



SUPPLEMENTARY DECLARATION NO. 109

LAS COLINAS AREA CIX

DALLAS COUNTY, TEXAS

This Supplementary Declaration, made this 11 day of January, 2008, by HINES LAS COLINAS LAND LIMITED PARTNERSHIP, hereinafter called the "Declarant").

- 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.

- 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.
- C. LCC assigned all of its rights as "Declarant" under the Declaration to Las Colinas Land Limited Partnership ("LCLLP") pursuant to a Corrected Assignment and Transfer of Rights of Declarant under Declaration dated as of June 29, 1989, 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 Declarant pursuant to an Assignment and Transfer of Rights of Declarant and Class B Member under Declaration dated as of December 23, 2005, recorded in Volume 200503641275, Deed Records, Dallas County, Texas.
- E. 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.
- F. 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.
- G. 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 the additional property.

H Declarant desires to add additional property located within the boundaries of the property described in Exhibit "A-109" to the Declaration to the scheme of the Declaration and to modify Article V of the Declaration as it pertains to the additional property.

I The following terms have the following definitions: **Association** means The Las Colinas Association; **Architectural Control Committee** means the Architectural Control Committee of The Las Colinas Association; **District** means the Dallas County Utility and Reclamation District; and **Owner** means each and every person, persons or legal entity who owns fee simple title to any unit, lot, tract, or parcel of land in the Properties. All capitalized terms not defined herein shall have the same meaning as set forth in the Declaration.

NOW THEREFORE, Declarant declares as follows:

1. The real property (the **Property**) described in Exhibit "A-109" attached hereto and incorporated herein by reference for all purposes (designated as **Area CIX** 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. Article V of the Declaration is modified by the addition thereto of the following Section 109, which is applicable only to Area CIX:

Section 109. Covenants Applicable to Area CIX. The following provisions are applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CIX of the Properties:

a. Use Limitations. Sites in Area CIX may be used for the senior residential housing and related facilities associated with the senior housing, general office, professional office, and open spaces. Sites in Area CIX may be used for single family detached, single family attached, clubhouse and related facilities associated with the residential dwellings, childcare facilities, medical and dental offices and clinics, and pharmacies only with prior written approval of the Declarant.

(1) Single Family Residential Use Limitations.

(a) The floor area of the main residential structure, exclusive of open porches and garages, shall not be less than 1500 square feet for a townhouse or single family attached dwelling unit or 1800 square feet for a single family detached dwelling.

(b) No structure of a temporary character, recreational vehicle, mobile home, trailer, boat trailer, basement, tent, garage, barn, or other out building shall be used on any lot at any time as a residence.

Temporary construction or marketing trailers or structures are permitted on a temporary basis.

- (c) 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.
- (d) No lot shall not 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.
- (e) No clothesline may be maintained on any lot.
- (f) The use of any carport, driveway, private or public street, or parking area that may be in front of, adjacent to, or part of any lot as a parking place for trucks, trailers, mobile homes, recreational vehicles, boats, or commercial vehicles for more than three consecutive days is prohibited. The term "commercial vehicle" shall include all automobiles, trucks, and vehicular equipment, as well as station wagons, which shall bear signs or shall have printed on the sides of same reference to any commercial undertaking or enterprise
- (g) No above ground level swimming pool may be installed on any lot. Any swimming pool on any lot shall be designed and engineered in compliance with paragraph h(1)(a) of this Section 109.
- (h) Except as otherwise governed by Federal statutes and/or rulings and regulations of the Federal Communications Commission applicable to 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 public and private streets and highways.
- (i) 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.
- (j) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than five square feet, or a sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sale period.
- (k) No manufacturing, trade, business, commerce, industry, profession, or other occupation whatsoever will be conducted or carried on upon any residential lot or any part thereof, or in any building or other structure erected thereon. This prohibition 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.

(2) Senior Residential Housing.

- (a) The floor area of the casitas (individual units for independent living), exclusive of open porches and garages, shall not be less than 1300 square feet.
- (b) No structure of a temporary character, recreational vehicle, mobile home, trailer, boat trailer, basement, tent, garage, barn, or other out building shall be used on any lot at any time as a residence. Temporary construction or marketing trailers or structures are permitted on a temporary basis.
- (c) 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.
- (d) No lot shall not 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.
- (e) No clothesline may be maintained on any lot.
- (f) The use of any carport, driveway, private or public street, or parking area that may be in front of, adjacent to, or part of any lot as a parking place for trucks, trailers, mobile homes, recreational vehicles, boats, or commercial vehicles for more than three consecutive days is prohibited. The term "commercial vehicle" shall include all automobiles, trucks, and vehicular equipment, as well as station wagons, which shall bear signs or shall have printed on the sides of same reference to any commercial undertaking or enterprise.
- (g) No above ground level swimming pool may be installed on any lot. Any swimming pool on any lot shall be designed and engineered in compliance with paragraph h(1)(a) of this Section 109.
- (h) Except as otherwise governed by Federal statutes and/or rulings and regulations of the Federal Communications Commission applicable to 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 public and private streets and highways.
- (i) 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.
- (j) No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than five square foot, or a sign of not more than five square feet advertising the property.

for sale or rent, or signs used by a builder to advertise the property during the construction and sale period

- (k) No manufacturing, trade, business, commerce, industry, profession, or other occupation whatsoever will be conducted or carried on upon any residential lot or any part thereof, or in any building or other structure erected thereon. This prohibition 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

(3) Non-Residential Commercial Use Limitations.

- (a) Any use which involves a noxious odor or any excessive noise level which constitutes a nuisance is not allowed
 - (b) No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot.
 - (c) No lot shall be used or maintained as dumping ground for rubbish, trash, garbage, or other waste.
 - (d) Except as otherwise governed by Federal statutes and/or rulings and regulations of the Federal Communications Commission applicable to 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 public and private streets and highways
- (4) Any use which is not expressly permitted by this Section 109 is not allowed.

b. Minimum Setback Lines.

- (1) Single Family Residential Use Setback Lines. No structure of any kind and no part thereof may be placed within these setback lines:
 - (a) 30 feet from Las Colinas Boulevard right of way.
 - (b) 30 feet from Customer Way right of way.
 - (c) 20 feet from Hackberry Creek property line.
 - (d) Front yard setback from other public or private street right of way - as determined by the City of Irving and approved by the Irving City Council and/or Planning and Zoning Commission.
 - (e) Side yard setback - as determined by the City of Irving and approved by the Irving City Council and/or Planning and Zoning Commission

- (f) Rear yard setback - as determined by the City of Irving and approved by the Irving City Council and/or Planning and Zoning Commission

The following improvements are expressly excluded from these setback restrictions:

- (a) Steps, walks, patios, swimming pools, driveways, and curbing
- (b) Planters, walls, fences or hedges as specified in Section d.(1)(f)
- (c) Landscaping.
- (d) Any other improvements approved in writing by Declarant. Roofed structures, other than guardhouses, gate houses, swimming pool equipment houses and cabanas, or greenhouses, may in no event be approved.

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- (2) Senior Residential Housing and Non-Residential Commercial Use Setback Lines. No structure of any kind and no part thereof shall be placed within these setbacks:

- (a) 30 feet from Las Colinas Boulevard right of way.
- (b) 30 feet from Customer Way right of way.
- (c) 20 feet from Hackberry Creek property line.
- (d) 10 feet from any other property line.

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) Canopies.
- (f) Gatehouses.
- (g) Monument signs not exceeding seven (7) feet in height.
- (h) Minor encroachments of adequately screened parking structures or parking areas.
- (i) Swimming pools, balconies and patios

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

c. Garages and Parking Areas.

(1) Single Family Residential Use Garages and Senior Residential Housing Garages (Casitas)

- (a) The interior walls of all garages must be finished (tape, bed, and paint as minimum) like other rooms in the building
- (b) No garage shall be permitted to be enclosed for living use or used for purposes other than storage of passenger vehicles and related normal uses, unless a new garage is constructed on the same property.
- (c) All garage doors shall be equipped with an automatic and remote controlled door opener and all garage doors shall be closed at all times when not in use. No carport shall be built, placed, constructed or reconstructed on any Lot

(2) Senior Residential Housing Surface Parking and Non-Residential Commercial Use Parking Areas

- (a) Surface parking shall be curbed, guttered and paved with 5" reinforced concrete placed on a 6" lime stabilized base or an equivalent pavement section engineered by a registered professional engineer as approved by the Architectural Control Committee.
 - (b) Surface parking shall have a maximum grade slope of 7½% and a minimum grade of 1%.
 - (c) Surface parking shall not be provided in front of the minimum setback lines specified in Section 109 b (2) unless expressly approved in writing by the Declarant. Surface parking shall be adequately screened by use of berms, trees, landscaping or other means acceptable to the Architectural Control Committee
 - (d) Parking shall be sufficient to accommodate all parking needs for residents, employees, company vehicles, customers and visitors without the use of on-street parking. If parking needs increase, additional off-street parking shall be provided by the owner. Parking shall meet or exceed the off-street parking requirements of the City of Irving, Development Codes, Zoning and Subdivision Ordinances as amended from time to time or as otherwise approved by the City of Irving.
- (3) Declarant may grant exceptions to and/or variations from any part of this subsection c, provided that any such variations and/or exceptions must be in writing.

d. Landscaping, Walls and Fences

(1) Single Family Residential and Senior Residential Housing Casitas Landscaping, Walls and Fences.

(a) Common Area. The Developer shall submit a Common Area landscape architectural development plan prepared by a registered landscape architect to the Architectural Control Committee. It should address entry features, plant material selection, water features, all walls and retaining wall structures where required, grading and irrigation. The plan shall detail all Common Areas in the project including, but not limited to, such elements as neighborhood entrances, traffic islands, medians and open space areas. Common area shall be defined as any area of land designated for the common use, and enjoyment of all residents. In addition, the Developer shall submit street tree selections and specifications to the Architectural Control Committee for its approval prior to installation. No more than two (2) types of street trees (excluding common area trees) shall be specified and they shall be a minimum of four (4) caliper inches as measured thirty (30) inches above the root ball. The landscape architect and developer shall also choose a retaining wall material to be used continuously throughout the project where required. All retaining walls must be brick, cast stone or stone or other masonry material approved by the Architectural Control Committee. All landscaping and other improvements within Common Areas shall be subject to the prior approval of the Architectural Control Committee. All Common Areas will be fully irrigated with automatic underground irrigation systems.

(b) The builder for each House and/or the purchaser of said House must submit to the Architectural Control Committee a landscape plan for review. In the review of landscape plans submitted for approval, the Architectural Control Committee shall promote qualities of continuity in plant types and forms, changes in seasonal color, and use of plant material which is hardy in the north Texas area. Landscape plans shall include:

- i. Planting plan, materials, species, and sizes.
- ii. Landscape lighting, if appropriate (Note: landscape lighting is not a requirement of residential housing, but if used, it must be part of the landscape submittal.)
- iii. Retaining walls and fencing, if appropriate.
- iv. Underground irrigation system.

- (c) Any garden wall, courtyard and/or screening wall visible from any street must be constructed of the same brick, stone or stucco as the residence to which it is an appurtenance. Wrought iron may be used in conjunction with brick, stone or stucco in courtyard or garden walls.
 - (d) Rear yard fences that abut Common Areas must be wrought iron and be a common design, height and specifications as determined by the Developer and Architectural Control Committee.
 - (e) All wood fences must show a finished side out on all sides.
 - (f) No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between 2½ and 8 feet above the grade of the street curb shall be placed or permitted to remain in any corner lot within the triangular area formed by the street right-of-way lines and a line connecting them at a point 35 feet from the intersection of the right-of-way lines, or in the case of a rounded property corner from the intersection of the right-of-way lines extended. The same sight line limitations shall apply on any lot within 10 feet from the intersection of street property lines with the edge of a driveway or alley pavement. 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.
 - (g) No structure, wall 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 or any side street building line, except as approved by the Architectural Control Committee.
 - (h) The owners of the lots shall be responsible for the maintenance of parkways located between their lot lines and back of curb of streets and alleys on which said lots abut.
 - (i) Landscaping shall be required on all sites contemporaneously with completion of other improvements, but in no event later than 90 days after first occupancy of home.
- (2) Senior Residential Housing and Non-Residential Commercial Landscaping, Walls and Screening.
- (a) Landscaping shall be required on all sites contemporaneously with completion of other improvements, but in no event later than 90 days after first occupancy of building(s).
 - (b) Landscaping shall 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.
- ii. Preserve existing trees to the extent practical.
- iii. Permit reasonable access to public and private utility lines and easements for installation and repair.
- iv. Include at least one tree for each 3,500 square feet of unpaved area between exterior building walls and public street right-of-ways.

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- (c) 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. Owners shall maintain the improvements within these areas in accordance with standards established from time to time by the Association.
 - (d) 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 building(s) 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.
 - (e) Loading Docks and Areas.
 - i. 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).
 - ii. Loading areas may not encroach setback areas.
 - iii. Loading docks and areas shall be screened from the view of adjacent properties and public/private streets.

e. Driveways Driveways shall:

- (1) Be constructed as specified in subsection d.(1) above.
- (2) Have a minimum width of 12 feet.

f. Signs. All non-single family residential or commercial signs must be approved by the Architectural Control Committee in writing prior to installation and must meet the following requirements:

(1) A Master Signage Plan for Area CIX must be developed by the Property owner and be submitted for approval by the Architectural Control Committee. All project and tenant signs must be in compliance with this Master Signage Plan as a condition to being considered for approval by the Architectural Control Committee. The Master Signage Plan must be based on these criteria:

- (A) Building signage must be compatible with the building elevation in size, shape, color and location. Signage which establishes Project identity is encouraged.
- (B) Monument signage must be consistent with the standards for monument signs adopted for Las Colinas by the Architectural Control Committee.
- (C) Pylon signs (including poles) are not permitted within Area CIX.

(2) All signs and the wording and logos thereon must be approved by the Architectural Control Committee in writing prior to installation. Normally this approval will be limited to those signs which:

- (A) identify the name under which a business is conducted and business of the occupant including corporate logos, or which give directions, or which offer the premises for sale or for lease;
- (B) are not of an unusual size or shape when compared to the building or buildings on the premises; and
- (C) preserve the quality and atmosphere of the area.

(3) No signs, symbols, corporate logos, 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 ground level

outside entrances into such buildings; provided, Declarant may grant exceptions to and/or variations 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. The Association shall have the right to remove any sign erected without written approval.

g Exterior Illumination.

- (1) Residential (Single Family and Senior Residential Housing) Lighting. 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.
- (2) Non-Residential Commercial Use Lighting Illumination will be required on all exterior building walls which face existing or proposed public or private 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.

h Construction Standards.

- (1) Single Family and Senior Housing Residential Uses. The main structure on all lots or units shall meet with the following requirements (except as modified by the Las Colinas Association's Architectural Control Committee):
 - (a) The foundation system shall be designed by a Registered Professional Engineer based on recommendations given in a geotechnical soils report prepared by a Registered Professional Engineer. Any swimming pool shall be designed utilizing the data provided by the soils report and analysis with surface and subsurface drainage provided.
 - (b) The exposed exterior wall area, exclusive of doors, windows, and covered porch areas, shall be at least 75% masonry, masonry veneer, stucco or other low maintenance material approved by the Architectural Control Committee.

- (c) Roof materials shall be slate, standing seam metal, imitation slate, lightweight concrete and fiber, concrete or clay tile or any other material approved by the Architectural Control Committee. Composition shingles which are of the architectural random tab style of the highest quality product readily available in the market, as determined by the Architectural Control Committee, may be used. All exposed portions of the fire breast, flue and chimney shall be clad in brick, stone or stucco which matches that used on the residence to which it is appurtenant. Solar collectors, if used, must be integrated into the building design and constructed of materials that minimize their visual impact and unfinished aluminum frames will not be permitted. In any event, solar panels will be subject to approval by the Architectural Control Committee.
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- (d) Samples of all exterior colors and stains intended for use on structures must be submitted to the Architectural Control Committee for approval. Exterior paint colors may be submitted as manufacturer's paper chips or on actual sample of paint spread on a sample of the actual exterior material to which it will be applied. Stains must be submitted on an actual sample of the material to which it is to be applied.
- (e) Detached garages, tool sheds, and all other outbuildings must be given the same architectural treatment and be constructed of the same materials as the main structure.
- (f) Complete guttering must be installed on all houses with downspouts carried to an outfall away from the foundation.
- (g) Any and all lines or wires for communication or for transmission of current outside of the building shall be constructed, placed, and maintained underground. No power poles shall be located or erected anywhere within the Property.
- (h) No exterior alterations of any existing building may be permitted without the prior approval of the Architectural Control Committee.
- (i) Mailboxes shall be of a design as approved by the Architectural Control Committee.
- (j) Each individual dwelling shall contain a water flushing garbage grinder disposal.
- (k) 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.

- (l) 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.
- (m) A temporary portable building may be used for construction purposes or as a field office within Area CIX in support of the sale of lots or units within Area CIX only with prior written approval of the Architectural Control Committee. Such temporary portable building shall meet the following requirements:

- i. Be landscaped to the same standards as other residential lots.
- ii. Allow no overnight parking of construction vehicles.
- iii. Provide screening for all construction materials to be kept on site.
- iv. Be kept in a clean, well-kept condition at all times

Such temporary portable building shall be removed immediately upon either completion or abandonment of construction or upon occupancy of ninety-five (95) percent of the lots or units in Area CIX. 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.

(2) Non-Residential Commercial Use Construction Standards.

- (a) 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; provided, exceptions to and variances from such requirements may be approved by Declarant in writing. 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 glass material without prior written approval of both the Architectural Control Committee and Declarant.
- (b) 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:

- i. Wooden frame construction may be used for commercial buildings not exceeding one (1) story.
 - ii. Preserve the quality and atmosphere of the area and do not detract from adjacent property.
 - iii. Do not include exterior fire escapes.
- (c) The collection, storage, sorting, removing and disposing of all trash and 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.
- (d) Roof materials shall be slate, standing seam metal, imitation slate, lightweight concrete and fiber, concrete or clay tile or any other material approved by the Architectural Control Committee. All exposed portions of the fire breast, flue and chimney shall be clad in brick, stone or stucco which matches that used on the building to which it is appurtenant. Solar collectors, if used, must be integrated into the building design and constructed of materials that minimize their visual impact and unfinished aluminum frames will not be permitted. In any event, solar panels will be subject to approval by the Architectural Control Committee.
- (e) All structures will be equipped with gutters, downspouts and/or other drainage conveyances.
- (f) No excavation shall be made except in conjunction with construction of an improvement. When such improvement is completed, all exposed openings shall be backfilled and graded.
- (g) All utility lines (public and private) shall be underground.
- (h) 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 120 days without written approval from the Architectural Control Committee.
- (i) A temporary portable building may be used for construction purposes or as a field office within Area CIX with the approval of the Architectural Control Committee. Such temporary portable building shall allow no overnight parking of construction vehicles, shall provide screening for all construction materials to be kept on site, and shall be kept in a clean, well-kept condition at all times.

Such temporary portable building shall be removed immediately upon completion or abandonment of construction

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 or granting of any exceptions or variances by Declarant may be construed as representing or implying that improvements built in accordance therewith will be free of defects or comply with applicable laws or ordinances. Any approvals and observations incident thereto concern matters of an aesthetic nature. No approvals and guidelines may be construed as representing or guaranteeing that any improvements built in accordance therewith will be designed or built in a good and workmanlike manner. The granting of any exceptions or variances by Declarant shall be in Declarant's sole discretion. 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 the plans or specifications with any governmental ordinance or regulation, or any defects in construction undertaken pursuant to the plans and specifications. Approval of plans and specifications by the Architectural Control Committee may not 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 satisfies the requirements of all applicable subsections of this Supplementary Declaration that require written approval by the Architectural Control Committee for the plans and specifications. Any determination made by Declarant under this Supplementary Declaration, and the granting or denial of any exception or variance by Declarant under this Supplementary Declaration, is in Declarant's sole discretion.

[Signature Page Follows.]

EXECUTED as of the day and year first written above.

HINES LAS COLINAS LAND LIMITED PARTNERSHIP, a Texas limited partnership

By: Hines Las Colinas Land GP LLC, its General Partner

By: Hines Interests Limited Partnership, its sole member

By: Hines, Holdings, Inc., its General Partner

By: [Signature]
Name: Mark A. Cover
Title: Executive Vice President

STATE OF TEXAS §
 §
COUNTY OF Dallas §

This instrument was acknowledged before me on January 14th, 2008 by Mark Cover, the Exec. Vice President of Hines Holdings, Inc., the General Partner of Hines Interests Limited Partnership, the sole member of Hines Las Colinas Land GP LLC, the General Partner of Hines Las Colinas Land Limited Partnership, a Texas limited partnership, on behalf of said corporation, limited liability company and limited partnerships.

[Signature]
Signature of Notary Public

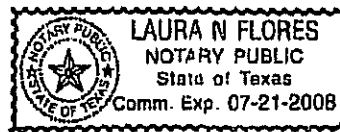


EXHIBIT "A-109"

PROPERTY DESCRIPTION

DESCRIPTION, of an approximately 8.509 acre tract of land situated in the Joe E. Field Survey, Abstract No. 487 and the J. Spoon Survey, Abstract No. 1632, in the City of Irving, Dallas County, Texas; said tract being a part of that tract of land as described as "Site 19" in Special Warranty Deed to Hines Las Colinas Land Limited Partnership recorded in Instrument No. 200503641266 of the Deed Records of Dallas County, Texas; said 8.509 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found in the intersection of the east right-of-way line of Las Colinas Boulevard (a variable width right-of-way, 125-foot wide at this point) and the south right-of-way line of Customer Way (a 65-foot right-of-way); said point being the beginning of a curve to the right;

THENCE, in a northeasterly direction, along said curve to the right, having a central angle of 102 degrees, 09 minutes, 46 seconds, a radius of 90.00 feet, a chord bearing and distance of North 41 degrees, 17 minutes, 14 seconds East, 140.05 feet, an arc distance of 160.48 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at the end of said curve; said point being the beginning of a compound curve to the right;

THENCE, along the south line of Customer Way, the following twelve (12) calls:

In a southeasterly direction, along said curve to the right, having a central angle of 08 degrees, 13 minutes, 57 seconds, a radius of 457.50 feet, a chord bearing and distance of South 83 degrees, 30 minutes, 55 seconds East, 65.68 feet, an arc distance of 65.74 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at the end of said curve;

South 79 degrees, 23 minutes, 56 seconds East, a distance of 66.32 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

South 71 degrees, 10 minutes, 12 seconds East, a distance of 11.29 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

North 18 degrees, 49 minutes, 49 seconds East, a distance of 2.00 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

South 71 degrees, 10 minutes, 12 seconds East, a distance of 86.53 feet to a 1/2-inch iron rod with "R.P.L.S. No. 3047" cap found at an angle point; said point being the beginning of a non-tangent curve to the left;

In a southeasterly direction, along said curve to the left, having a central angle of 07 degrees, 56 minutes, 23 seconds, a radius of 156.50 feet, a chord bearing and distance of South 74 degrees, 53 minutes, 22 seconds East, 21.67 feet, an arc distance of 21.69 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point; said point being at the end of said curve;

South 71 degrees, 10 minutes, 12 seconds East, a distance of 16.79 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point; said point being the beginning of a curve to the right;

A-1

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In a southeasterly direction, along said curve to the right, having a central angle of 09 degrees, 51 minutes, 43 seconds, a radius of 690.00 feet, a chord bearing and distance of South 66 degrees, 14 minutes, 21 seconds East, 118.62 feet, an arc distance of 118.77 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

North 28 degrees, 41 minutes, 31 seconds East, a distance of 2.02 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point; said point being the beginning of a non-tangent curve to the right;

In a southeasterly direction, along said curve to the right, having a central angle of 10 degrees, 35 minutes, 54 seconds, a radius of 690.00 feet, a chord bearing and distance of South 56 degrees, 17 minutes, 58 seconds East, 127.45 feet, an arc distance of 127.63 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

South 51 degrees, 00 minutes, 01 seconds East, a distance of 79.36 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point; said point being the beginning of a curve to the left;

In a southeasterly direction, along said curve to the left, having a central angle of 17 degrees, 43 minutes, 23 seconds, a radius of 533.00 feet, a chord bearing and distance of South 59 degrees, 51 minutes, 43 seconds East, 164.21 feet, an arc distance of 164.87 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found for corner; said point being the northwest corner of a tract of land described in Special Warranty Deed to Dallas County Reclamation District (Tract 1) recorded in Volume 92226, Page 1057 of said Deed Records; said point being the beginning of a non-tangent curve to the right;

THENCE, in a southeasterly direction, along said curve to the right, departing the said south line of Customer Way and along the west line of said Tract 1, having a central angle of 11 degrees, 23 minutes, 55 seconds, a radius of 755.00 feet, a chord bearing and distance of South 26 degrees, 38 minutes, 01 seconds East, 149.95 feet, an arc distance of 150.20 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point; said point being in the west line of a tract of land described in Special Warranty Deed to Dallas County Utility and Reclamation District recorded in Volume 88122, Page 2469 of said Deed Records;

THENCE, South 20 degrees, 56 minutes, 03 seconds East, a distance of 32.63 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found for corner; said point being the southwest corner of a tract of land described in Special Warranty Deed to Dallas County Utility and Reclamation District (Lot A) recorded in Volume 85228, Page 3267 of said Deed Records;

THENCE, South 69 degrees, 03 minutes, 16 seconds West departing the west line of Lot A and along the north line of a tract of land described in Correction Warranty Deed to Dallas County Municipal Utility District No. 1 (Tract 7) recorded in Volume 75092, Page 138 of said Deed Records, a distance of 45.45 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

THENCE North 86 degrees, 34 minutes, 47 seconds West, departing the north line of Tract 7 and along the north line of a tract of land described in Special Warranty Deed to Dallas County Utility and Reclamation District (Tract B) recorded in Volume 86243, Page 4998 of said Deed Records, a distance of 70.85 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

A-2

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THENCE, along the north line of a tract of land described in Special Warranty Deed to Dallas County Municipal District No. 1 (Hackberry Creek) recorded in Volume 81121, Page 2045 of said Deed Records, the following three (3) calls:

South 76 degrees, 20 minutes, 07 seconds West, a distance of 9.49 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

South 69 degrees, 05 minutes, 24 seconds West, a distance of 418.44 feet to a 1/2-inch iron rod found at an angle point; said point being the beginning of a curve to the right;

In a southwesterly direction, along said curve to the right, having a central angle of 07 degrees, 35 minutes, 59 seconds, a radius of 1824.28 feet, a chord bearing and distance of South 72 degrees, 53 minutes, 24 seconds West, 241.79 feet, an arc distance of 241.97 feet to a point for corner;

THENCE, departing the north line of said Hackberry Creek tract, and along the said east line of Las Colinas Boulevard the following six (6) calls:

North 10 degrees, 29 minutes, 29 seconds West, a distance of 48.38 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

South 79 degrees, 30 minutes, 31 seconds West, a distance of 10.00 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at an angle point;

North 10 degrees, 29 minutes, 29 seconds West, a distance of 318.26 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 304" cap found at an angle point; said point being the beginning of a non-tangent curve to the right;

In a northwesterly direction, along said curve to the right, having a central angle of 09 degrees, 28 minutes, 10 seconds, a radius of 391.00 feet, a chord bearing and distance of North 05 degrees, 09 minutes, 43 seconds West, 64.55 feet, an arc distance of 64.62 feet to a 1/2-inch iron rod with yellow "R.P.L.S. No. 3047" cap found at the end of said curve; said point being the beginning of a reverse curve to the left;

In a northwesterly direction, along said reverse curve to the left, having a central angle of 09 degrees, 22 minutes, 00 seconds, a radius of 509.00 feet, a chord bearing and distance of North 05 degrees, 06 minutes, 38 seconds West, 83.12 feet, an arc distance of 83.21 feet to a 1/2-inch iron with yellow "R.P.L.S. No. 3047" cap found at an angle point;

North 09 degrees, 47 minutes, 39 seconds West, a distance of 99.19 feet to the POINT OF BEGINNING;

CONTAINING: approximately 370,661 square feet or 8.509 acres of land, more or less.

Return To: *[Signature]*
Chicago Title Insurance Company
Southwest Region Commercial Center
2001 Bryan Street, Suite 1700
Dallas, Texas 75201 214-303-5300



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John F. Warren, County Clerk
Dallas County TEXAS

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