

**SUPPLEMENTARY DECLARATION NO. 102**

LAS COLINAS AREA CII

DALLAS COUNTY, TEXAS

This Supplementary Declaration, made this 29th day of December, 2004, 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.
- G. Declarant desires to add additional property located within the boundaries of the property described in Exhibit A-102 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-102 attached hereto and incorporated herein by reference for all purposes (designated as **Area CII** 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 102, which is applicable only to Area CII:

Section 102. Covenants Applicable to Area CII. The following provisions are applicable to any and all construction, improvement, alteration, addition, and use of, in, or to Area CII of the Properties:

- a. Use Limitations. Sites in Area CII may be used only for open space, park(s), office and meeting facility(s), and surface parking; all for the operation, benefit, and support of the Hackberry Creek Homeowners Association.

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

- (1) Single family or multifamily residential use.
- (2) Commercial or retail use.
- (3) Any use which involves noise that is a nuisance to adjoining property owners.
- (4) Any use which violates any part of this Section 102.
- (5) Any use which involves the raising, breeding, or keeping of any animals or poultry for commercial purposes.

- b. Minimum Setback Lines.

- (1) No structure of any kind and no part thereof may be placed within these setback lines:
  - (A) 25 feet from Royal Lane right-of-way property line.
  - (B) 15 feet from the Hackberry Creek property line, or 10 feet from the Hackberry Creek property line if a Landscape Maintenance License has been obtained from the Dallas County Utility and Reclamation District.
- (2) No parking area and no part thereof may be placed within 7 feet from the Royal Lane right-of-way property line and 7 feet from the Hackberry Creek property line.
- (3) 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, fences (excluding wrought iron fences along Hackberry

- (D) Wrought iron fences not exceeding six (6) feet in height along the Hackberry Creek property line;
- (E) Landscaping;
- (F) Guardhouses;
- (G) Gatehouses;
- (H) Aerial pedestrian crossings or connections;
- (I) Canopies; and
- (J) Lighting fixtures within parking areas in compliance with subsection i.

Declarant may grant exceptions to or variances from any part of this subsection b.

c. Parking Areas.

- (1) Surface parking areas shall 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 areas shall have a maximum grade slope of 5% and a minimum grade slope of 1½%.
- (3) All parking areas shall be adequately screened by use of berms, trees, landscaping, or other means reasonably acceptable to the Architectural Control Committee in accordance with its customary use of discretion. Screening shall occur between all surface parking areas, adjacent public streets, and adjacent properties.
- (4) All parking areas shall be sufficient to accommodate all parking needs for employees, company vehicles, customers, and visitors without the use of on-street 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 c [other than compliance with the parking requirements of the City of Irving], provided that any variances or exceptions must be in writing.

d. Driveways. Driveways shall:

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

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

- (1) Identify the name and business of the occupant, or give directions, or offer the premises for sale or for lease.
- (2) Are not of an unusual size or shape when compared to the building or buildings on the premises.
- (3) Preserve the quality and atmosphere of the area.

No signs, symbols, corporate logos, advertising insignia, or similar items are 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 the buildings; provided, Declarant may grant exceptions to and/or variances from the restrictions in this sentence as long as same are in writing. Signs of a flashing or moving character or inappropriately colored signs shall not be permitted. No signs, symbols, corporate logos, advertising insignia, or similar items pertaining to the non-office related facilities within an office building shall be visible from the surrounding public street rights-of-way. The Association shall have the right, but is not obligated, to remove any sign erected without written approval.

f. Landscaping. Landscaping must:

- (1) Be completed on all sites contemporaneously with completion of other improvements except for seasonal planting requirements, but in no event later than 60 days after first occupancy of buildings.
- (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 which:
  - (A) Provide automatic underground sprinkling systems for all landscaped areas;
  - (B) Preserve existing trees to the extent commercially practical;
  - (C) Permit reasonable access to public and private utility lines and easements for installation and repair; and
  - (D) Include at least one tree for each 2,500 square feet of area between exterior building and public street right-of-way or adjacent property lines.
- (3) Provide 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 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.

g. Screening.

- (1) Storage areas, incinerators, 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) Except as otherwise governed by Federal statutes and/or rules and regulations of the Federal Communications Commission, 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.

h. 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 that Declarant may give written approval for such encroachments.
- (3) Loading docks and areas must be screened in a manner approved in writing by the Architectural Control Committee considering factors such as location and views from adjacent and nearby properties and public rights-of-way.

- i. Exterior Illumination. Illumination is required on all exterior building walls that face existing or proposed public or private street and for all surface 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.

j. Special Hackberry Creek Requirements

- (1) Development plans and architectural plans for structures facing on the Hackberry Creek must provide attractive facades facing the Hackberry Creek, which facades must provide a "front door" atmosphere rather than a "rear door" or "service entrance" feeling or "back side" look.
- (2) Automobile parking areas, loading docks, cooling towers, antennas, and other similar equipment and installations must be screened from view from Hackberry Creek.
- (3) Driveways viewed from Hackberry Creek must be minimized and carefully landscaped so that views of vehicles from across Hackberry Creek are minimized.
- (4) Special attention must be given to landscaping and its drainage in all areas that lie

between building structures and Hackberry Creek, and must conform to plans and specifications 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.

- (5) Storm sewers and storm sewer discharge structures, may be constructed only at locations approved in advance in writing by the Board of Directors of the District and the facilities must conform to designs approved by the District. All roof drainage and other collected storm water run-off must be carried into either a public storm sewer facility or into Hackberry Creek in a manner subjectively approved by the District. All discharge structures into Hackberry Creek for all collected storm water run-off must be subjectively approved by the District.

k. Construction Standards.

- (1) All building sides must be faced with face brick, stone, or with other quality face materials as may be approved in writing by the Architectural Control Committee. 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.
- (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, graded, and landscaped in accordance with the approved landscape plan.
- (6) All utility lines (public or private) shall be underground.
- (7) Once commenced, construction must be diligently pursued so that the project is not left in a partly finished condition for a period longer than ninety days without notification to and written approval from the Architectural Control Committee.

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 Properties Services LP,  
a Texas limited partnership, Manager

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

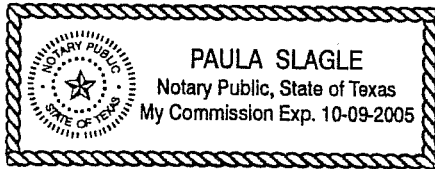
Return to (closer 04)  
AMERICAN TITLE COMPANY  
6326 Beltline Road, Suite 250  
Dallas, TX 75264

By: Samuel L. Fairchild  
Samuel L. Fairchild  
Vice President

THE STATE OF TEXAS           §  
COUNTY OF DALLAS           §

This instrument was acknowledged before me on December 29<sup>th</sup>, 2004, by Samuel L. Fairchild, Vice President of Cousins Properties Services, Inc., a Georgia corporation, 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.

[seal]



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Notary Public in and for the State of Texas



EXHIBIT A-102  
LEGAL DESCRIPTION

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EXHIBIT A-102

LEGAL DESCRIPTION

BEING a 0.26 acre tract of land situated in the B.B.B. & C.R.R. SURVEY, ABSTRACT NO. 196 in the City of Irving, DALLAS County, Texas, being a portion of the land conveyed to Las Colinas Land Limited Partnership by deed as recorded in Volume 89178 Page 3877, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said point being at the intersection of the northeasterly right-of-way line of Royal Lane (a 110.0 foot right-of-way) as recorded in Volume 81231, Page 2578, Map Records, DALLAS County, Texas, same point also being in the northwesterly right-of-way line of Summitview Lane (a variable width right-of-way) as recorded in Volume 82132, Page 2416, Map Records, Dallas County, Texas, said point also being the beginning of a curve to the right having a radius of 1,090.92 feet, a delta angle of 07 degrees 17 minutes 37 seconds, and a chord bearing and distance of North 37 degrees 18 minutes 36 seconds West, 138.78 feet;

THENCE in northwesterly direction along said curve to the right and along the northeasterly right-of-way line of said Royal Lane, an arc distance of 138.87 feet to a 1/2 inch iron rod found for corner, said point being the northwest corner of said 0.26 acre tract of land being described and also being the southwest corner of a tract of land conveyed to Dallas County Utility and Reclamation District by deed as recorded in Volume 84010, Page 5039, Deed Records, DALLAS County, Texas;

THENCE North 87 degrees 10 minutes 09 seconds East, along the common line of said 0.26 acre tract of land being described and said Dallas County Utility and Reclamation District tract, a distance of 163.92 feet to a 1/2 inch iron rod set for corner, said point being in the northwesterly right-of-way line of said Summitview Lane, said point also being the beginning of a curve to the right having a radius of 209.98 feet, a delta angle of 32 degrees 50 minutes 05 seconds, and a chord bearing and distance of South 27 degrees 42 minutes 22 seconds West, 118.69 feet;

THENCE in southwesterly direction along said curve to the right and along the northwesterly right-of-way line of said Summitview Lane, an arc distance of 120.33 feet to a 5/8 inch iron rod found for corner;

THENCE South 44 degrees 28 minutes 18 seconds West, continuing along the northwesterly right-of-way line of said Summitview Lane, a distance of 17.04 feet to a 1/2 inch iron rod set for corner;

THENCE South 84 degrees 22 minutes 41 seconds West, continuing along the northwesterly right-of-way line of said Summitview Lane, a distance of 12.54 feet to the POINT OF BEGINNING and containing 11,243 square feet or 0.26 acres of computed land, more or less.

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FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

2005 JAN -3 AM 11:12

*Cynthia Figueroa Calhoun*



COUNTY CLERK  
DALLAS CO., TEXAS