



Las Colinas
ASSOCIATION

**FOR CONSIDERATION BY
LAS COLINAS ASSOCIATION MEMBERS**

**AT A SPECIAL MEETING
OF THE MEMBERSHIP
ON OCTOBER 3, 2017**

- First Amendment to the Corrected Supplementary Declaration No. 16
- Second Amendment to the Corrected Supplementary Declaration No. 21
- First Amendment to the Supplementary Declaration No. 58
- First Amendment to the Corrected Supplementary Declaration No. 91
- First Amendment to the Supplementary Declaration No. 179

A copy of the existing documents for each item under consideration can be viewed at the Las Colinas Association website: www.lascolinas.org

For any questions regarding any of these proposed amendment resolutions, please contact Rick Bidne or Phil Ochsner, Las Colinas Association, at 972-541-2345

**FIRST AMENDMENT
TO THE
CORRECTED
SUPPLEMENTARY DECLARATION NO. 16
LAS COLINAS AREA XVI
DALLAS COUNTY, TEXAS**

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

This First Amendment to the Corrected Supplementary Declaration No. 16, Las Colinas Area XVI, is made this _____ day of _____, 2017, by The Las Colinas Association, a Texas non-profit corporation, hereinafter called the “Association.”

RECITALS:

A. The Las Colinas Corporation (“LCC”), a Texas corporation, executed a Declaration [for] Las Colinas Area I (as corrected and supplemented, the “Declaration”), on the 22nd of August, 1973, applicable to certain real property described in Exhibit “A” thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

B. The Declaration was filed of record in Volume 73166, page 1001 *et seq.* of the Deed Records of Dallas County, Texas; a Correction to Declaration was filed of record in Volume 77154, page 1096 *et seq.* of the Deed Records of Dallas County, Texas; a Second Correction to Declaration was filed of record in Volume 79122, Page 0749 *et seq.* of the Deed Records of Dallas County, Texas; a Third Correction to Declaration was recorded in Volume 82071, Page 3244 *et seq.* of the Deed Records of Dallas County, Texas; and a First Amendment to the Corrected Las Colinas Declaration was recorded as Document No. 201400111545 of the Deed Records of Dallas County, Texas (such Declaration as so corrected and amended being referred to as the “Declaration”).

C. LAS COLINAS AREA XVI (“Area XVI”), that certain 329.3 acre tract, was added to Las Colinas pursuant to Supplementary Declaration No. 16, Las Colinas Area XVI, recorded in Volume 78154, Page 0534 *et seq.*, of the Deed Records of Dallas County, Texas, which was subsequently replaced by the Corrected Supplementary Declaration No. 16, Las Colinas Area XVI, recorded Volume 78173, Page 0040 *et seq.* of the Deed Records of Dallas County, Texas, and are described more particularly in Exhibit “A-16” of Supplementary Declaration No. 16 (the “Original Supplement”).

D. James Mark Anderson is the owner of property within Area XVI and has requested an amendment to Supplementary Declaration No. 16 to permit the development of medical office, medical clinic, and surgery as a component of another permitted use as provided herein.

E. Section 215.008(d) of the Texas Property Code provides that the declaration and any supplementary declaration, including amendments, modifications, or corrections, may be amended by a simple majority of the eligible votes being cast in favor of the amendment.

F. More than a majority of the eligible votes of the membership were cast to approve the following amendment of Article V, Section 16 of the Declaration, after due and proper notice, at a Special Meeting of the Association held on _____, 2017.

NOW THEREFORE, the Declaration, as supplemented by the Original Supplement and as amended by this First Amendment to the Corrected Supplementary Declaration No. 16, Las Colinas Area XVI is hereby amended as follows:

1. That Article V, Section 16, Subsection (a) of the Declaration is replaced with the following:

a. Use Limitations. Sites in Area XVI may be used for office, warehousing, wholesaling, research and development, assembling, processing, and service and distribution purposes. In addition to the foregoing uses, sites in Area XVI may be used for medical office, medical clinic, and day surgery. Sites in Area XVI may be used for light manufacturing, multi-family residential, hotel, restaurant, gasoline service station, and other retail sale purposes only with the prior written approval of Declarant. The following uses of sites in Area XVI 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 16 of this Article V.
- (4) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in covered or enclosed areas.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry other than two household pets per unit.
- (6) Uses not expressly permitted hereinabove.

2. That Article V, Section 16, Subsection (c) of the Declaration is hereby replaced with the following:

c. Parking Areas. Parking areas shall:

- (1) (Surface Parking) 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) (Surface Parking) Have a maximum grade slope of 7% and a minimum grade slope of 1%.
- (3) Be sufficient to accommodate all parking needs for employees, company vehicles, and visitors. If parking needs increase, additional parking on-site shall be provided by the Owner. Parking shall meet or exceed the 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 and as approved by the Architectural Control Committee. Declarant may grant exceptions to or variances from any part of this subsection c, provided that any variances or exceptions must be in writing.

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

4. The Corrected Supplementary Declaration No. 16, Las Colinas Area XVI, except as expressly amended by this First Amendment to the Corrected Supplementary Declaration No. 16, Las Colinas Area XVI hereby remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first above written

THE LAS COLINAS ASSOCIATION,
a Texas non-profit corporation

By: _____
Ethan R. Bidne, President

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the ____ day of _____, 2017, by Ethan R. Bidne, President of The Las Colinas Association, a Texas non-profit corporation, on behalf of such corporation.

Notary Public in and for the State of Texas

**SECOND AMENDMENT
TO THE
CORRECTED
SUPPLEMENTARY DECLARATION NO. 21
LAS COLINAS AREA XXI
DALLAS COUNTY, TEXAS**

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

This Second Amendment to the Corrected Supplementary Declaration No. 21, Las Colinas Area XXI, is made this _____ day of _____, 2017, by The Las Colinas Association, a Texas non-profit corporation, hereinafter called the “Association.”

R E C I T A L S:

A. The Las Colinas Corporation (“LCC”), a Texas corporation, executed a Declaration [for] Las Colinas Area I (as corrected and supplemented, the “Declaration”), on the 22nd of August, 1973, applicable to certain real property described in Exhibit “A” thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

B. The Declaration was filed of record in Volume 73166, page 1001 *et seq.* of the Deed Records of Dallas County, Texas; a Correction to Declaration was filed of record in Volume 77154, page 1096 *et seq.* of the Deed Records of Dallas Country, Texas; a Second Correction to Declaration was filed of record in Volume 79122, Page 0749 *et seq.* of the Deed Records of Dallas County, Texas; a Third Correction to Declaration was recorded in Volume 82071, Page 3244 *et seq.* of the Deed Records of Dallas County, Texas; and a First Amendment to the Corrected Las Colinas Declaration was recorded as Document No. 201400111545 of the Deed Records of Dallas County, Texas (such Declaration as so corrected and amended being referred to as the “Declaration”).

C. LAS COLINAS AREA XXI (“Area XXI”), those certain 177.062 acre tracts, were added to Las Colinas pursuant to Supplementary Declaration No. 21, Las Colinas Area XXI, recorded in Volume 80165, Page 0506 *et seq.*, of the Deed Records of Dallas County, Texas, which was subsequently replaced by the Corrected Supplementary Declaration No. 21, Las Colinas Area XXI, recorded Volume 81164, Page 2058 *et seq.*, of the Deed Records of Dallas County, Texas, which was subsequently amended by the First Amendment to Corrected Supplementary Declaration No. 21, recorded as Document No. 201400110223 of the Deed Records of Dallas County, Texas, as described more particularly in Exhibit “A-21” of Supplementary Declaration No. 21 (the “Original Supplement”).

D. James Mark Anderson is the owner of property within Area XXI and has requested an amendment to Supplementary Declaration No. 21 to permit the development of medical office, medical clinic, and surgery as a component of another permitted use as provided herein.

E. Section 215.008(d) of the Texas Property Code provides that the declaration and any supplementary declaration, including amendments, modifications, or corrections, may be amended by a simple majority of the eligible votes being cast in favor of the amendment.

F. More than a majority of the eligible votes of the membership were cast to approve the following amendment of Article V, Section 21 of the Declaration, after due and proper notice, at a Special Meeting of the Association held on _____, 2017.

NOW THEREFORE, the Declaration, as supplemented by the Original Supplement and as amended by this First Amendment to the Corrected Supplementary Declaration No. 21, Las Colinas Area XXI is hereby amended as follows:

1. That Article V, Section 21, Subsection (a) of the Declaration is hereby replaced with the following:

a. Use Limitations. Sites in Area XXI may be used for office, warehousing, wholesaling, research and development, assembling, processing, and service and distribution purposes. In addition to the foregoing uses, sites in Area XXI may be used for medical office, medical clinic, and day surgery. Sites in Area XXI may be used for light manufacturing, multi-family residential, hotel, restaurant, gasoline service station, and other retail sale purposes only with the prior written approval of Declarant. Single family residential dwellings are allowed in that portion of Area XXI identified by Exhibit “B-21” (the Parkside Tract) and further restricted by Exhibit “C-21”. The restrictions found in Exhibit “C-21” shall control with regard to all property located within the area identified by Exhibit “C-21”. Parks and open space are allowed in that portion of Area XXI identified by Exhibit “C-21”. The following uses of sites in Area XXI are not permitted:

- (1) Single family detached residential dwellings, except for that portion of Area 21 identified by Exhibit “B-21” (the Parkside Tract) which may have 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 21 of this Article V.

(4) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in covered or enclosed areas.

(5) Any use which involves the raising, breeding, or keeping of any animals or poultry other than two household pets per unit.

(6) Uses not expressly permitted hereinabove.

2. That Article V, Section 21, Subsection (c) of the Declaration is hereby replaced with the following:

c. Parking Areas. Parking areas shall:

(1) (Surface Parking) 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) (Surface Parking) Have a maximum grade slope of 7% and a minimum grade slope of 1%.

(3) Be sufficient to accommodate all parking needs for employees, company vehicles, and visitors. If parking needs increase, additional parking on-site shall be provided by the Owner. Parking shall meet or exceed the 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 and as approved by the

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

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

4. The Corrected Supplementary Declaration No. 21, Las Colinas Area XXI, except as expressly amended by this Second Amendment to the Corrected Supplementary Declaration No. 21, Las Colinas Area XXI hereby remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first above written

THE LAS COLINAS ASSOCIATION,
a Texas non-profit corporation

By: _____
Ethan R. Bidne, President

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the ____ day of _____, 2017, by Ethan R. Bidne, President of The Las Colinas Association, a Texas non-profit corporation, on behalf of such corporation.

Notary Public in and for the State of Texas

**FIRST AMENDMENT
TO THE
SUPPLEMENTARY DECLARATION NO. 58
LAS COLINAS AREA LVIII
DALLAS COUNTY, TEXAS**

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

This First Amendment to Supplementary Declaration No.58, Las Colinas Area LVIII, is made this _____ day of _____, 2017, by The Las Colinas Association, a Texas non-profit corporation, hereinafter called the “Association.”

R E C I T A L S:

A. The Las Colinas Corporation (“LCC”), a Texas corporation, executed a Declaration [for] Las Colinas Area I (as corrected and supplemented, the “Declaration”), on the 22nd of August, 1973, applicable to certain real property described in Exhibit “A” thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

B. The Declaration was filed of record in Volume 73166, page 1001 *et seq.* of the Deed Records of Dallas County, Texas; a Correction to Declaration was filed of record in Volume 77154, page 1096 *et seq.* of the Deed Records of Dallas Country, Texas; a Second Correction to Declaration was filed of record in Volume 79122, Page 0749 *et seq.* of the Deed Records of Dallas County, Texas; a Third Correction to Declaration was recorded in Volume 82071, Page 3244 *et seq.* of the Deed Records of Dallas County, Texas; and a First Amendment to the Corrected Las Colinas Declaration was recorded as Document No. 201400111545 of the Deed Records of Dallas County, Texas (such Declaration as so corrected and amended being referred to as the “Declaration”).

C. LAS COLINAS AREA LVIII (“Area LVIII”), those certain 39.554 acre tracts, were added to Las Colinas pursuant to Supplementary Declaration No. 58, Las Colinas Area LVIII, recorded in Volume 84053, Page 5710 *et seq.*, of the Deed Records of Dallas County, Texas, as described more particularly in Exhibit “A-58” of Supplementary Declaration No. 58 (the “Original Supplement”).

D. Rosewood Property Company is the owner of property within Area LVIII and has requested an amendment to Supplementary Declaration No. 58 to permit the development of medical office, medical clinic, and surgery as a component of another permitted use as provided herein.

E. Section 215.008(d) of the Texas Property Code provides that the declaration and any supplementary declaration, including amendments, modifications, or corrections, may be amended by a simple majority of the eligible votes being cast in favor of the amendment.

F. More than a majority of the eligible votes of the membership were cast to approve the following amendment of Article V, Section 58 of the Declaration, after due and proper notice, at a Special Meeting of the Association held on _____, 2017.

NOW THEREFORE, the Declaration, as supplemented by the Original Supplement and as amended by this First Amendment to Supplementary Declaration No. 58, Las Colinas Area LVIII is hereby amended as follows:

1. That Article V, Section 58, Subsection (a) of the Declaration is hereby replaced with the following:

- a. Use Limitations. Sites in Area LVIII may be used for office buildings and related facilities. In addition to the foregoing uses, sites in Area LVIII may be used for medical office, medical clinic, and day surgery. 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 LVIII 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 58 of this Article V.
- (4) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in covered or enclosed areas.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry other than two household pets per unit.
- (6) Uses not expressly permitted hereinabove.

2. That Article V, Section 58, Subsection (c) of the Declaration is hereby replaced with the following:

c. Parking Areas. Parking areas shall:

- (1) (Surface Parking) 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) (Surface Parking) Have a maximum grade slope of 7% and a minimum grade slope of 1%.
- (3) Be sufficient to accommodate all parking needs for employees, company vehicles, and visitors. If parking needs increase, additional parking on-site shall be provided by the Owner. Parking shall meet or exceed the 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 and as approved by the Architectural Control Committee. Declarant may grant exceptions to or variances from any part of this subsection c, provided that any variances or exceptions must be in writing.

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

4. The Supplementary Declaration No. 58, Las Colinas Area LVIII, except as expressly amended by this First Amendment to the Supplementary Declaration No. 58, Las Colinas Area LVIII hereby remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first above written

THE LAS COLINAS ASSOCIATION,
a Texas non-profit corporation

By: _____
Ethan R. Bidne, President

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the ____ day of _____, 2017, by Ethan R. Bidne, President of The Las Colinas Association, a Texas non-profit corporation, on behalf of such corporation.

Notary Public in and for the State of Texas

**FIRST AMENDMENT
TO THE
CORRECTED
SUPPLEMENTARY DECLARATION NO. 91
LAS COLINAS AREA XCI
DALLAS COUNTY, TEXAS**

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

This First Amendment to the Corrected Supplementary Declaration No. 91, Las Colinas Area XCI, is made this _____ day of _____, 2017, by The Las Colinas Association, a Texas non-profit corporation, hereinafter called the “Association.”

R E C I T A L S:

A. The Las Colinas Corporation (“LCC”), a Texas corporation, executed a Declaration [for] Las Colinas Area I (as corrected and supplemented, the “Declaration”), on the 22nd of August, 1973, applicable to certain real property described in Exhibit “A” thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

B. The Declaration was filed of record in Volume 73166, page 1001 *et seq.* of the Deed Records of Dallas County, Texas; a Correction to Declaration was filed of record in Volume 77154, page 1096 *et seq.* of the Deed Records of Dallas County, Texas; a Second Correction to Declaration was filed of record in Volume 79122, Page 0749 *et seq.* of the Deed Records of Dallas County, Texas; a Third Correction to Declaration was recorded in Volume 82071, Page 3244 *et seq.* of the Deed Records of Dallas County, Texas; and a First Amendment to the Corrected Las Colinas Declaration was recorded as Document No. 201400111545 of the Deed Records of Dallas County, Texas (such Declaration as so corrected and amended being referred to as the “Declaration”).

C. LAS COLINAS AREA XCI (“Area XCI”), that certain 14.0941 acre tract, was added to Las Colinas pursuant to Supplementary Declaration No. 91, Las Colinas Area XCI, recorded in Volume 86144, Page 3508 *et seq.*, of the Deed Records of Dallas County, Texas, which was subsequently replaced by the Corrected Supplementary Declaration No. 91, Las Colinas Area XCI, recorded Volume 87210, Page 3707 *et seq.* of the Deed Records of Dallas County, Texas, and are described more particularly in Exhibit “A-91” of Supplementary Declaration No. 91 (the “Original Supplement”).

D. Marsha Enterprises LLC is the owner of property within Area XCI and has requested an amendment to Supplementary Declaration No. 91 to permit the development of educational facilities and daycare center as a component of another permitted use as provided herein.

E. Section 215.008(d) of the Texas Property Code provides that the declaration and any supplementary declaration, including amendments, modifications, or corrections, may be amended by a simple majority of the eligible votes being cast in favor of the amendment.

F. More than a majority of the eligible votes of the membership were cast to approve the following amendment of Article V, Section 91 of the Declaration, after due and proper notice, at a Special Meeting of the Association held on _____, 2017.

NOW THEREFORE, the Declaration, as supplemented by the Original Supplement and as amended by this First Amendment to the Corrected Supplementary Declaration No. 91, Las Colinas Area XCI is hereby amended as follows:

1. That Article V, Section 91, Subsection (a) of the Declaration is hereby replaced with the following:

a. Use Limitations. Sites in Area XCI may be used for office buildings and buildings for retail sales purposes. In addition to the foregoing uses, sites in Area XCI may be used for educational facilities and daycare centers. Such sites may also be used for the following uses, but only with the prior written approval of Declarant:

- (1) Light manufacturing and assembly completely within an enclosed building.
- (2) Experimental laboratories or testing laboratories.
- (3) Warehousing and distribution completely within an enclosed building.
- (4) Hotel, restaurant and gasoline service station.

The following uses of sites in Area XCI are not permitted:

- (1) Single family or multi-family residential dwellings.
- (2) Any use which involves a noxious odor, excessive emission of smoke, steam, or vapor, or an excessive noise level.
- (3) Any use contrary to law or which violates any part of Section 91 of this Article V.
- (4) Overnight parking of campers, mobile homes, boats, trailers, or motor homes, except that such parking is permitted in covered or enclosed areas.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry other than two household pets per unit.
- (6) Uses not expressly permitted hereinabove.

2. That Article V, Section 91, Subsection (c) of the Declaration is hereby replaced with the following:

c. Parking Areas. Parking areas shall:

- (1) (Surface Parking) 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) (Surface Parking) Have a maximum grade slope of 7% and a minimum grade slope of 1%.
- (3) Be sufficient to accommodate all parking needs for employees, company vehicles, and visitors. If parking needs increase, additional parking on-site shall be provided by the Owner. Parking shall meet or exceed the 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 and as approved by the Architectural Control Committee. Declarant may grant exceptions to or variances from any part of this subsection c, provided that any variances or exceptions must be in writing.

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

4. The Corrected Supplementary Declaration No. 91, Las Colinas Area XCI, except as expressly amended by this First Amendment to the Corrected Supplementary Declaration No. 91, Las Colinas Area XCI hereby remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first above written

THE LAS COLINAS ASSOCIATION,
a Texas non-profit corporation

By: _____
Ethan R. Bidne, President

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the ____ day of _____, 2017, by Ethan R. Bidne, President of The Las Colinas Association, a Texas non-profit corporation, on behalf of such corporation.

Notary Public in and for the State of Texas

**FIRST AMENDMENT
TO THE
SUPPLEMENTARY DECLARATION NO. 179
LAS COLINAS AREA CLXXIX
DALLAS COUNTY, TEXAS**

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

This First Amendment to Supplementary Declaration No.179, Las Colinas Area CLXXIX, is made this _____ day of _____, 2017, by The Las Colinas Association, a Texas non-profit corporation, hereinafter called the “Association.”

R E C I T A L S:

A. The Las Colinas Corporation (“LCC”), a Texas corporation, executed a Declaration [for] Las Colinas Area I (as corrected and supplemented, the “Declaration”), on the 22nd of August, 1973, applicable to certain real property described in Exhibit “A” thereto and located in or adjacent to the City of Irving, County of Dallas, State of Texas; and

B. The Declaration was filed of record in Volume 73166, page 1001 *et seq.* of the Deed Records of Dallas County, Texas; a Correction to Declaration was filed of record in Volume 77154, page 1096 *et seq.* of the Deed Records of Dallas Country, Texas; a Second Correction to Declaration was filed of record in Volume 79122, Page 0749 *et seq.* of the Deed Records of Dallas County, Texas; a Third Correction to Declaration was recorded in Volume 82071, Page 3244 *et seq.* of the Deed Records of Dallas County, Texas; and a First Amendment to the Corrected Las Colinas Declaration was recorded as Document No. 201400111545 of the Deed Records of Dallas County, Texas (such Declaration as so corrected and amended being referred to as the “Declaration”).

C. LAS COLINAS AREA CLXXIX (“Area CLXXIX”), that certain 5.251 acre tract, was added to Las Colinas pursuant to Supplementary Declaration No. 179, Las Colinas Area CLXXIX, recorded in Volume 98172, Page 04762 *et seq.*, of the Deed Records of Dallas County, Texas, as described more particularly in Exhibit “A-179” of Supplementary Declaration No. 179 (the “Original Supplement”).

D. MJS Development is the owner of property within Area CLXXIX and has requested an amendment to Supplementary Declaration No. 179 to permit the development of governmental uses as a component of another permitted use as provided herein.

E. Section 215.008(d) of the Texas Property Code provides that the declaration and any supplementary declaration, including amendments, modifications, or corrections, may be amended by a simple majority of the eligible votes being cast in favor of the amendment.

F. More than a majority of the eligible votes of the membership were cast to approve the following amendment of Article V, Section 179 of the Declaration, after due and proper notice, at a Special Meeting of the Association held on _____, 2017.

NOW THEREFORE, the Declaration, as supplemented by the Original Supplement and as amended by this First Amendment to Supplementary Declaration No. 179, Las Colinas Area CLXXIX is hereby amended as follows:

1. That Article V, Section 179, Subsection (a) of the Declaration is hereby replaced with the following:

a. Use Limitations. Sites in Area CLXXIX may be used for office buildings, banks and financial institutions, restaurants, health clubs, child care facilities, and other retail sales facilities contained wholly within the office buildings.

Sites in Area CLXXIX may also be used for hotel, a minimum one story

freestanding retail or restaurant building not to exceed 10,000 square feet (however, the Board of Directors may grant a variance to the maximum square feet restriction) built simultaneously with the office building or hotel, residential condominiums are allowed as part of either a hotel or office building that meets the minimum required building height restriction.

The following uses in Area CLXXIX are not permitted:

- (1) Warehouses and manufacturing.
- (2) Residential, except as detailed above.
- (3) Any use which involves a noxious odor or any excessive noise level which constitutes a nuisance.
- (4) Any use which violates any part of this Section 179.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry for commercial purposes.
- (6) Any one person or entity may not own more than three (3) residential condominium units.

2. That Article V, Section 179, Subsection (m)(3) of the Declaration is hereby replaced with the following:

(3) The design of all buildings specifically including garage structures, fronting the Canal must be designed so that the maximum amount of space within the building abutting the exterior wall facing the Canal is of a construction that will facilitate the utilization of the space for shop, boutique, restaurant, or other purposes requiring a shop front appearance or otherwise attractively screened as approved by the Architectural Control Committee. The finished floor elevation

must be no lower than elevation 425 mean sea level and must provide convenient access to the sidewalk adjacent to the Canal. Short term parking must be provided so as to be conveniently accessible to the Canal front area.

3. That Article V, Section 179, Subsection (c) of the Declaration is hereby replaced with the following:

c. Parking Areas. Parking areas shall:

- (1) (Surface Parking) 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) (Surface Parking) Have a maximum grade slope of 7% and a minimum grade slope of 1%.
- (3) Be sufficient to accommodate all parking needs for employees, company vehicles, and visitors. If parking needs increase, additional parking on-site shall be provided by the Owner. Parking shall meet or exceed the 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 and as approved by the Architectural Control Committee. Declarant may grant exceptions to or variances from any part of this subsection c, provided that any variances or exceptions must be in writing.

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

5. The Corrected Supplementary Declaration No. 179, Las Colinas Area CLXXIX, except as expressly amended by this First Amendment to Supplementary Declaration No. 179, Las Colinas Area CLXXIX hereby remains in full force and effect and is hereby ratified and confirmed.

EXECUTED as of the day and year first above written

THE LAS COLINAS ASSOCIATION,
a Texas non-profit corporation

By: _____
Ethan R. Bidne, President

THE STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the ____ day of _____, 2017, by Ethan R. Bidne, President of The Las Colinas Association, a Texas non-profit corporation, on behalf of such corporation.

Notary Public in and for the State of Texas

