural Control Committee. All roof materials such as stacks shall be compatible with the architectural style of the home.
- (3) The exposed exterior wall area, exclusive of doors, windows, and covered porch areas, shall not be less than 80% brick, brick veneer, stone, stone veneer, lathe and plaster stucco, or stucco veneer construction, or other low maintenance material approved by the Architectural Control Committee.
- (4) Complete guttering must be installed on all houses with downspouts carried to an outfall well away from the foundation. All gutters and downspouts to be molded from aluminum and have a pre-painted finish and added rain chains of copper or equivalent material as approved by Architectural Control Committee. All downspouts except those emptying into streets or driveways shall be tied into underground drains if positive drainage does not exist. Gutters shall not drain across property lines.
- (5) Garages and all other outbuildings are to be given the same architectural treatment and be constructed of the same materials as the main structure. All garage doors shall be equipped with automatic remote controlled door openers. All garages viewed from a street or common area must have a cedar clad, or equal, or smooth metal facing, or materials as approved by the Architectural Control Committee of the Las Colinas Association.
- (6) All driveways shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped, scored or stained concrete, concrete pads with synthetic turf borders, or concrete with stone or brick border that coordinates with house color.
- (7) All exposed portions of the fire breast, flue and chimney shall be clad in brick, stone, or stucco and shall match the brick, stone or stucco used to meet the eighty percent (80%) exterior surface requirement. Chimneys located on an exterior wall must be 100% brick or stone.
- (8) All window framing will be black, bronzed, cream, sand or white anodized aluminum, vinyl, wood, or sage for Palm Beach Modern, or as approved by the

Architectural Control Committee, Window shutters may be used. Painted or stained wood or fiberglass will be acceptable. No reflective window coverings or treatments shall be permitted.

- (9) No exterior alterations of any existing building may be permitted without the prior written approval of the Architectural Control Committee. No additional windows, balconies, platforms, etc. which may invade the privacy of adjacent dwellings are permitted.
- (10) Any and all lines or wires for communication or for transmission of current outside of the building shall be constructed, placed and maintained underground.
- (11) No exterior light shall be installed or maintained on any lot which is found to be objectionable by the Architectural Control Committee. Upon being given notice by the Association that any exterior light is objectionable, the owner of the lot will immediately remove said light or have the light shielded in such a way that it is no longer objectionable. Lighting plans shall be designed to delicately accent architectural elements, and shall include a minimum of one light, near the front door or porch area. All exterior illumination must be approved by the Architectural Control Committee of the Las Colinas Association.
- (12) Mailboxes shall be in a cluster mail station as noted on the site plan and installed by the developer as approved by the Architectural Control Committee.
- (13) No excavation may be made except in conjunction with construction or maintenance of an improvement. When the improvement or maintenance is completed, all exposed openings must be back filled, compacted, graded and landscaped in accordance with the approved landscape plan.
- (14) Once commenced, construction must be diligently pursued so it is not left in a partly finished condition for a period longer than ninety (90) days without written approval from the Architectural Control Committee.
- (15) Temporary portable buildings may be used for construction purposes or as field offices or temporary marketing offices in support of the sale of lots only with the prior written approval of the LCA Board of Directors. Such temporary portable buildings shall meet the following requirements:
 - (i) Be landscaped to the same standards as other residential lots.
 - (ii) Allow no overnight parking of construction vehicles. (N/A for infrastructure construction).
 - (iii) Provide screening for all construction materials to be kept on site.
 - (iv) Be kept in a clean, well-kept condition at all times.
 - (v) Such temporary portable buildings shall be removed two (2) months after the date on which construction starts on the last of the lots. All landscaping, irrigation systems, hardscaping, signs and debris are to be removed and the area is to be graded, cleaned and turf established to the satisfaction of the Architectural Control Committee.

- (16) During construction on any lot, all trash and construction debris shall be contained within an on-site enclosure to be approved by the Association. The trash container shall be maintained on the lot throughout the period of construction (subject to the need to promptly remove and replace same as it becomes full), and all waste materials and construction debris shall be placed therein on a daily basis in order to reduce the possible dispersal of such waste materials and construction debris to any other lot and to maintain a neat and orderly appearance on the lot on which construction is being performed. Such temporary trash container shall be removed within 10 calendar days following completion of construction on the lot.
- (17) No wooden fence, wall or hedge shall exceed nine (9) feet in height along the rear of the property line or eight feet in height along the side property lines or be less than six (6) feet in height unless otherwise specifically required by the City of Irving or expressly approved by the Architectural Control Committee of the Las Colinas Association. All wooden fences shall be constructed of cedar and be stained a color to coordinate with each home's exterior color scheme (such as "Ready Seal" brand or equal), shall be supported with galvanized steel posts at six (6) feet on center, and all cedar privacy fences shall be board on board and include a top rail. All Lots backing or siding to a creek, lake, greenbelt/common areas shall have a wrought iron fence, not less than four (4) feet in height and with a uniform design as approved by the Architectural Control Committee of the Las Colinas Association. Fence gates facing a street or open space shall be metal or wrought iron as approved by the Architectural Control Committee of the Las Colinas Association. Fence posts shall be on the inside of the fence or if visible from public view or adjacent properties, posts shall be wrapped in cedar fence material. All security or privacy fencing between residential lots and adjacent commercial properties shall be brick screen walls or a combination of brick and stone screen walls with a minimum height of six feet.
- (18) To maintain architectural variety along residential streets, homes shall adhere to a 360-degree rule, meaning an individual standing in the street turning in a complete circle shall not be able to view the same model or front elevation. In addition, homes with the same floor plan but a different elevation shall maintain a minimum of two (2) units between one another, whether on the same side of the street or on opposite sides of the street.
- (19) No second floor, rear facing balconies will be allowed on any interior lots. The only lots that will accommodate a second-floor balcony are those lots that back to a creek, greenbelt, street, or that are situated on the perimeter of the development. All rear facing balconies must be approved prior to construction by the Architectural Control Committee of the Las Colinas Association.

The Las Colinas Association Board of Directors may grant variances to and/or exceptions from any part of paragraph e. of this Restriction on Single Family Residential Dwellings, provided that any such variances and/or exceptions must be in writing.

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

Instrument Number: 202300235889

eRecording - Real Property

Recorded On: November 20, 2023 02:00 PM

Number of Pages: 15

" Examined and Charged as Follows: "

Total Recording: \$78.00

******* 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: 202300235889
Receipt Number: 20231120000544
Recorded Date/Time: November 20, 2023 02:00 PM
User: Kevin T
Station: CC123.dal.ccdc

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