

## DECLARATION OF RESTRICTIONS

This Declaration of Restrictions (this “Declaration”) is made to be effective as of the 10th day of November, 2020 by MC21A, LP, MC21B, LP and MC22C, LP, all of which are Texas limited partnerships (collectively, “Declarants”).

### RECITALS

WHEREAS, the City of McKinney, Texas (the “City”) has designated approximately 135 acres of land located in the Craig Ranch Subdivision as a corporate office park, the legal description of which land is attached hereto as Exhibit “A” (the “Corporate Office Park”); and

WHEREAS, on November 10, 2020, the City Council of the City of McKinney, Texas, rezoned a 62.169 acre tract of land located within the Corporate Office Park (the “Property”) in Zoning Case No.2020-0066Z (the “Zoning Case”); and,

WHEREAS, the Zoning Case divided the Property into seven tracts through a regulating plan (the “Regulating Plan”) attached hereto as Exhibit “B” and assigned permitted uses to each tract, all as more fully set forth in the Zoning Case to which reference is hereby made; and

WHEREAS, MC21A, LP, and MC21B, LP own the real property identified as Tract B on the Regulating Plan, the metes and bounds description for such Tract B being attached hereto as Exhibit “C” and incorporated herein for all purposes (“Tract B”); and

WHEREAS, MC22C, LP, owns the real property identified as Tract C on the Regulating Plan, the metes and bounds description for such Tract C being attached hereto as Exhibit “D” and incorporated herein for all purposes (“Tract C”); and

WHEREAS, the Zoning Case identified a linear park generally in the location shown on the Regulating Plan (the “Linear Park”) which is required to be constructed and conveyed to the City; and

WHEREAS, the Zoning Case permits Tract B and Tract C to be developed, separately or together, for multi-family use, as well as office use; and

WHEREAS, as a condition to permitting a multi-family use on Tract B and/or Tract C, the Declarants have agreed to impose these restrictive covenants (the “Restrictive Covenants”) on Tract B and Tract C to ensure that prior to, or contemporaneously with, the development of multi-family improvements on either Tract B or Tract C, the Linear Park is constructed and building permits for at least 120,000 gross square feet of office improvements to be constructed within the Corporate Office Park have been issued by the City; and

WHEREAS, the City is made a third-party beneficiary to this Declaration for purposes of enforcement and approval of any amendments or modifications hereto.

NOW, THEREFORE, Declarant herein declares that Tract B and Tract C are and shall be held, transferred, sold, conveyed and occupied subject to the restrictions set forth hereinafter.

1. **Requirements for Achieving a Certificate of Occupancy for Multi-Family Improvements.** Satisfaction of a. through c. set forth below shall be a condition to the issuance of a building permit or certificate of occupancy, as appropriate and set forth below, from the City for any multi-family improvements located on either Tract B or Tract C:
  - a. the Linear Park shall have been conveyed and constructed and all improvements therein shall have been installed in accordance with plans and specifications therefor approved by the City and an acknowledgment of completion and acceptance of the Linear Park shall have been issued by the Director of Parks for the City as a condition to the issuance of a certificate of occupancy;
  - b. the City shall have approved a site plan for at least 120,000 cumulative gross square feet of office space within the Corporate Office Park from and after the date of this Declaration before a building permit shall be issued for any multi-family units; and
  - c. the City shall have issued a building permit for at least 120,000 cumulative gross square feet of office space within the Corporate Office Park from and after the date of this Declaration before a certificate of occupancy shall be issued for any multi-family units.
  
2. **Automatic Termination of Restrictive Covenants.** Upon the completion conveyance, and acceptance of the Linear Park by the City and the issuance by the City of building permits for a minimum of 120,000 cumulative gross square feet of office buildings within the Corporate Office Park, the restrictions on the issuance of certificates of occupancy for multi-family units and improvements on Tract B and Tract C (the “Multi-Family Construction Restrictions”) shall automatically terminate. After meeting the Multi-Family Construction Restrictions and upon written request, the City shall provide a written confirmation in form required for recordation in the Real Property Records of Collin County, Texas, that the Multi-Family Construction Restrictions have terminated. Upon written request, the City shall provide a written confirmation in form required for recordation in the Real Property Records of Collin County, Texas, of the date of the issuance of the first certificate of occupancy for multi-family units on Tract B or Tract C.
  
3. **Miscellaneous.**
  - a. **Binding Effect.** The restrictions contained herein shall run with the land and bind Tract B and Tract C, and shall inure to the benefit of and be enforceable by the Declarant or City and their respective legal representatives, successors and assigns according to the terms hereof.
  - b. **Amendment.** This Declaration may be amended only pursuant to a written amendment executed by the Declarant and the City that is recorded in the Real Property Records of Collin County, Texas.
  - c. **Validity and Severability.** Violation or failure to comply with the restrictions shall not affect the validity of any mortgage, bona fide lien or other similar

security instrument which may then be existing as an encumbrance of any part Tract B or Tract C.

- d. Interpretation.** This Declaration and the provisions hereof shall be construed under and in accordance with the laws of the State of Texas. All exhibits attached hereto are incorporated herein by reference for all purposes.
- e. Scope of the Restrictions. THE RESTRICTIONS CONTAINED HEREIN SHALL APPLY ONLY TO TRACT B AND TRACT C NOTWITHSTANDING REFERENCES HEREIN TO OTHER PROPERTIES OR PORTIONS THEREOF.**

IN WITNESS WHEREOF, the parties hereto, being the Declarants hereof, have caused this instrument to be executed to be effective on the date first written above.

**MC21A, LP**, a Texas limited partnership

By: ROWLETT CREEK MANAGEMENT, LLC,  
a Texas limited liability company,  
its General Partner

By: \_\_\_\_\_  
David H. Craig, Managing Member

**MC21B, LP**, a Texas limited partnership

By: ROWLETT CREEK MANAGEMENT, LLC,  
a Texas limited liability company,  
its General Partner

By: \_\_\_\_\_  
David H. Craig, Managing Member

**MC22C, LP**, a Texas limited partnership

By: ROWLETT CREEK MANAGEMENT, LLC,  
a Texas limited liability company,  
its General Partner

By: \_\_\_\_\_  
David H. Craig, Managing Member

THE STATE OF TEXAS     §  
   §  
COUNTY OF COLLIN     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020, by DAVID H. CRAIG, Managing Member of ROWLETT CREEK MANAGEMENT, LLC, a Texas limited liability company, the general partner of MC21A, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.

\_\_\_\_\_  
Notary Public in and for the State of Texas

THE STATE OF TEXAS     §  
   §  
COUNTY OF COLLIN     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020, by DAVID H. CRAIG, Managing Member of ROWLETT CREEK MANAGEMENT, LLC, a Texas limited liability company, the general partner of MC21B, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.

\_\_\_\_\_  
Notary Public in and for the State of Texas

THE STATE OF TEXAS     §  
   §  
COUNTY OF COLLIN     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020, by DAVID H. CRAIG, Managing Member of ROWLETT CREEK MANAGEMENT, LLC, a Texas limited liability company, the general partner of MC22C, LP, a Texas limited partnership, on behalf of said limited liability company and limited partnership.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**EXHIBIT “A”**  
**Legal Description of Corporate Office Park Land**

FIELD NOTE DESCRIPTION

BEING a 137,199 acre tract of land situated in the Thomas Phillips Survey, Abstract No. 717, the William Holliday Survey, Abstract No. 385 and the John J. Driggins Survey, Abstract No. 274, in the City of McKinney, Collin County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the east line of Weiskopf Avenue (60' wide) with the northwest line of State Highway 121 (Sam Rayburn Tollway)(variable width);

THENCE along the east line of said Weiskopf, NORTH 23°40'35" WEST a distance of 44.69 feet to the beginning of a curve to the right having a radius of 220.00 feet and a chord bearing of North 12°05'45" West;

THENCE continuing with said east line with said curve to the right through a central angle of 23°09'40" for an arc length of 88.93 feet to a point for corner;

THENCE continuing with said east line, NORTH 00°30'55" WEST a distance of 186.37 feet to a point for corner;

THENCE departing the east line of said Weiskopf, SOUTH 66°24'46" WEST a distance of 473.56 feet to the southeast corner of Lot 1R, Block A of Shea Office Complex according to the plat recorded in Cabinet R, Page 83 of the Plat Records of Collin County Texas;

THENCE NORTH 21°10'55" WEST a distance of 377.42 feet to the northeast corner of said Lot 1R;

THENCE SOUTH 89°10'02" WEST a distance of 427.16 feet to the northwest corner of said Lot 1R and being located in the east line of TPC Drive (61' wide) and being in a curve to the right having a radius 2,849.00 feet and a chord bearing of North 02°17'51" West;

THENCE along the east line of said TPC Drive with said curve to the right through a central angle of 16°15'36" for an arc length of 808.51 feet to a point for corner;

THENCE continuing with said east line, NORTH 05°49'57" EAST a distance of 766.14 feet to a point for corner located in the southeast line of Van Tuy Parkway;

THENCE along the southeast line of said Van Tuy Parkway as follows:

NORTH 58°11'15" EAST a distance of 194.05 feet to a point for corner;

SOUTH 31°48'45" EAST a distance of 15.00 feet to a point for corner;

NORTH 58°11'15" EAST a distance of 72.00 feet to a point for corner;

NORTH 13°16'12" EAST a distance of 21.18 feet to a point for corner;

NORTH 58°11'15" EAST a distance of 1460.00 feet to a point for corner;

NORTH 31°48'45" WEST a distance of 150.60 feet to a point for corner;

NORTH 13°11'15" EAST a distance of 98.99 feet to a point for corner;

NORTH 58°11'15" EAST a distance of 601.30 feet to a point for corner;

NORTH 89°29'05" EAST a distance of 121.31 feet to a point for corner;

THENCE departing the south line of said Van Tuy Parkway, SOUTH 00°30'55" EAST a distance of 98.06 feet to the beginning of a curve to the left having a radius of 650.00 feet and a chord bearing of South 15°33'46" East;

THENCE along said curve to the left through a central angle of 30°05'41" for an arc length of 330.91 feet to a point for corner;

THENCE SOUTH 30°36'36" EAST a distance of 166.40 feet to the beginning of a curve to the right a radius of 565.00 feet and a chord bearing of South 15°47'05" East;

THENCE along said curve to the right through a central angle of 29°39'03" for an arc length of 291.36 feet to a point for corner;

THENCE SOUTH 00°57'33" EAST a distance of 445.75 feet to the beginning of a curve to the left having a radius of 637.15 feet and a chord bearing of South 15°41'03" East

THENCE with said curve to the left through a central angle of 29°26'41" for an arc length of 327.44 feet to a point for corner;

THENCE SOUTH 30°24'23" EAST a distance of 497.51 feet to a point for corner located in the center of a creek draw;

THENCE along the center of said creek draw as follows:

THENCE SOUTH 08°55'30" WEST a distance of 61.86 feet to a point for corner;

THENCE SOUTH 19°27'29" WEST a distance of 273.08 feet to a point for corner;

THENCE SOUTH 78°23'15" WEST a distance of 193.83 feet to a point for corner;

THENCE SOUTH 32°58'26" WEST a distance of 137.79 feet to a point for corner;

THENCE SOUTH 20°36'17" WEST a distance of 218.35 feet to a point for corner;

THENCE SOUTH 15°17'04" WEST a distance of 148.97 feet to a point for corner;

THENCE SOUTH 29°34'52" WEST a distance of 213.44 feet to a point for corner located in the northwest line of said State Highway 121 (Sam Rayburn Tollway);

THENCE along the northwest line of said State Highway 121, SOUTH 66°19'08" WEST a distance of 1175.82 feet to the POINT OF BEGINNING;

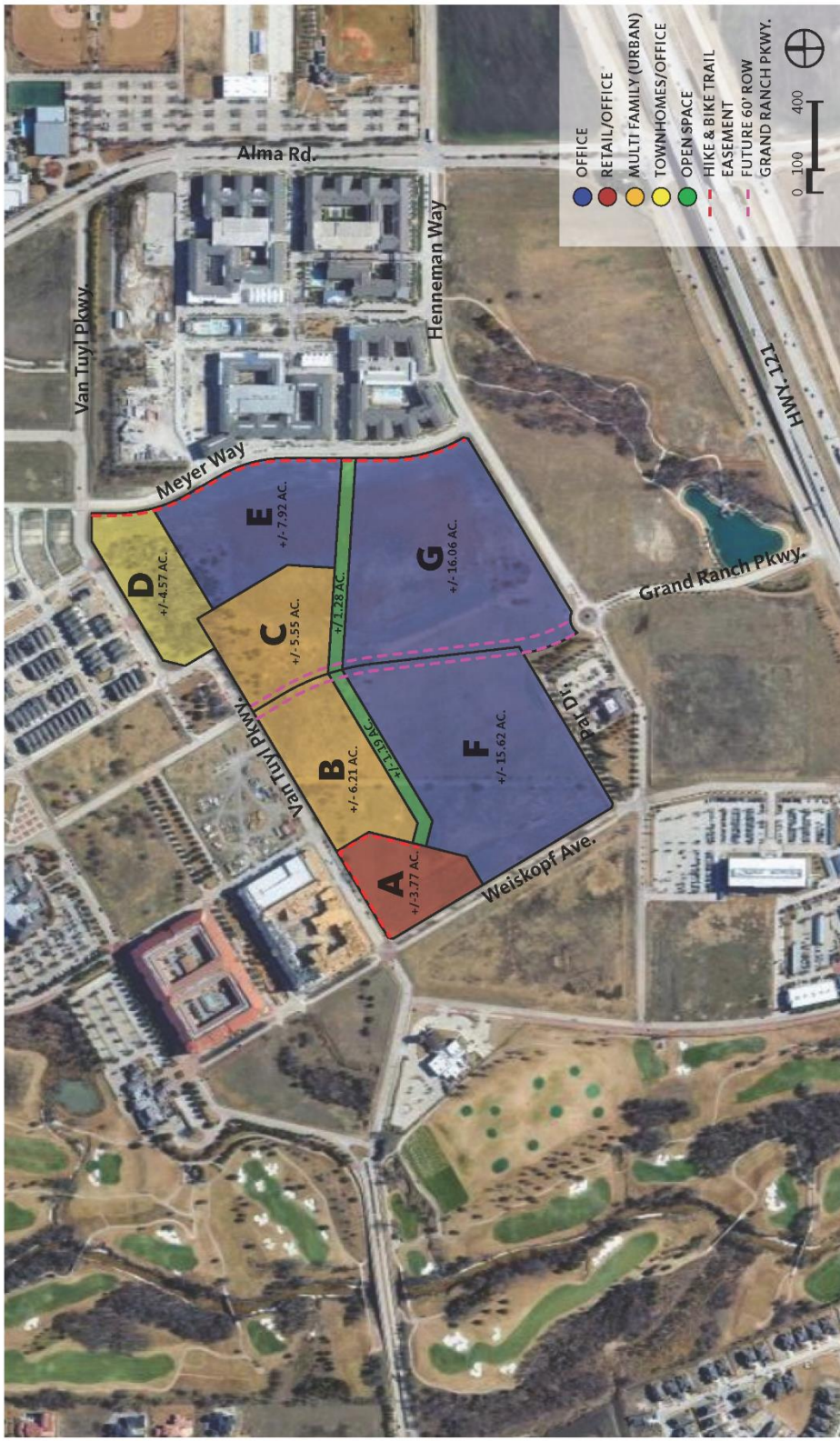
CONTAINING 137,199 acres or 5,976,400 square feet of land more or less SAVE & EXCEPT, 2.728 acres (118,729 Sq.Ft) consisting of the SHIMER ADDITION and OB-GYN WEST PARK ADDITION.

<b>MCKINNEY CORPORATE CENTER</b> BOUNDARY EXHIBIT	
MCKINNEY, TEXAS 75069 877-529-3131	
OWNER	ALCO BEYBOND GROUP, INC.
PREPARED BY	ALCO BEYBOND GROUP, INC.
DATE	08/15/2017
SCALE	AS SHOWN
PROJECT	ALCO BEYBOND GROUP, INC.
PLAT	ALCO BEYBOND GROUP, INC.
BOOK	ALCO BEYBOND GROUP, INC.
PAGE	ALCO BEYBOND GROUP, INC.
ALCO BEYBOND GROUP, INC. 11111 ALCO BEYBOND GROUP, INC. MCKINNEY, TEXAS 75069 877-529-3131	

**EXHIBIT “B”**  
**Regulating Plan**



**REGULATING PLAN**



McKinney, TX | October 8, 2020

Craig Ranch





**EXHIBIT "C"**  
**Tract B Legal Description**

**BLOCK B**

**FIELD NOTE DESCRIPTION**

**Being a 6.144** acre tract of land located in the W. Holiday Survey, Abstract Number 385, the John Driggers Survey, Abstract Number 274 and the T. Phillips Survey, Abstract Number 717, and being part of a 6.441 acre tract to MC21A, LP per Special Warranty Deed recorded in Inst. No. 20190627000750150, Official Public Records, Collin County, Texas and part of a 9.442 acre tract to MK21B, LP per Special Warranty Deed recorded in Inst. No. 2019028000752020, Official Public Records, Collin County, Texas and being more particularly described as follows:

*COMMENCING at a 5/8 inch iron rod found at the southerly corner of the cut-off line at the point of intersection of the south line of Van Tuyl Parkway (73' wide) with the easterly line of Weiskopf Avenue (60' wide);*

*THENCE along south line of said Van Tuyl Parkway, North 13°11'15" East a distance of 21.21 feet to a point for corner;*

*THENCE continuing along the south line of said Van Tuyl Parkway, North 58°11'15" East a distance of 434.64 feet to the **POINT OF BEGINNING**;*

**THENCE** continuing along the south line of said Van Tuyl Parkway, **NORTH 58°11'15" EAST** a distance of **703.45** feet to a 5/8 inch iron rod found for corner;

**THENCE** departing the south line of said Van Tuyl Parkway, **SOUTH 31°51'30" EAST** a distance of **143.72** feet to a 5/8 inch iron rod found for and being the beginning of a non-tangent curve to the right having a radius of 1000.06 feet and a chord bearing of **SOUTH 25°27'19" EAST**;

**THENCE** along said non-tangent curve to the right through a central angle of **12°42'47"** for an arc length of **221.90** feet to a ½" iron rod stamped "OWENS 5387" set for corner;

**THENCE SOUTH 58°11'15" WEST** a distance of **281.53** feet to a ½" iron rod stamped "OWENS 5387" set for corner;

**THENCE NORTH 31°48'45" WEST** a distance of **30.00** feet to a ½" iron rod stamped "OWENS 5387" set for corner;

**THENCE SOUTH 58°11'15" WEST** a distance of **90.00** feet to a ½" iron rod stamped "OWENS 5387" set for corner;

**THENCE SOUTH 31°48'45" EAST** a distance of **30.00** feet to a ½" iron rod stamped "OWENS 5387" set for corner;

**THENCE SOUTH 58°11'15" WEST** a distance of **381.88** feet to a ½" iron rod stamped "OWENS 5387" set for corner;

**THENCE NORTH 76°48'45" WEST** a distance of **89.38** feet to a ½" iron rod stamped "OWENS 5387" set for corner;

**THENCE NORTH 13°11'15" EAST** a distance of **194.55** feet to a ½" iron rod stamped "OWENS 5387" set for corner;

**THENCE NORTH 31°48'45" WEST** a distance of **163.04** feet to the **POINT OF BEGINNING**;

**CONTAINING** within these metes and bounds **6.144** acres or 267,624 square feet of land more or less.

**EXHIBIT “D”**  
**Tract C Legal Description**

**BLOCK C**  
**FIELD NOTE DESCRIPTION**

**Being a 5.491** acre tract of land located in the T. Phillips Survey, Abstract Number 717, and being part of a 13.783 acre tract to MC22C, LP per Special Warranty Deed recorded in Inst. No. 20190627000750900, and part of a 10.788 acre tract to MC22D, LP, per Special Warranty Deed recorded in Inst. No. 20190628000753050, Official Public Records, Collin County, Texas and being more particularly described as follows:

**BEGINNING** at a 5/8 inch iron rod found at the point of intersection of the south line of Van Tuyl Parkway (73’ wide) and being the northeast corner of a 9.442 acre tract of land to MK21B, LP per Special Warranty Deed recorded in Inst. No. 2019028000752020, Official Public Records, Collin County, Texas;

**THENCE** along the south line of said Van Tuyl Parkway, **NORTH 58°11’15” EAST** a passing distance of 321.91 for the southeast intersection of Millie Way (52’ wide) for a total distance of **469.95** feet to a ½ inch iron rod stamped “OWENS 5387” set for corner;

**THENCE SOUTH 31°48’45” EAST** a distance of **453.61** feet to a ½ inch iron rod stamped “OWENS 5387” set for corner and being located in the northwest line of said 10.788 acre tract;

**THENCE SOUTH 02°43’00” WEST** a distance of **205.40** feet to a ½ inch iron rod stamped “OWENS 5387” set for corner;

**THENCE NORTH 87°17’00” WEST** a distance of **179.53** feet to a ½ inch iron rod stamped “OWENS 5387” set for corner;

**THENCE NORTH 02°43’00” EAST** a distance of **30.00** feet to a ½ inch iron rod stamped “OWENS 5387” set for corner;

**THENCE NORTH 87°17’00” WEST** a distance of **90.00** feet to a ½ inch iron rod stamped “OWENS 5387” set for corner;

**THENCE SOUTH 02°43’00” WEST** a distance of **30.00** feet to a ½ inch iron rod stamped “OWENS 5387” set for corner and being located in the northeast line of said 9.442 acre tract of land;

**THENCE NORTH 87°32’51” WEST** a distance of **188.62** feet to a ½ inch iron rod stamped “OWENS 5387” set for corner and being the beginning of a non-tangent curve to the left with a radius of 1000.06 feet and a chord bearing of **NORTH 25°27’19” WEST**;

**THENCE** along said non-tangent curve to the left through a central angle of **12°42'47"** for an arch length of **221.90** feet to a 5/8 inch iron rod found for corner;

**THENCE NORTH 31°51'29" WEST** a distance of **143.77** feet to the **POINT OF BEGINNING**;

**CONTAINING** within these metes and bounds **5.491** acre or 239,169 square feet of land more or less.

