

ATC/BC 836657-S (04)

SUPPLEMENTARY DECLARATION NO. 188

LAS COLINAS AREA CLXXXVIII

DALLAS COUNTY, TEXAS

Return to (closer 04)
LANDAMERICA AMERICAN
TITLE COMPANY
6029 Beltline Road, Suite 250
Dallas, TX 75254

This Supplementary Declaration, made effective as of the 30th day of September, 2005 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" attached 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 Declarant under 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. 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.
- 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.
- 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 the additional property.
- G. Declarant 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 modify Article V of the Declaration as it pertains to the additional property.
- H. The following terms have the following definitions: **Association** means The Las Colinas Association; **Architectural Control Committee** means the Architectural Control



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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-188" attached hereto and incorporated herein by reference for all purposes (designated as **Area CLXXXVIII** 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 188, which is applicable only to Area CLXXXVIII:

Section 188. Covenants Applicable to Area CLXXXVIII. The following provisions are applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CLXXXVIII of the Properties:

a. Use Limitations.

- 1) Sites in Area CLXXXVIII may be used for the following residential uses: Townhome residential dwellings; Single Family attached residential dwellings; Condominium residential dwellings; Clubhouse and related facilities associated with residential dwellings.
 - (A) The floor area of the main residential structure for each residential dwelling, exclusive of open porches and garages, shall not be less than 1600 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 the Property at any time as a residence. Temporary construction or marketing trailers or structures are permitted on a temporary basis in an area not fronting Las Colinas Boulevard.
 - (C) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on the Property, except dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes.
 - (D) The Property 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 fully enclosed by a walled or fenced structure.
 - (E) No clothesline may be maintained on the Property.
 - (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

residential dwelling 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 the Property. Any swimming pool on the Property shall be designed and engineered in compliance with paragraph j (1) of this section 188.
- (H) No more than 3 residential dwellings within the Property may be sold to or owned by any one Owner other than the original developer of the Property.

2) Sites in Area CLXXXVIII may not be used for:

- (A) Experimental/testing laboratories.
- (B) Motor freight terminals.
- (C) Gasoline service stations.
- (D) Warehousing.
- (E) Manufacturing.
- (F) Raising, breeding or keeping of animals, birds or wildlife for commercial purposes.
- (G) Purposes that involve noxious odors, or any excessive noise level that constitutes a nuisance.
- (H) Any use contrary to law or which violates any part of this Section.

b. Minimum Setback Lines.

1) No structure of any kind and no part thereof, other than encroachments as permitted by Section 52-44 of Irving Zoning Ordinance No. 1144, may be placed in front of the following minimum building setbacks:

- (A) Las Colinas Boulevard: 40 feet from the property line.
- (B) Tuscan Drive: 20 feet from the property line.
- (C) Private or Public Streets (Secondary): per City of Irving requirements.
- (D) Interior Property: per City of Irving requirements.
- (E) Rear Yard: per City of Irving requirements.
- (F) Side Yard: per City of Irving requirements.

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) Stoops, chimneys, awnings, porches, canopies, eaves, bay windows, balconies, pilasters, and tower elements.
- (D) Post lights, bike racks, benches, trash receptacles, and flagpoles.

- (E) Planters, walls, fences, or hedges, not to exceed four feet in height.
- (F) Landscaping.

3) Declarant may grant exceptions to or variances from any setback lines established in 2b(1), provided that any variances or exceptions must be in writing.

- c. Minimum Building Height. All residential buildings in Area CLXXXVIII must have a minimum height of at least 2 stories. Any clubhouse, mail port, guest entry, and related facilities associated with the residential dwellings may be one story.
- d. Parking Areas. All parking areas including any off-street parking must meet the City of Irving standards.
- e. Driveways. Driveways must be constructed as specified in paragraph d above.
- f. Signs. All signs must be approved by the Architectural Control Committee in writing prior to installation.

For townhome, single family attached or condominium residential projects, a temporary construction fence surrounding the Property with graphic information and photos relating to the residential project is allowed.

- g. Landscaping. Landscaping must:
 - 1) Be completed on all sites contemporaneously with completion of other improvements, subject to seasonal planting periods. In any event, all landscaping relating to a specific building shall be installed in conjunction with the occupancy of that building. Common areas adjacent to any structure must be completed within 30 days after the completion of such structure.
 - 2) Conform to a landscaping plan approved by the Architectural Control Committee under Article IV of the Declaration. Normally, approval will be limited to landscaping plans that:
 - (A) Provide automatic underground sprinkling systems for all landscaped areas;
 - (B) Permit reasonable access to public and private utility lines and easements for installation and repair; and
 - (C) Include at least one tree for each 2,500 square feet of area between exterior building walls (including parking structures) and public or private street right-of-way lines, and adjacent boundary lines.
 - 3) Owner shall provide landscaping, including hardscape structures and walks as well as plant materials within the area between the right-of-way property line and the back of curb of any public or private street in accordance with plans submitted by the Owner and subjectively approved

by the Architectural Control Committee. The Owner shall maintain the improvements within these areas in accordance with standards established from time to time by the Las Colinas Association.

- h. Exterior Illumination. All exterior illumination must conform to plans approved in writing by the Architectural Control Committee.
- i. Construction Standards. All structures shall meet with the following requirements (except as modified by the Architectural Control Committee):
 - 1) The foundation system shall be designed by a structural engineer based on recommendations given in a soils report prepared by a soils engineering firm, which report must include specific recommendations concerning swimming pool construction if it is contemplated that a swimming pool will be constructed on the Property. The soils investigation and analysis, and the design of the foundation system, shall be made by registered professional engineers.
 - 2) The exposed exterior wall area, exclusive of door, window, and covered porch area, shall be 100% masonry, masonry veneer, or other low maintenance material approved by the Architectural Control Committee. All chimneys shall be of masonry material unless prior approval for another material is given by the Architectural Control Committee.
 - 3) Complete guttering must be installed on all buildings with downspouts carried to an outfall away from the foundation. No collected storm water runoff shall be discharged onto any adjacent property.
 - 4) Garages, mail ports, guest entry, clubhouse, and all other outbuildings are to be given the same architectural treatment and be constructed of the same materials as the main structure.
 - 5) No exterior alterations of any existing building may be permitted without the prior written approval of the Architectural Control Committee.
 - 6) No exterior light shall be installed or maintained on the Property without the prior written approval of the Architectural Control Committee. Upon being given notice by the Association that any exterior light constitutes a nuisance, the owner of the residential dwelling on which same is located will immediately remove said light or have it shielded in such a way that it is no longer a nuisance.
- 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, 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 grant or denial of any exception or variance by Declarant under this Supplementary Declaration, is in Declarant's sole discretion.

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

EXECUTED as of the day and year first written above.

LAS COLINAS LAND LIMITED PARTNERSHIP,
a Delaware limited partnership

By: Cousins Properties Services LP,
a Texas limited partnership, Manager

By: Cousins Properties Services, Inc.,
a Georgia corporation, Its General Partner

By: 
Samuel L. Fairchild
Vice President

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on September 27th, 2005, by Samuel L. Fairchild, Vice President of Cousins Properties Services, Inc., a Georgia corporation, as General Partner of Cousins Properties Services LP, a Texas limited partnership, Manager of Las Colinas Land Limited Partnership, a Delaware limited partnership, on behalf of said corporation and partnerships.

Teresa E. Crow

Notary Public in and for
the State of Texas

[SEAL]

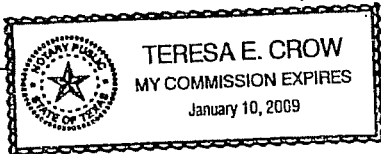


EXHIBIT "A-188"

LAS COLINAS AREA CLXXXVIII

Being a 15.23 acre tract situated in the Oakley Glass Survey, Abstract No. 537, in the City of Irving, Dallas County, Texas, and being a portion of that 209.292 acre tract of land conveyed to Las Colinas Land Limited Partnership, according to the Deed recorded in Volume 89128, Page 0714, of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found on the southeast corner of Lot 5, Block A, Tuscan Park Addition, Third Installment, Revised, an addition to the City of Irving, according to the plat thereof recorded in Volume 2002120, Page 148, Plat Records, Dallas County, Texas, said point being the most westerly southwest corner of said Las Colinas Land Limited Partnership tract, same point being in the northerly line of Tuscan Drive (a variable width right-of-way) as recorded in Volume 2001125, Page 02829, Plat Records, Dallas County, Texas;

THENCE N 00 deg. 07 min. 29 sec. E, along the common line of said Lot 5, Block A, passing a ½ inch iron rod found at the northeast corner of said Lot 5, Block A and the southeast corner of Lot 4, Block A, Tuscan Park Addition, Third Installment, Revised, an addition to the City of Irving according to the plat thereof recorded in Volume 2002120, Page 148, Plat Records, Dallas County, Texas, a distance of 733.52 feet to a ½ inch iron rod set for corner, said point being the northeast corner of said Lot 4, Block A, same point being in the southerly line of Patton Drive (a variable width right-of-way);

THENCE S 89 deg. 53 min. 00 sec. E, through the interior of said 209.292 acre tract a distance of 363.62 feet to a ½ inch iron rod set for corner, said point being in a curve to the right having a radius of 1,990.50 feet, a delta angle of 04 deg. 26 min. 21 sec.;

THENCE continuing through the interior of said 209.292 acre tract, along the said curve to the right an arc distance of 154.22 feet and a chord bearing and distance of S 87 deg. 41 min. 20 sec. E, 154.18 feet to a ½ inch iron rod found for corner, said point also being in a curve to the left having a radius of 2009.50 feet and a delta angle of 04 deg. 26 min. 21 sec.;

THENCE continuing through the interior of said 209.292 acre tract and said curve to the left an arc distance of 155.69 feet and a chord bearing and distance of S 87 deg. 41 min. 20 sec. E, 155.65 feet to a ½ inch iron rod found for corner;

THENCE S 89 deg. 54 min. 30 sec. E, continuing through the interior of said 209.292 acre tract, a distance of 40.93 feet to a ½ inch iron rod set for corner, said point being in a curve to the right having a radius of 30.50 feet and a delta angle of 83 deg. 28 min, 40 sec.;

THENCE continuing through the interior of said 209.292 acre tract and said curve to the right an arc distance of 44.44 feet and a chord bearing and distance of S 48 deg. 10 min. 19 sec. E, 40.61 feet to a ½ inch iron rod set for corner, said point being in the west right-of-way line of Las Colinas Boulevard, and being in a curve to the left having a radius of 893.50 feet and a delta angle of 20 deg. 38 min. 20 sec.;

THENCE continuing through the interior of said 209.292 acre tract and said curve to the left and along the west right-of-way line of Las Colinas Boulevard an arc distance of 321.85 feet and a chord bearing and distance of S 16 deg. 44 min. 57 sec. E, 320.12 feet to a ½ inch iron rod set for corner, said point being in the west right-of-way line of Las Colinas Boulevard, and being in

a curve to the right having a radius of 589.50 feet and a delta angle of 05 deg. 55 min. 27 sec.;

THENCE continuing through the interior of said 209.292 acre tract and said curve to the right an arc distance of 60.95 feet and chord bearing and distance of S 22 deg. 42 min. 32 sec. E, 60.92 feet to a ½ inch iron rod set for corner, said point being in the west right-of-way line of Las Colinas Boulevard, and being in a curve to the left having a radius of 310.50 feet and a delta angle of 14 deg. 51 min. 57 sec.;

THENCE continuing through the interior of said 209.292 acre tract and said curve to the left and along the west right-of-way line of Las Colinas Boulevard an arc distance of 80.56 feet and a chord bearing and distance of S 28 deg. 44 min. 00 sec. E, 80.34 feet to a ½ inch iron rod set for corner, said point being in the west right-of-way line of Las Colinas Boulevard and being in curve to the left having a radius of 902.45 feet and a delta angle of 03 deg. 19 min. 47 sec.;

THENCE continuing through the interior of said 209.292 acre tract and said curve to the left and along the west right-of-way line of Las Colinas Boulevard an arc distance of 52.45 feet and a chord bearing and distance of S 37 deg. 49 min. 52 sec. E, 52.44 feet to a ½ inch iron rod set for corner;

THENCE S 40 deg. 27 min. 57 sec. E, continuing along the west right-of-way line of said Las Colinas Boulevard and through the interior of said 209.292 acre tract a distance of 168.11 feet to a ½ inch iron rod set for corner, said point being in a curve to the right having a radius of 89.50 feet and a delta angle of 107 deg. 27 min. 07 sec.;

THENCE departing the west right-of-way line of said Las Colinas Boulevard and through the interior of said 209.292 acre tract and through said curve to the right an arc distance of 167.85 feet and a chord bearing and distance of S 13 deg. 15 min. 36 sec. W, 144.31 feet to a ½ inch iron rod found for corner, said point being in the north right-of-way line of Proposed Tuscan Road Extension, said point also being in a curve to the right having a radius of 398.14 feet and a delta angle of 47 deg. 55 min. 26 sec.;

THENCE along the north line of Proposed Tuscan Road Extension and through the interior of said 209.292 acre tract and through said curve to the right an arc distance of 333.02 feet and a chord bearing and distance of N 89 deg. 03 min. 07 sec. W, 323.39 feet to a ½ inch iron rod found for corner, said point being in a curve to the left having a radius of 464.14 feet and a delta angle of 24 deg. 45 min. 33 sec.;

THENCE continuing along the north right-of-way line of said Proposed Tuscan Road Extension and through the interior of said 209.292 acre tract and through said curve to the left an arc distance of 200.57 feet and a chord bearing and distance of N 77 deg. 28 min. 10 sec. W, 199.01 feet to a ½ inch iron rod set for corner;

THENCE N 89 deg. 50 min. 57 sec. W, continuing along the north right-of-way line of said Proposed Tuscan Road Extension, passing the northeast corner of said Tuscan Drive, a distance of 490.92 feet to the POINT OF BEGINNING and CONTAINING 663,202 square feet or 15.23 acres of computed land, more or less.

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LANDAMERICA AMERICAN
TITLE COMPANY
6029 Beltline Road, Suite 250
Dallas, TX 75254

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

Cynthia Figueroa Calhoun

Cynthia Figueroa Calhoun, County Clerk
Dallas County TEXAS

October 03, 2005 03:46:26 PM

FEE: \$48.00

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