

PC00124638

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SUPPLEMENTARY DECLARATION NO. 201

LAS COLINAS AREA CCI

1455186

DALLAS COUNTY, TEXAS

Deed 07/13/01 2746264 527.00

This Supplementary Declaration, made this 10th day of July, 2001, by LAS COLINAS LAND LIMITED PARTNERSHIP, hereinafter called Declarant.

BACKGROUND:

- 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 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 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.

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- G. Declarant desires to add additional property located within the boundaries of the property described in Exhibit "A-201" 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. The real property described in Exhibit A-201 attached hereto and incorporated herein by reference for all purposes (designated as Area CCI 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. Article V of the Declaration is modified by the addition thereto of the following Section 201, which is applicable only to Area CCI.

Section 201. Covenants Applicable to Area CCI. The following provisions are applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CCI of the Properties:

- a. Use Limitations. Sites in Area CCI may be used for multi-family residential dwellings and related facilities. Retail, restaurants, childcare facilities and health clubs are "related facilities" as long as these uses are located within the multi-family building complex for primary use by occupants of the multi-family residential dwellings. Sites in Area CCI may be used for office buildings and related uses, banking and financial institutions, medical facilities, hotels, retail, restaurants and childcare facilities only with prior written approval of the Declarant. In addition, sites in Area CCI may not be used for any purpose that involves noxious odors or any excessive noise level that constitutes a nuisance, any use contrary to law or which violates any part of this Section 201.a.
- b. Minimum Setback Lines.
 - (1) No structure of any kind and no part thereof may be placed within these setback lines:
 - (A) 65 feet from Royal Lane.
 - (B) 20 feet from Love Drive.
 - (C) 25 feet from any other public street right-of-way.
 - (D) 25 feet from the center line of any private street right of way, private drive, or fire lane access easement.

- (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) Landscaping and landscape furniture;
 - (D) Planters, retaining walls, hedges or fences not to exceed four (4) feet in height;
 - (E) Guardhouses;
 - (F) Gatehouses;
 - (G) Electrical transformers;
 - (H) Canopies, roof over hangs, and balconies;
 - (I) Parking areas in compliance with subsection 2.d. below; and
 - (J) Lighting fixtures within parking areas in compliance with subsection 2.j. below.
 - (K) Masonry screen-walls and monument signs.
- (3) No parking area and no part thereof may be placed within these setback lines:
- (A) 65 feet from Royal Lane.
 - (B) 20 feet from Love Drive
 - (C) 20 feet from any other public street right-of-way.
 - (D) 10 feet from the center line of any private street right of way, private drive, or fire lane access easement.
- (4) Declarant may grant exceptions to or variances from any setback lines established in b (1) and b (3) above, provided that any variances of exceptions must be in writing.

c. Minimum Building Height Requirements. Principal structures erected on sites in Area CCI shall conform to the minimum height requirements set forth below:

- (1) Not less than two (2) stories, the floor level of the first story being at or above the top of curb for Royal Lane.

Exceptions to or variances from minimum building heights established in this paragraph c may be granted only upon written approval of the Declarant.

d. Parking Areas. Parking areas shall:

- (1) Be curbed and guttered with concrete 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.
- (2) Have a maximum grade slope of 5% and a minimum grade slope of 1%.
- (3) Not be provided in front of the minimum parking setback lines to any public street nor be provided in front of any building facing a public street.
- (4) Be sufficient to accommodate all parking needs for employees, company vehicles, customers, and visitors without the use of public onstreet parking. If parking needs increase, additional offstreet parking on-site 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.

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

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 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 CCI must be developed by the Property owner and be submitted for approval by the Architectural Control Committee. All 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. The height of letters used on any exterior building front must be approved by the Architectural Control Committee as part of the Master Signage Plan.

- (B) Monument signage must be consistent with the standards for monument signs adopted for Las Colinas by the Architectural Control Committee.
- (2) All signs, 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 and business of the occupant, 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, 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. Landscaping. Landscaping must:

- (1) Be completed 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 and be approved by the Architectural Control Committee under Article IV of the Declaration. Normally, approval will be limited to landscaping plans which:
 - (A) Provide underground automatic 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 3,000 square feet of area between exterior building and parking structure walls and public street right-of-way or adjacent boundary lines.

- (3) Owners shall provide landscaping, including hardscape structures and walks as well as plant materials within the right-of-way areas adjacent to any public or private street in accordance with plans submitted by the 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.
- (4) Declarant may grant exceptions to or variances from the number of required trees established in g(2)(D) above, provided that any variances or exceptions must be in writing.

h. 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 must 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. Screening at ground level would normally include landscaping, earthen berms 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 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. Loading Docks and Areas.

- (1) Loading docks and areas may 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 along Love Drive where, if properly screened, loading areas may be located within 5 feet of the street right of way.
- (3) Loading areas must be screened in a manner approved in writing by the Architectural Control Committee considering factors like location and views from adjacent or nearby properties and public rights-of-way.
- (4) Declarant may grant exceptions to or variances from any part of this subsection i, provided that any exceptions or variances must be in writing.

- j. Exterior Illumination. Illumination is required for all exterior building walls that may be viewed from existing or proposed public or private streets and for all parking areas and walkways around and between buildings and parking garages unless otherwise waived or modified by Declarant in writing. All exterior illumination must conform to plans approved in writing by the Architectural Control Committee.
- k. Construction Standards.
- (1) All building sides must be faced with face brick, stone, fiber-reinforced stucco, or with other quality face materials as may be approved in writing by the Architectural Control Committee. Architectural concrete pre-cast panels may be used with written approval of the Architectural Control Committee. Concrete tile or other non-composition roofing material shingles will be used on that part of the roof that can be viewed from the adjacent streets and properties. Forty (40) year or better composition shingles may be used on that part of the roof facing the interior courtyards. Windows or other openings may not be glazed or reglazed with mirrored or reflective glass and the spandrel area between windows or other openings may not be faced with a 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, approval is limited to those plans which:
 - (A) Do not include wooden frames except for multi-family dwellings of four (4) stories or less;
 - (B) Preserve the quality and atmosphere of the area and do not detract from adjacent property; and
 - (C) Do not include exterior fire escapes.
 - (3) Facilities for 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 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 and graded.

- (6) All utility lines (public or private) shall be underground.
- (7) 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.

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 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 Stone LP, a Texas limited partnership, Manager

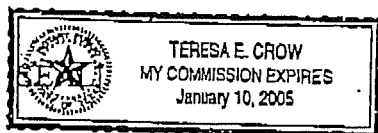
By: Cousins Stone Texas, Inc. a Georgia corporation, its General Partner

By: Charles E. Cotten
Charles E. Cotten
As its: Senior Vice President

THE STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on July 6th, 2001, by Charles E. Cotten, Senior Vice President of Cousins Stone LP, a Texas limited partnership, Manager of Las Colinas Land Limited Partnership, a Delaware limited partnership, on behalf of said partnership.

Teresa E. Crow
Notary Public in and for the State of TEXAS



SD201.Westwood
7-05-2001

AFTER RECORDING RETURN TO:

Attn: Carol Erick
HEXTER-FAIR TITLE COMPANY
8333 Douglas Avenue, #130
Dallas, TX 75225

LEGAL DESCRIPTION

Being a 6.16 acre tract situated in the Oakley Glass Survey, Abstract No. 537, and the James Moore Survey, Abstract No. 908, in the City of Irving, Dallas County, Texas, and being a portion of that 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:

COMMENCING at a 1/2 iron rod found at the southerly Southwest corner of said 209.292 acre tract of land conveyed to Las Colinas Land Limited Partnership, said point being in the north right-of-way line of Royal Lane (variable width right-of-way);

THENCE N 89 deg. 57 min. 33 sec. E, along the southerly line of said 209.292 acre tract and said north line of Royal lane, a distance of 435.38 feet to a 1/2 inch iron rod set for the POINT OF BEGINNING;

THENCE N 00 deg. 03 min. 59 sec. W, through the interior of said 209.292 acre tract a distance of 670.51 feet to a 1/2 inch iron rod set for corner;

THENCE S 89 deg. 54 min. 37 sec. E, continuing through the interior of said 209.292 acre tract a distance of 376.71 feet to a 1/2 inch iron rod set for corner at the beginning of a curve to the right;

THENCE along a curve to the right having a delta 89 deg. 50 min. 39 sec., a radius of 29.50, feet, an arc length of 46.26 feet and long chord of S 44 deg. 59 min. 18 sec. E a distance of 41.66 feet to a 1/2 inch iron rod set for corner;

THENCE S 00 deg. 03 min. 59 sec. E, continuing through the interior of said 209.292 acre tract a distance of 368.78 feet to a 1/2 inch iron rod set for corner;

THENCE S 89 deg. 56 min. 01 sec. W, continuing through the interior of said 209.292 acre tract a distance of 13.00 feet to a 1/2 inch iron rod set for corner;

THENCE S 00 deg. 03 min. 59 sec. E, continuing through the interior of said 209.292 acre tract a distance of 257.02 feet to a 1/2 inch iron rod set for corner;

THENCE S 44 deg. 06 min. 21 sec. W, continuing through the interior of said 209.292 acre tract a distance of 19.67 feet to a 1/2 inch iron rod set for corner, said point being on the north right-of-way line of said Royal Lane;

THENCE S 89 deg. 48 min. 43 sec. W, continuing along the north right-of-way line of said Royal Lane a distance of 6.03 feet to a 1/2 inch iron rod set for corner;

THENCE S 89 deg. 42 min. 13 sec. W, continuing along the north right-of-way line of said Royal Lane a distance of 50.38 feet to a 1/2 inch iron rod found for corner;

THENCE S 89 deg. 57 min. 23 sec. W, continuing along the north right-of-way line of said Royal Lane a distance of 323.01 feet to the POINT OF BEGINNING and containing 268,300 square feet or 6.16 acres of land, more or less.