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SUPPLEMENTARY DECLARATION NO. 81

LAS COLINAS AREA LXXXI

DALLAS COUNTY, TEXAS

8131

19.00 DEED  
2 02/27/85

This Supplementary Declaration, made this 18<sup>th</sup> day of June,  
1985 by KINWEST DEVELOPMENT CORPORATION, hereinafter called Owner.

WITNESSETH:

WHEREAS, Las Colinas Corporation as Declarant executed a Declaration (the Declaration) on the 22nd day of August, 1973, applicable to certain real property described in Exhibit "A" thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

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

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

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

WHEREAS, Article I, Section 3 of the Declaration permits the addition of additional property to the scheme thereof by persons other than Declarant who obtains approval from The Las Colinas Association's Board of Directors and file a supplementary declaration of Record, which supplementary declaration may modify Article V of the Declaration as it pertains to such additional property; and

WHEREAS, Owner has obtained approval from the Board of Directors of The Las Colinas Association as evidenced by the consent set forth hereinafter; and

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WHEREAS, Owner desires to add additional property, located within the boundaries of the property described in Exhibit "B" to the Declaration, to the scheme of the Declaration and to so modify Article V of the Declaration as it pertains to said additional property:

NOW THEREFORE, Owner hereby declares as follows:

1. That the real property described in Exhibit "A-81" attached hereto and incorporated herein be reference for all purposes (designated as Area LXXXI for purposes of this Supplementary Declaration) is and shall be subject to the scheme of the Declaration, and is and shall be held, transferred, sold, conveyed, used and occupied subject to covenants, restrictions, easements, charges, and liens set forth in the Declaration (the Declaration being incorporated herein by reference for all purposes) as modified herein.

2. That Article V of the Declaration is hereby modified by the addition thereto of the following Section 81, which shall be applicable only to Area LXXXI:

Section 81. Covenants Applicable to Area LXXXI. The following provisions shall be applicable to any and all construction, improvement, alteration, addition, or use of, in, or to Area LXXXI of the Properties:

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

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

The following uses of sites in Area LXXXI 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 81 of this Article V.
- (4) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in covered and enclosed areas.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry other than two household pets per unit.
- (6) Uses not expressly permitted hereinabove.

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

- (1) 50 feet from Royal Lane right of way.
- (2) 30 feet from Hackberry Creek Channel property line.
- (3) 30 feet from any other public or private street property line.

The following improvements are expressly excluded from this setback restriction:

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

Declarant may grant exceptions to and/or variations from any part of paragraph "b" of this Section 81 provided that any such variations and/or exceptions must be in writing.

c. Parking Areas. Parking areas shall:

- (1) Be curbed, guttered, and paved with 5" reinforced concrete or with 5" asphaltic concrete; both the reinforced concrete and the asphaltic concrete shall be placed on a 6" lime stabilized base.
- (2) Have a maximum grade slope of 7 $\frac{1}{2}$ % and a minimum grade slope of 1 $\frac{1}{2}$ %.
- (3) Not be provided in front of minimum setback lines.
- (4) Not be provided in front of any building line fronting any public thoroughfare unless expressly so approved in writing by the Architectural Control Committee which Committee may not approve such parking in front of minimum setback lines.
- (5) Be adequately screened by use of berm, trees, landscaping, or other means acceptable to the Architectural Control Committee.
- (6) Be sufficient to accommodate all parking needs for employees, company vehicles, residents, and visitors without the use of on street parking. If parking needs increase, additional off street parking shall be provided by the owner. In no event shall less than one parking space be provided for each of the following, as applicable:

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

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

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

d. Driveways. Driveways shall

- (1) Not intersect roads, streets, or thoroughfares within 30 feet of intersections.
- (2) Be constructed as specified in "c(1)" above except that reinforced concrete shall be used in construction between building lines and streets.
- (3) Have a minimum width of 12 feet.

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

- (1) Identify the name and business of the occupant, or which give directions, or which offer the premises for sale or for lease.
- (2) Are not of an unusual size or shape when compared to the building or buildings on the premises.
- (3) Do not project above the roof line of a building or in front of the setback line.
- (4) Do not block or detract from adjacent property.
- (5) Preserve the quality and atmosphere of the area.

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

colored signs will not be permitted. The Association shall have the right to enter on and remove any sign erected without such written approval.

f. Landscaping. Landscaping shall:

- (1) Be required on all sites contemporaneously with completion of other improvements, but in no event later than 180 days after first occupancy or completion of buildings, whichever shall first occur.
- (2) Conform to a landscaping plan approved by the Architectural Control Committee pursuant to Article IV of the Declaration. Normally, such approval will be limited to landscaping plans which:
  - (a) Provide automatic underground sprinkling system for landscaped areas;
  - (b) Do not obstruct sight lines at street or driveway intersections;
  - (c) Preserve existing trees to the extent practical;
  - (d) Include at least one tree for each 4,500 square feet of area between building lines and street property lines;
  - (e) Permit reasonable access to public and private utility lines and easements for installation and repair.

g. Screening

- (1) Storage areas, incinerators, storage tanks, trucks based on the premises, roof objects (including fans, vents, cooling towers, skylights, and all roof mounted equipment which rises above the roof line), trash containers, and maintenance facilities shall either be housed in closed buildings or otherwise completely screened from public view in a manner and at a location approved in writing by the Architectural Control Committee. Such screening would normally include landscaping or permanent fences of solid materials and be located as far from property lines as reasonably possible. Such screening may not be required for roof fans, vents, and skylights which do not extend more than 18 inches above roof lines of warehousing, manufacturing, assembling, processing, or servicing facilities, if, in the sole judgement of the Architectural Control Committee (confirmed in writing), such fans, vents, or skylights are architecturally acceptable and do not detract from the quality of the area or from the external appearance of the structure.
- (2) No antenna or tower shall be erected on any property for any purpose without prior written approval from the Architectural Control Committee.
- (3) Any and all lines and/or wires for communication or for transmission of sound or current, not within a building, shall be constructed or placed and maintained underground. Declarant may, at its sole discretion, install temporary above ground electric and telephone service lines for the purpose of providing temporary service pending installation of permanent underground service.
- (4) Continuous landscape screening in a manner and at a location approved in writing by the Architectural Control Committee shall be required along the entire length of property lines of sites adjacent and contiguous to the Texas Power & Light Company right-of-way adjacent to Area

b. Loading Docks and Areas

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

i. Exterior Illumination - Illumination will be required on all exterior walls and for all parking areas and walkways between buildings and parking areas unless otherwise waived or modified by Declarant in writing. All exterior illumination must conform to plans approved in writing by the Architectural Control Committee pursuant to Article IV of the Declaration.

j. Construction Standards.

- (1) All building sides must be faced with face brick or stone, or with such other quality face materials as may be approved in writing by the Architectural Control Committee. Windows shall not be glazed or reglazed with mirrored or reflective glass without prior written approval of the Architectural Control Committee. The spandrel area between window openings shall not be faced with a glass material.
- (2) Construction must conform to plans and specifications approved in writing by the Architectural Control Committee pursuant to Article IV of the Declaration. Normally, such approval will be limited to those plans which:
  - (a) Do not include wooden frames, except in the case of multifamily residential structures;
  - (b) Provide adequate fire protection systems;
  - (c) Provide for all underground utilities (public and private);
  - (d) Preserve the quality and atmosphere of the area and do not detract from adjacent property;
  - (e) Do not include exterior fire escapes;
  - (f) Do not make extensive use of reflective or mirrored glass;
- (3) Each dwelling unit shall contain a trash compactor and a water flushing garbage grinder disposal.
- (4) Each commercial building, complex of buildings, or separate commercial business enterprise shall have a trash compactor on the premises adequate to handle the trash and waste items generated,

manufactured, or acquired thereon by such commercial activities. The sorting, removing, and disposing of all such waste materials must be housed or screened in a manner approved in writing by the Architectural Control Committee. All facilities and plans for the disposal of wastes other than by public sewerage methods (such as shredding, compaction, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Control Committee.

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

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

EXECUTED as of the day and year first written above.

ATTEST:

KINWEST DEVELOPMENT CORPORATION

B. Carl Klink  
Ass't. Secretary  
B. Carl Klink

Ernest D. Perry, Jr.  
Vice President  
Ernest D. Perry, Jr.

CONSENT

The undersigned, being all of the Directors of The Las Colinas Association hereby consent to the execution of this Supplementary Declaration No. 81 by Owner and approve the addition of the real property described in Exhibit "A-81" to the scheme of the Declaration as provided in Article I, Section 3 thereof.

Ben H. Carpenter  
Ben H. Carpenter

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

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

Ronald J. Krause  
Ronald J. Krause

Richard W. Douglas  
Richard W. Douglas

(ACKNOWLEDGEMENT)

THE STATE OF TEXAS §

COUNTY OF DALLAS §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18th day of June, 1985.



Michelle Saunders  
Notary Public

MICHELLE SAUNDERS  
Notary's Printed Name

My Commission Expires: 6/12/88

(CORPORATE ACKNOWLEDGEMENT)

THE STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, in and for said county and state, on this day personally appeared BEN H. CARPENTER, JOHN W. CARPENTER, III, ERNEST O. PERRY, JR., RICHARD W. DOUGLAS, RONALD J. KRAUSE, of The Las Colinas Association, a corporation, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18th day of June, 1985.



Michelle Saunders  
Notary Public

MICHELLE SAUNDERS  
Notary's Printed Name

My Commission Expires: 6/12/88



EXHIBIT "A-81"  
LAS COLINAS AREA LXXXI

BEING a 7.185 acre tract of land in the City of Irving, Dallas County, Texas, and out of the S.A. & M.C. R.R. Survey, Abstract No. 1450, and being a part of Tract Number 8C, a 1391.019 acre tract of land conveyed to Kinwest Development Corporation by Deed recorded in Volume 80009, Pages 0741-0833 of the Deed Records of Dallas County, Texas, said 7.185 acre tract being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found at the intersection of the east right-of-way line of Belt Line Road with the south right-of-way line of eastbound Royal Lane (a 57 foot right-of-way as dedicated by Plat recorded in Volume 81231, Page 2506, Map Records of Dallas County, Texas);

THENCE along the south right-of-way line of said Royal Lane as follows:

South 89°58'34" East, a distance of 123.76 feet to the point of curvature of a curve to the right having a radius of 926.43 feet;

Southeasterly with said curve to the right through a central angle of 27°58'47" an arc distance of 452.41 to the point of tangency;

South 62°00'07" East, a distance of 413.68 feet to the point of curvature of a curve to the left having a radius of 1174.42 feet;

Easterly with said curve to the left through a central angle of 03°36'53" an arc distance of 74.10 feet to a 1/2 inch iron rod set for POINT OF BEGINNING, said point being in the east boundary line of a Texas Power and Light Company Easement recorded in Volume 4049, Page 0186, Deed Records of Dallas County, Texas;

THENCE continuing with the south right-of-way line of Royal Lane and with said curve to the left through a central angle of 25°34'21" an arc distance of 524.17 feet to a 1/2 inch iron rod set for corner, said point being on the top of bank of Hackberry Creek Channel;

THENCE departing said Royal Lane and following the top of bank of Hackberry Creek Channel as follows:

South 06°32'20" West, a distance of 123.55 feet to a 1/2 inch iron rod set for corner;

South 03°35'38" West, a distance of 101.11 feet to a 1/2 inch iron rod set for corner;

South 04°26'48" East, a distance of 49.64 feet to a 1/2 inch iron rod set for corner;

South 30°48'39" East, a distance of 177.96 feet to a 1/2 inch iron rod set for corner in the south line of the aforementioned Tract 8C and the north line of a 109.868 acre tract, undivided interests in which were conveyed to Kinwest Development Corporation by Deeds recorded in Volume 81023, Page 0750, and in Volume 82208, Page 2870, Deed Records of Dallas County, Texas;

THENCE with said common line North 89°41'27" West, passing at 398.48 feet to a 1/2 inch iron rod found for the northwest corner of the aforementioned 109.868 acre tract and the northeast corner of a tract of land conveyed to Texas Power and Light Company as recorded in Volume 8827, Page 0096, Deed Records of Dallas County, Texas, in all a distance of 883.54 feet to a 1/2 inch iron rod set for corner in the east line of a Texas Power and Light Company Easement recorded in Volume 4049, Page 0186, Deed Records of Dallas County, Texas;

THENCE departing said common line with the east line of said Texas Power and Light Company Easement North 29°51'09" East, a distance of 606.14 feet to the POINT OF BEGINNING;

CONTAINING 7.185 acres, more or less.

SAFECO LAND TITLE  
12900 PRESTON RD. #208  
DALLAS, TX 75230

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

JUN 27 1985



*Earl B. Burt*  
COUNTY CLERK, Dallas County, Texas

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FILED  
*Earl B. Burt*  
COUNTY CLERK  
DALLAS COUNTY

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