



TEXAS A&M UNIVERSITY RESEARCH PARK
Covenants and Restrictions

COVENANTS AND RESTRICTIONS
TABLE OF CONTENTS

	Page
ARTICLE I: PURPOSE AND APPLICATION	5
Section 1.10 Goal	5
ARTICLE II: RESEARCH PARK ARCHITECTURAL ADVISORY BOARD	5
Section 2.10 Function	5
Section 2.20 Board Membership	5
Section 2.30 Board Liability	5
ARTICLE III: REVIEW & APPROVAL PROCESS	6
Section 3.10 Required Plans	6
Section 3.11 Access	6
Section 3.20 Approval Process	6
Section 3.21 Concept Design Review	6
Section 3.22 Final Design Review	7
Section 3.23 Required File Documents	8
Section 3.30 Submittal Requirements	8
Section 3.40 Letter of Approval	9
Section 3.50 Timeliness of Board Action	9
Section 3.60 Clearing Approval	9
Section 3.70 Record Drawings	9
ARTICLE IV: VARIANCE	10
Section 4.10 Granting of Variances	10
ARTICLE V: ENFORCEMENT, DURATION AND AMENDMENT	10
Section 5.10 Enforcement	10
Section 5.20 Duration and Amendment	10
Section 5.30 Separability	10
ARTICLE VI: PERMITTED USES	11
Section 6.10 Intent	11
Section 6.20 Appropriate Park Facilities	11
ARTICLE VII: GENERAL SITE DEVELOPMENT	11
Section 7.10 Intent	11
Section 7.20 Total Lot Area	11
Section 7.30 Floor Area	12
Section 7.40 Maximum Building Area	12

Section 7.50	Maximum Impervious Lot Coverage	12
Section 7.51	Building Area Versus Lot Coverage	12
Section 7.60	Minimum Lot Size	12
Section 7.70	Setbacks	12
Section 7.71	Street Setbacks	12
Section 7.72	Side Setbacks	12
Section 7.73	Rear Setbacks	12
Section 7.74	Exceptions	13
Section 7.75	Easements	13
 ARTICLE VIII: LANDSCAPING AND GROUNDS MAINTENANCE		 13
Section 8.10	Intent	
	13	
Section 8.15	Landscape Plans	13
Section 8.20	Landscape Types	13
Section 8.21	Native Vegetation	13
Section 8.22	Introduced Landscape Elements	14
Section 8.30	Landscape Applications	15
Section 8.40	Irrigation	16
Section 8.50	Grading and Trenching	16
Section 8.60	Fencing	16
Section 8.70	Maintenance	16
Section 8.80	Miscellaneous	16
 ARTICLE IX: SITE GRADING AND DRAINAGE		 17
Section 9.10	Intent	17
Section 9.20	Effect of Adjacent Tracts	17
Section 9.21	Development of Watershed	17
Section 9.30	Storm Water Discharge	17
Section 9.40	Landscaped Areas	17
Section 9.50	Roof Drains	18
Section 9.60	Building and Floor Drains	18
Section 9.70	Storm Drains and Appurtenances	18
Section 9.80	Drainage During Construction	18
 ARTICLE X: SIGNAGE		 18
Section 10.10	Intent	18
Section 10.11	Definition	18
Section 10.20	Building Identification Signs	18
Section 10.30	Sign Location	19
Section 10.40	Sign Area	19
Section 10.50	Materials	19
Section 10.60	Internal Directional Signs	20
Section 10.70	Temporary Signs	20
Section 10.75	Directional and Public Information Signs	20
Section 10.80	Directional and Information Symbols	21
Section 10.85	Copy Wording	21
Section 10.95	Sign Review	21
 ARTICLE XI: PARKING, DRIVES, LOADING AND OUTDOOR STORAGE		 21

Section 11.10	Intent	21
Section 11.20	General Parking Requirements	21
Section 11.30	Drives	22
Section 11.40	Loading Facilities	22
Section 11.50	Outside Storage	22
ARTICLE XII:	EXTERIOR LIGHTING	23
Section 12.10	Intent	23
Section 12.20	Exterior Lighting Guidelines	23
ARTICLE XIII:	BUILDING DESIGN AND CONSTRUCTION	23
Section 13.10	Intent	23
Section 13.20	Materials	23
Section 13.30	Building Height	24
Section 13.40	Expansion	24
Section 13.50	Barrier Free Design	24
Section 13.60	Construction Criteria	24
Section 13.70	Latent or Concealed Conditions	24
ARTICLE XIV:	WATER, SEWERAGE AND SOLID WASTE	24
Section 14.10	Intent	24
Section 14.20	Location of Utility Lines	25
Section 14.30	Water Service	25
Section 14.40	Wastewater Disposal	25
Section 14.50	Solid Waste	27
Section 14.60	Natural Gas Service	27
ARTICLE XV:	ELECTRICITY, TELECOMMUNICATIONS AND SECURITY SYSTEMS	27
Section 15.10	Electric Service	27
Section 15.20	Security Systems	29
Section 15.30	Telecommunication	29
ARTICLE XVI:	ENVIRONMENTAL AND OTHER EXTERNALITIES	30
Section 16.10	Electromagnetic Emissions	30
Section 16.20	Nuisance Factors and Hazards	30
ATTACHMENT I:	REQUIRED LETTERS AND DOCUMENTS	31
ATTACHMENT II:	LANDSCAPE STANDARDS (October 2002)(separate document)	

**COVENANTS AND RESTRICTIONS
TEXAS A&M UNIVERSITY RESEARCH PARK**

**ARTICLE I
PURPOSE AND APPLICATION**

Section 1.10: Goal. The goal of the Texas A&M University Research Park "Covenants and Restrictions" is to produce a high quality and aesthetically pleasing development that complements the site's natural beauty. The following will help preserve and enhance an environment pleasing to occupants, visitors, and neighbors. These Covenants and the attached Landscape Standards (October 2002) are binding on all lessees, tenants and owners of buildings within the confines of the Texas A&M University Research Park, hereafter referred to as the "Research Park" or the "Park".

**ARTICLE II
RESEARCH PARK ARCHITECTURAL ADVISORY BOARD**

Section 2.10: Function. The function of the Research Park Architectural Advisory Board (The Board) is to exercise control over the development of the Research Park in terms of its aesthetic qualities and to maintain its conceptual integrity. The Board's purpose is to review all site layout and architectural presentations and approve or disapprove the proposal.

Section 2.20: Board Membership. The Board shall consist of:

1. Director, Texas A&M University Research Park, TAMU
(Serves as Board Chairperson)
2. Executive Vice President & Provost, Academic Affairs, TAMU
3. Vice President for Research, Office of the Vice President for Research, TAMU
4. Vice President, Division of Administration, TAMU
5. Manager, Facilities Planning Division, TAMUS
6. Assistant Vice Chancellor, Facilities Planning & Construction, TAMUS
7. Director, Environmental Health and Safety, TAMU
8. System Mechanical Engineer, Facilities Planning Division, TAMUS
9. Associate Director, Physical Plant, TAMU
10. Assistant Vice President, Physical Plant, TAMU
11. System Electrical Engineer, Facilities Planning Division, TAMUS

Section 2.30: Board Liability. Neither the Texas A&M University System Board of Regents, Chancellor, Park Director, Research Park Architectural Advisory Board, nor any member, employee or agent thereof is liable to any owner

or tenant or to anyone submitting plans for approval, or to any other party by reason of mistake in judgment, negligence, or non-feasance, arising out of or in connection with the approval, disapproval or failure to approve any such plans or for any other action in connection with its or their duties. Anyone submitting plans to the Board for approval, and/or any person who becomes an owner or tenant, agrees he/she will not bring any action or suit to recover any damages against the Board, or any member, employee or agent of this Board.

ARTICLE III REVIEW & APPROVAL PROCESS

- Section 3.10: Required Plans. All plans, specifications and requests for authority to remodel or alter the exterior of the building or otherwise change the leasehold, must be submitted in writing to the Board for review and approval. No building, sign, landscaping, lighting or other exterior improvements will be altered, placed or erected on any building site without such prior written approval from the Board.
- Section 3.11: Access. The Park Director or designee has full access to all buildings and sites during all phases of construction.
- Section 3.20: Approval Process. Approval will be based upon conformity and harmony of external design with neighboring structures, effect of location and use of improvements on neighboring sites; orientation of main elevations with respect to nearby streets; and conformity of plans and specifications to the intent of these covenants. Improvements or alterations of any site will not commence prior to compliance with review process. (See sections 3.21 and 3.22).
- Section 3.21: Concept Design Review. The objective of this section is to ensure careful site planning with regard to location and size of building, parking, open space and access. The concept design must be approved by the Board in writing prior to beginning the final design. Concept design must include the following:
1. Site plan information such as utility locations and connections, drainage, service areas, outdoor storage, trash receptacle, mechanical and electrical equipment. Other activity or equipment must be designated which would alter the natural site, including aesthetic screening of storage, trash, and equipment areas.
 2. Building elevations, floor plans, and sections.
 3. Building materials, parking, and open space.

4. Landscaping, signage, and lighting.
5. Construction staging.
6. Identification of any wastewater pretreatment requirements. (See section 14:40).
7. Any out of the ordinary use (i.e. oversized water pumps).

Section 3.22: Final Design Review. Submission will include, but is not limited to, the following:

1. A topographical and boundary map showing contour grades (with 1 foot intervals), the species, location and size of (measured 12 inches above ground) all existing trees greater than 6 inch caliper and the location of all improvements, such as signs, structures, walks, patios, driveways, fences and walls. Existing and finished grades must be shown at parcel corners and for proposed improvements. Lot drainage provisions will be included (special emphasis must be paid to drainage from adjoining non-improved lots), as well as cut and fill details, if any appreciable change in contours is contemplated.
2. Exterior elevations, including screening.
3. Exterior materials, colors, textures and shapes.
4. Landscaping plan, including proposed clearing, walkways, fences, walls, elevation changes, irrigation systems, vegetation, and ground cover.
5. Parking area, driveway plan, and expected traffic impact.
6. Screening, including size, location and method.
7. Utility routing, connection points, and power requirements. All utility routing will be underground unless prior approval is given. Proposed utility routing will be shown on drawing(s). Examples of routings are: Electrical, Water, Special Needs, Lighting, Natural Gas, Telecom, Grounding, Security, Cable TV, and Satellite. All exterior connection points to utilities will be shown on drawing(s). The main cutoffs for electrical power and water will be shown on drawing(s). Power requirements will include the following information: Single phase requirements, three phase power requirements, critical Loads, UPS requirements, emergency needs, and lighting requirements.

8. Exterior illumination, including location, manufacturer's fixture number, and supporting photometric test data.
9. Fire protection system as required by National Fire Protection Association (NFPA) Codes.
10. Signs, including copy, size, shape, color, typeface, location, illumination and materials. Also, elevation and plan view drawings indicating relationship to all other visual elements within 50 feet of the sign.
11. Trash container storage locations and related screening.
12. Proposed use and estimated building occupant load.
13. Clearing plan and tree protection plan, plus measures for environmental protection during construction.
14. Drainage runoff quantities for ten-year frequency.
15. Property line with bearings based on the Texas Plane Coordinate System.
16. Coordinates for at least two opposite property corners based on the Texas Plane Coordinate System.
17. Building setback lines.
18. Location of all easements.
19. All adjacent streets and relationship to contiguous sites.
20. Utility demands - electricity, domestic water and sanitary sewer. Utility demands will be for proposed consumption and any future demands. If any anticipated upgrades or increases are anticipated, they should be identified.

Section 3.23: Required File Documents. Two copies of all construction documents must be filed with the Park Director prior to commencing construction.

Section 3.30: Submittal Requirements. **Seven sets** of all documents will be included in each submission for review. All buildings must be designed by a registered architect and all landscape plans by a registered landscape architect. The architect(s), assisted by registered engineers, are solely

responsible for the safety, structural, mechanical, electrical and other systems in the improvements. The Board does not approve these elements.

The Texas registration seal of appropriate architect, engineer and/or landscape architect must appear on all documents. The architect must also submit a statement over his/her signature stating all contract documents have been prepared in accordance with all applicable codes, ordinances, and regulations related to the project.

Compliance with current codes:

1. National Fire Codes, National Fire Protection Association (including but not limited to NFPA101, NFPA70).
2. IBC (latest edition) (for all items not covered in Life Safety Code NFPA-101).
3. IBC Plumbing Code (latest edition).
4. IBC Energy Code (latest edition) or Energy Conservation Design Standard for New State Buildings. (If Required)
5. American Disabilities Act (ADA) and Texas Accessibility Standards (TAS).
6. National Electrical Code (latest edition).

Local city codes are not applicable to construction on State of Texas property, which includes all property owned by The Texas A&M University System.

Section 3.40: Letter of Approval. Upon final design approval, the Park Director will issue a letter advising all concerned agencies of the acceptance of the construction plans and specifications. No construction activities are to commence without this letter.

Section 3.50: Timeliness of Board Action. The Board shall approve or disapprove the plans and specifications within 30 days of submittal.

Section 3.60: Clearing Approval. A clearing plan or site demolition plan clearly indicating all existing site features to be removed must be submitted as part of the final design review documents for approval.

Section 3.70: Record Drawings. Tenant must ensure the drawings are revised upon completion of the work to show changes in the construction indicated by the Contractor on the "Record Prints" kept at the project's site. The tenant will deliver to the Park Director the original or reproducible film positive copies, corrected to be "Record Drawings" made from the Contractor's "Record Prints" and one additional set of reproducible film positive copies

of these drawings and one (1) set of specifications. Paper sepia is not acceptable. Provide one copy of all drawings in Microstation "DGN" or Autocad "DWG" digital format.

ARTICLE IV
VARIANCES

Section 4.10: Granting of Variances. In those instances where strict compliance with specific covenants would create an undue hardship by depriving the owner or lessee the reasonable use of their site or where there are unusual characteristics which affect the property or use in question and which would make strict compliance with these covenants unfeasible, the Park Director may grant the owner or lessee a one time variance from these covenants as long as the general purposes of the covenants are maintained. Any variance granted from the provisions of these covenants shall be applicable only to the specific site and conditions for which the variance was granted and will in no respect constitute a change in or effect the terms or conditions set out in the standards as same apply to other sites or conditions.

ARTICLE V
ENFORCEMENT, DURATION AND AMENDMENT

Section 5.10: Enforcement. These conditions, covenants, restrictions and reservations run with the land and are to be binding upon and inure to the benefit of the Research Park and its lessees. The Park Director shall enforce these conditions, covenants, restrictions and reservations. Violation of any of these provisions gives the Board of Regents, by and through the Park Director, the right to take appropriate corrective action against the party or parties violating or attempting to violate any of these provisions to cause any such violation to be remedied, and/or to recover damages resulting from such violation.

In any legal or equitable proceeding by Park to enforce these provisions or to enjoin their violation, the tenant or tenants shall pay all attorneys' fees in such amount as may be fixed by the court in such proceeding.

Section 5.20: Duration and Amendment. These Covenants may be amended from time to time or terminated by an instrument executed and acknowledged by the Park Director for and on behalf of Texas A&M University. Amendments made pursuant to this section will inure to the benefit of and be binding upon Texas A&M University and building owners or their respective successors and assigns.

Section 5.30: Separability. In the event any of these covenants are invalidated by judgment or court order, all of the remaining provisions remain in full force and effect and will not be affected.

ARTICLE VI
PERMITTED USES

Section 6.10: Intent. It is the intent of the provisions of this article to guide in establishment of a park in which research facilities, pilot plants and prototype production facilities, requiring a high degree of scientific input are permitted.

Section 6.20: Appropriate Park Facilities. The following are permitted to locate within the Research Park:

1. Laboratories, offices, and other facilities for research, basic and applied, and consulting, conducted by or for any individual, organization or concern, whether public or private.
2. Product manufacture or assembly is limited to prototype development or to the assembly of high technology products that are clearly related to the on-site research and development activities of the tenant. Tenants exclusively engaged in manufacturing or assembly will not be permitted to occupy space in the Park.
3. Pilot plants in which processes planned for use in production elsewhere can be tested.
4. Professional services and select uses incidental to and in support of any uses permitted in paragraphs 1 through 3, such as conference centers, food services, banking facilities, **personal** services, post office, communication centers, day care centers, training institutes, and supply and storage facilities, etc.
5. Operations required to maintain or support any use permitted in paragraphs 1 through 3 on the same tract as the permitted use, such as maintenance shops, parking garages, keeping of animals, machine shops, and communications or computer facilities.
6. Recreation facilities predominantly for Park tenant use.

ARTICLE VII
GENERAL SITE DEVELOPMENT

Section 7.10: Intent. It is the intent of the provisions in this article to develop a Park with a relatively low building density within a spacious park-like setting.

Section 7.20: Total Lot Area. Total gross square feet of tenant site within lot lease boundaries.

Section 7.30: Floor Area. The aggregate gross square feet of floor space located entirely within a major building and/or accessory building.

Section 7.40: Maximum Building Area. The total aggregate gross floor area of all buildings and/or accessory buildings shall not exceed 50 percent of the total lot area.

Section 7.50: Maximum Impervious Lot Coverage. The total impervious area of all building footprints, parking and driveways cannot exceed 60 percent of the total lot area.

Section 7.51: Building Area Versus Lot Coverage. The most restrictive of: the maximum building area or the maximum impervious lot coverage takes precedence.

Section 7.60: Minimum Lot Size. The minimum lot size is three acres.

Section 7.70: Setbacks. The minimum setback lines from highways, public street property lines and interior property lines are described in section 7.71. Unless otherwise specified, no structure of any kind and no part thereof, or any paving area except access drives and sidewalks will be placed within these setback lines. Dimensions are from the legal lot line. All setbacks apply to both structure and paving (except access driveway) unless otherwise noted.

Section 7.71: Street Setbacks. (Minimum ROW-Right of Way)

Research Parkway	50' from ROW Both Sides
Technology Loop	50' from ROW Both Sides
Enterprise Drive	50' from ROW Both Sides
Mariner Drive	50' from ROW Both Sides
Discovery Drive	50' from ROW Both Sides

Section 7.72: Side Setbacks. All side setbacks must be 30 feet for any structure and for any paving, except:

1. When the side lot line is adjacent to the Texas A&M University Research Park boundary line, the setback is 50 feet.

Section 7.73: Rear Setbacks. All interior setbacks are 30 feet for any structure except:

1. When the rear lot line is adjacent to the Texas A&M University Research Park boundary line, the setback is 50 feet.

Section 7.74: Exceptions. The following improvements are permitted within the setbacks:

1. Steps, walks and driveway access to site.
2. Landscaping, including landscaped earthen berms.
3. Illumination (not including floodlights for buildings).
4. **Building signage**. (As provided in Article X).

Section 7.75: Easements. For the purpose of utility placement and repair, the setbacks as listed constitute utility easements.

ARTICLE VIII LANDSCAPING AND GROUNDS MAINTENANCE

Section 8.10: Intent. It is the intent of this article to recognize, utilize and supplement the existing landscape resources by retaining the character of the native woodlands and oak meadow. It is the further intent to provide a landscape image of continuity and diversity by providing color and textural variety.

Section 8.15: Landscape Plans. Detailed landscape and irrigation plans, prepared by a registered landscape architect, must be submitted to and approved by the Board prior to issuance of a letter of approval. Such improvements must be installed prior to issuance of a certificate of use and occupancy.

Section 8.20: Landscape Types. The landscape in the Park is divided into two major categories: "Native Vegetation" and "Introduced Landscape Elements".

"Native Vegetation" is comprised of two subcategories: Woodland Ravines: Mixed hardwoods and midgrowth, Oak/Meadow: Post oaks, grasses, and wildflowers.

"Introduced Landscape Elements" includes all plant materials and earthforms, which are introduced to the Park.

Section 8.21: Native Vegetation. The following landscape treatments must be applied to the various existing types of landscape:

1. Heavily Wooded. All elements remain in their natural state creating a continuous landscape screen/barrier from ground to canopy. This type of vegetation can be used as an effective screen and must remain in all undeveloped areas.

2. Moderately Wooded. Where the midgrowth of the native woods is of poor quality, selective removal of midgrowth and careful pruning of canopy allows visual penetration through the natural vegetation.
3. Native Vegetation Preservation. It is understood that some clearing will occur for development construction purposes; however, the layout of building types and settings shall minimize the need for clearing.

Wherever possible, the native vegetation should be preserved in groves rather than in linear forms. Adequate buffer strips must be applied during construction to prevent damage to all trees. Buffers must be a minimum of 15 feet and identified by a temporary fence to prohibit encroachment of building construction activities. Buffers may be deleted to accommodate paving only after completion of all building construction activities. See the "Landscape Standards (October 2002)" for additional tree protection requirements.

Modification to soil make-up, drainage or root structure of preserved native vegetation must be avoided.

4. Transition Zone. Where introduced landscape elements meet the woodland ravine or oak/meadow, a sensitive transition zone of sufficient size must occur.

Section 8.22: Introduced Landscape Elements. All open, unpaved space, including but not limited to front, side and rear setback areas, will be planted and landscaped according to a plan approved in writing by the Board. Landscaping in accordance with the approved plans must be installed prior to the occupancy of a building. New vegetation and physical development may include:

1. Landscaped Earthen Berms. Earthen Berms can be used as an effective screening element where the native vegetation is not of sufficient density to provide adequate screening. Berms must be landscaped and contoured for a natural look with varying slopes and heights--Maximum slope is 6:1, desired slopes are 12:1 and greater. Access to utility lines will be preserved in the design and construction of the berms.
2. Trees. Newly planted trees can either be of native variety to blend with the existing vegetation system or of an introduced, decorative variety. To ensure the health of newly planted trees, a detailed

outline of planting specifications and types of permitted plants can be found in the "Landscape Standards (October 2002)".

3. Ground Cover. All sites must contain ground cover consisting of adaptive grasses, wildflowers, and/or other plant material listed in the "Landscape Standards (October 2002)".
4. Sidewalks. Sidewalks will be used to interconnect to the Park sidewalk system and as much as possible to adjoining occupied tenant sites to create an interior sidewalk network.

Section 8.30: Landscape Applications. The following additional design principles shall guide landscaping:

Within Setback. Generally, within all required setback areas the native vegetative character is to be preserved as follows:

1. Heavily Wooded. To remain on all undeveloped property to be used to screen objectionable uses from view.
2. Moderately Wooded. Removal of midgrowth and pruning of canopy trees may occur where views to the site or identification graphics are desired.
3. Damaged Native Vegetation. Where the native vegetation is damaged or of poor quality and immediate screening is required, landscaped earthen berms with decorative trees and ground cover may be substituted for the native woods. In all other cases where native vegetation is damaged due to development, or is of poor quality, it must be replaced using new, healthy plantings of the same variety or those found in the "Landscape Standards (October 2002)".
4. Planting Setbacks. Planting within the setbacks must comply with a landscape plan approved by the Board.
5. Within Street ROW/Setback. The transition from the plantings within setback areas to the planting within a public streets ROW must be carefully designed to interface harmoniously.
6. Within Parking Areas. All required medians and islands within parking areas are to be planted with ground covers, shrubs, grasses and trees from the "Landscape Standards (October 2002)" list of approved plants.

7. Within Drainage Easement. The native vegetation is to be preserved within all drainage easements except that portion of the channel to be used for water conveyance wherein all vegetation will be removed if it obstructs or retards the desired flow of water. Adequate ground cover plantings to prevent soil erosion must be used to supplement native vegetation.

Section 8.40: Irrigation. All landscaped areas must be irrigated as specified in the "Landscape Standards (October 2002)".

1. Site Irrigation. Individual sites will coordinate their irrigation schedule and pattern to complement the Park's Irrigation System. This coordination will be through the Texas A&M University Physical Plant, Landscape Maintenance Foreman. Each building site will maintain and control its own irrigation system.
2. Irrigation Expense. Installation and maintenance of all irrigation components on the tenant sites and associated street frontages will be paid by the individual tenants.
3. Backflow Prevention. Tenant must install a backflow prevention device approved by the Board within the tenant property line.

Section 8.50: Grading and Trenching.

Near Existing Trees. No cutting, filling or trenching will occur within the drip line of any existing trees. Existing trees must be protected from construction activities as specified in the "Landscape Standards (October 2002)". Landscape features will be returned to original conditions after construction.

Landscape Areas. Site grading will comply with Article IX.

Section 8.60: Fencing. The placement of all fences and the design and materials utilized are subject to the approval of the Park Director. At no time will a tenant use an open mesh chain link fence. Where fencing attaches to a building, it will be of compatible material.

Section 8.70: Maintenance. All landscaping must be maintained with the overall intent of the Covenants & Restrictions to be an aesthetically pleasing park-like setting. Periodic inspections will be made by the Park Director and reports submitted to tenant regarding the condition of maintenance. If suggestions for improvements are made which are in the realm of the maintenance standards, the tenant will correct the work within 10 business days of receipt of the report.

Section 8.80: Miscellaneous. Leased property held for future development must be properly maintained by the tenant.

Park tenants are encouraged to preserve specimen trees and seldom found plants.

Procedures during construction related to protecting the environment will be as outlined in the "Landscape Standards (October 2002)".

ARTICLE IX SITE GRADING AND DRAINAGE

Section 9.10: Intent. It is the intent of this article to establish controls for the grading and drainage of lots within the Park for the mutual benefit of the Park and individual tenants. In general, site grading must be kept to a minimum. Drainage must be designed to minimize erosion and any adverse effects on the environment.

Section 9.20: Effect on Adjacent Tracts. Each lot must be drained without runoff draining onto another lot. All runoff must drain into the Park storm water system by methods specified in subsequent sections of this article.

Section 9.21: Development of Watershed. During design each tenant must take into consideration and compensate for ultimate development of the watershed upstream of proposed development to ensure proper drainage is maintained. Upstream runoff must be calculated in accordance with Texas Highway Department Standards and storm lines sized to carry the calculated flow.

Section 9.30: Storm Water Discharge. Storm water must be collected on-site into tenant's underground storm drain system and discharged into the Park storm water system by one of the following methods:

1. By connection of a storm drain to the back of a curbside storm sewer inlet or to a storm sewer stub-out. All such connections will be at points acceptable to the Board.
2. By construction of an approved outfall pipe to an existing ravine in the Park. Requests for permission to construct such outfall pipes will be submitted in writing to the Board as part of the concept design and address the aesthetic and environmental aspects of the outfall as well as engineering and construction information.

- Section 9.40: Landscaped Areas. Landscaped areas adjacent to Park streets or existing ravines may drain by sheet flow to the adjacent street or ravine.
- Section 9.50: Roof Drains. All structures must be equipped with interior roof drains and downspouts. Downspouts will be connected to the underground storm drain system via underground pipes. No downspout water is permitted to be deposited onto landscaped areas or open ditches.
- Section 9.60: Building and Floor Drains. Building and floor drains may not be connected to the underground storm drain system. Such drains must be connected by underground piping to the sanitary sewer within the lot boundaries.
- Section 9.70: Storm Drains and Appurtenances. All elements of the underground storm drainage system will be designed and constructed in accordance with established design criteria, materials and construction standards.

If other than automobile parking is required on site, the Board reserves the right to require appropriate oil and grease traps. Traps will be built, maintained and emptied at tenant expense.

- Section 9.80: Drainage During Construction. Tenants must take special care to minimize the adverse effects of construction on adjacent tenant sites and on Park streets and ravines. Specifically, tenants will take action to prevent sedimentation of adjacent ravines and must promptly remove sedimentation and clean up any mud or other debris or residue deposited on Park grounds or streets during construction. The tenant and his agents will comply with designated points and routes of access and egress used during construction as identified on construction documents to minimize adverse effects on property and adjacent tenant sites.

ARTICLE X SIGNAGE

- Section 10.10: Intent. The provisions of this article are to encourage attractive signage, lighting and visual media that aid in the orientation and/or identification of uses and activities. These provisions further intend to enhance a park-like environment by controlling the number, placement and size of signs while allowing design flexibility.
- Section 10.11: Definition. A sign is defined as lettering, symbols or other graphic display used to identify or advertise an event, location or business. This includes the supporting structure and devices used to display the sign.

Section 10.20: Building Identification Signs. Each site may have one identification sign, oriented to each street on which the premises has frontage identifying the building as a whole and/or its predominant use. Any lot with a street frontage in excess of 1,000 feet may have two signs oriented to such street.

For all buildings, the street address (number only) must be legible from the street on which its address is based.

No signs will be positioned so as to be primarily viewed from Raymond Stotzer Boulevard.

Section 10.30: Sign Location. Building identification signs may be attached to the building or ground mounted with the following restrictions:

1. Building-mounted. Installed parallel to and contiguous with the building wall and not project more than 12 inches from the wall surface. No sign can project above the building roofline.
2. Ground-mounted. Ground-mounted signs must be set back from the front lot line a minimum distance of 20 feet and be no less than 150 feet from major street intersections. Ground-mounted signs must be anchored to ensure it maintains structural integrity.
3. Location. Location of ground-mounted signs must be sensitive to and compatible with the landscape system within the Park.

Section 10.40: Sign Area. Identification signs will have a maximum area of 64 square feet.

Maximum height of ground-mounted signs is five feet from the natural ground plane on which it is mounted.

If a graphic is enclosed by a box or outline, or if the background differs from the wall on which it is mounted, the total area of the graphic, including the background is counted as the allowable area.

If a graphic consists of individual letters, the area of the letters contained by a simple geometric outline is counted as the allowable area.

Section 10.50: Materials.

Illumination: Signs must be illuminated by a steady, stationary, shielded light source, directed solely at the sign or internal to it, without causing glare for motorists, pedestrians or neighboring premises. Illuminated

signs, including neon signs, may produce up to one foot-candle of illumination four feet from the sign.

Prohibited Devices: No sign can move, make noise, employ blinking, flashing, or strobe lights or exposed fluorescent lamps.

Colored lights and illuminated signs employing the same colors used in traffic signal lights are prohibited within 500 feet of any intersection.

Any imitation of official traffic signs or signals is prohibited.

Section 10.60: Internal Directional Signs. Directional signs indicating loading or delivery areas, employment office, various building entries, parking lots, etc., will not exceed eight square feet in size nor employ lettering larger than eight inches in height. The design of these signs must comply with the "Landscape Standards" (October 2002).

Section 10.70: Temporary Signs. During construction one eight foot by eight foot, unlighted sign is permitted. It will contain the name of the project, a short description, owner, contractor, architect, engineer, financing information and completion date. (See the "Landscape Standards (October 2002)" for detailed guidelines.)

Temporary signs must be removed within 14 business days after substantial completion as determined by the Park Director.

No vegetation may be disturbed or removed solely for display of any sign or signs.

For Lease Signs. Each building may have one "For Lease" sign of the same dimensions as the "Temporary" sign. It may remain in place until the building is 80 percent leased.

Section 10.75: Directional and Public Information Signs. Graphic continuity for displaying public information will be achieved by:

1. Use of the Texas A&M University Research Park logotype on all temporary signs.
2. Use of consistent project typeface, symbol and color system for directional signs. (See "Landscape Standards" (October 2002)).
3. Minimizing the amount of copy wording.

4. Minimizing visual clutter by integrating signage with landscape, lighting and other site elements.

Section 10.80: Directional and Information Symbols. The graphics/signage systems must incorporate graphic representations from the Department of Transportation's study, Symbol Signs 2, prepared by the Institute of Graphic Arts in 1979. Traffic control signs will conform to Texas State Highway Department Standards.

Section 10.85: Copy Wording. To minimize confusion of messages, certain copy wording has been standardized. (See "Landscape Standards" (October 2002)).

Section 10.95: Sign Review. All signs must be approved by the Board prior to construction in accordance with the provisions of Article III.

ARTICLE XI PARKING, DRIVES, LOADING AND OUTDOOR STORAGE

Section 11.10: Intent. The intent of this article is to provide guidelines for the management of the flow of vehicular traffic in a manner that maintains natural area aesthetics and the safety of the park tenants.

Section 11.20: General Parking Requirements. Parking will not be permitted on any public street or access drive.

All parking areas and driveways must be paved with Portland cement concrete and have appropriate bumper guards where needed and, except for driveways and other entrances, be visually screened from view from the main Park roads. (See "Landscape Standards" (October 2002)).

Parking will not be located within any required setback.

All parking areas and driveways must have Portland cement concrete curbing.

Tenant's parking requirements are based on the standard of 3.8 parking spaces per 1000 gross square feet of building. The Research Park Architectural Advisory Board may grant variances to these parking standards if the tenant can demonstrate the need for fewer parking spaces than required. If a variance is granted on parking space requirements, space will be identified on the final design plan showing space reserved to meet full parking requirement.

All parking areas will be designed and landscaped to include a 15 foot minimum width landscaping median running the length of the aisle for every three contiguous double-loaded parking aisles and a ten foot minimum width landscaped island space for every 20 parking spaces. Parking area aisles will not normally exceed 40 cars in a row.

Section 11.30: Drives. No driveway approach is permitted within 100 feet (curb to curb) of a street intersection.

One curb cut may be allowed for every 150 feet of street pavement frontage, but located no closer than 120 feet from an adjacent curb cut. A minimum number of curb cuts is encouraged and all curb cuts are subject to Park Director written approval.

Driveway width is a minimum of 22 feet and a maximum of 30 feet with a minimum curb turn radius of 30 feet.

Access drives may cross building setback areas; however, drives may not transverse parallel to setback areas.

Landscape treatment and ground mounted signs at driveway and street intersections will not interfere with traffic safety sight lines.

Section 11.40: Loading Facilities. Loading docks and other loading facilities will not be permitted to face any street. Provisions must be made for handling all freight on those sides of a building, which do not face a street. Written exceptions concerning the placement of freight facilities may be permitted by the Board in those cases where two or more sides of a building site face a street. All loading docks and garbage collection facilities must be screened from public view in a manner approved by the Board.

Section 11.50: Outside Storage. No park tenant has the right to keep articles, goods, materials, incinerators, trash bins, storage tanks or like equipment in the open, exposed to public view or in view from adjacent buildings, except at locations, to the extent and in the manner approved by the Park Director. If it is necessary to store or keep such materials or equipment in the open, such items must be screened from view in a manner approved by the Park Director. Screening must be to a height at least equal to that of the materials or equipment being stored but in no event less than six feet in height and this screening must fully shield the materials and equipment from both public view and view from adjacent buildings.

All storage is limited to the rear two-thirds of any building site and under no circumstances may any material or equipment be stored within 50 feet of

any street, except at locations, to the extent and in the manner approved by the Park Director.

ARTICLE XII
EXTERIOR LIGHTING

Section 12.10: Intent. It is the intent of the following provision to ensure Park tenants provide exterior lighting for the safety of Park users and to compliment the natural setting and man-made improvements in the Park.

Section 12.20: Exterior Lighting Guidelines. Exterior lighting will be provided to meet the following guidelines:

1. All exterior wiring, including but not limited to driveway, walkway, area, parking and decorative lighting must be underground.
2. All light fixtures will be oriented so the glare directed onto the adjacent properties and streets is minimized.
3. Light standards are restricted to a maximum height of 40 feet.
4. All lighting installations must conform to the latest edition of the National Fire Protection Association Electrical Code.
5. Each tenant will maintain all light fixtures in proper operating condition.
6. Parking and driveway lights must be of a style and color consistent with that specified in the "Landscape Standards (October 2002)".

ARTICLE XIII
BUILDING DESIGN AND CONSTRUCTION

Section 13.10: Intent. The intent of this article is to produce an orderly and aesthetically pleasing environment that is compatible with the natural aspects of the Park, as well as the existing University facilities on the West Campus. The aesthetic appearance of the exterior of the buildings and other structures is of paramount concern to the Board; therefore, building design will weigh heavily in the Board's decision to either accept or reject a proposed design. Innovative architectural designs that harmonize with the environment and express individuality are encouraged.

Section 13.20: Materials. Durable materials such as masonry are preferred for all structures. Innovative quality materials are encouraged, however, such use is subject to Board approval.

- Section 13.30: Building Height. All structures are limited to a height of six stories or 78 feet whichever is less.
- Section 13.40: Expansion. All controls delineated in these covenants refer to ultimate development of any site. All site plans must identify initial and ultimate improvements including buildings, paving, grading, landscaping and signage.
- Section 13.50: Barrier Free Design. All site improvements must be fully accessible to the handicapped in accordance with Texas Accessibility Standards (TAS), Texas Department of Licensing and Regulation, Architectural Barriers Act, Chapter 469, Government Code, and The Americans with Disabilities Act (ADA/Act) (PL) 101-336, July 26, 1990.
- Section 13.60: Construction Criteria. Once commenced construction must be diligently pursued to completion. Such construction may not be left in a partially finished condition any longer than is reasonably necessary. Excavation cannot be done except in conjunction with construction of an improvement. When such an improvement is completed, all exposed excavations will be back-filled, graded and the site returned to its natural state or in compliance with the approved landscape plan.
- Section 13.70: Latent or Concealed Conditions. If in the performance of a contract, subsurface, latent, or concealed conditions at the site are found to be materially different from those indicated by the Construction Contract Drawings and Specifications, or different from any documents provided by the Research Park, or if unknown conditions of an unusual nature are disclosed differing materially from the conditions usually inherent in work of the character shown and specified, the Architect/Engineer and the Owner shall notify the Park Director in writing of such conditions before the work is disturbed. Upon such notice, or upon his own observation of such condition, the Architect/Engineer, with the written approval of the Owner and Park Director, will make such changes promptly in the Drawings and Specifications as he or she deems necessary to conform to the different conditions. In no case will The Texas A&M University System, Texas A&M University Research Park, Texas A&M University or any of their employees or agents be liable for the additional cost.

ARTICLE XIV WATER, SEWERAGE, AND SOLID WASTE

- Section 14.10: Intent. It is the intent of the following provisions to establish controls governing the installation of tenant water and sewer systems and the collection and disposal of solid waste.

Section 14.20: Location of Utility Lines. Whenever possible, water and sewer service lines must be located adjacent to access drives to minimize disruption of landscaping during the installation and maintenance of such lines. All utility lines will be underground unless prior approval is given.

Section 14.30: Water Service. Water service will be provided via connections to the Park water distribution system. Tenant will provide to the Park Director, as part of final design, the daily anticipated water consumption and all connections to the Park water distribution system. Connections, to include required material and meter vaults, will be constructed at the tenant's expense and will normally be limited to one connection per tenant for normal uses including tenant's irrigation uses and one optional connection for fire protection purposes. Sub-tenant's water consumption will NOT be metered by Texas A&M University to determine total water consumption. The properly sized water meter will be provided by TAMUS. The Tenant or its contractor will install this meter. Connection will be made as follows:

1. Meters will be installed on all connections for normal use. Meters will be installed in below ground meter vaults. Meter vaults will be located on tenant property inside the property line immediately downstream of the connection to the Park system. Tenants must provide access of Park personnel to tenant meters at all times.
2. Connections made solely for fire protection purposes will not be metered.
3. All connections to the Park water distribution system must be made at location acceptable to the Park Director in writing.

Section 14.40: Wastewater Disposal. Wastewater generated on tenant sites will be pretreated if necessary then discharged into the Park wastewater collection system. Connections will be constructed at tenant expense and will normally be limited to one connection per tenant at locations acceptable to the Park Director.

The delivery of all wastewater discharges will be at a reasonably uniform rate except where storage is necessary in the pretreatment operations of the generator. The Board will determine which wastewater discharges need pretreatment (See Art. III, Sec. 3.21). Pretreatment will be required to prevent the discharge of pollutants into the sanitary sewer system when it is determined the pollutant will interfere with operation of the TAMU sewage treatment plant (STP), contaminate the sludge and when the pollutants are incompatible with the STP treatment process such that they

will pass through the treatment works without being properly treated. The following pollutants may not be discharged to the sanitary sewer system:

1. No wastewater from storm water runoff, downspout or roof runoff, yard sprinklers, subsurface drainage, fountains, or pools can be discharged into the sanitary sewer system. Floor drains from mechanical rooms can be connected to the sanitary sewer system.
2. Pollutants, which create a fire or explosion hazard in the STP.
3. Pollutants which will cause corrosive structural damage to the STP, but in no case discharges with pH, lower than 5.0 unless the STP is specially designed to accommodate such discharges.
4. Solid or viscous pollutants in amounts which will cause obstruction to the flow in sewers or other interference with the operation of the STP.
5. Any pollutant, including oxygen demanding pollutants (B.O.D., etc.), released in a discharge of such volume or strength as to cause interference in the STP.
6. Heat in amounts which will inhibit biological activity in the STP resulting in interference, but in no case heat in such quantities, that the temperature at the treatment works influent exceeds 113°F.

The tenant will be required to provide pretreatment and monitoring in conformance with applicable EPA "Categorical Pretreatment Standards" outlined in Federal Register 40CFR, Part 403. The tenant must submit to the Board with its preliminary design plan a list of pollutants expected to be present in the wastewater and the expected range of concentrations for each pollutant. In developing this list, the tenant must consider the toxic pollutants identified in 40CFR 403, Appendix B and the industrial categories in Appendix C and also include the following conventional pollutants:

Biochemical Oxygen Demand (BOD)
Chemical Oxygen Demand (COD)
Total Suspended Solids (TSS)
pH
Oil and grease
Total Kjeldahl Nitrogen (TKN)
Total Phosphorus

After review of the list provided by the tenants, the Board may require further study of the characteristics of the wastewater by a Registered Professional Engineer (RPE) to determine the potential effect on the STP. The study may include laboratory toxicity or treatability analyses as required by the Board. The studies will be funded by the tenant and be performed by an RPE designated by the Board.

Tenants will be required to provide and operate pretreatment facilities if wastewater discharges do not meet the above standards.

Sampling wells may be required by the Board to be constructed on tenant property at tenant expense inside the property line immediately upstream from the connection to the Park Sanitary System. Tenants shall ensure access of Park personnel to the sampling wells at all times.

All connections to the Park wastewater collection system will be made at locations acceptable in writing to the Park Director.

Section 14.50: Solid Waste. All solid waste will be collected, stored and disposed of in accordance with appropriate laws, rules and regulations of the State Of Texas.

1. Solid waste will not be disposed of within the Park.
2. Common refuse will be collected on site and placed in dumpsters for removal. Removal or emptying of dumpsters is at tenant expense by the University or private contractor approved in writing by the Park Director. Tenants must ensure the dumpster areas are kept clean, sanitary, and free of loose refuse. Dumpsters must be located and screened as approved on the Final Design Plans.
3. Hazardous wastes must be stored on site in approved storage files and disposed of at tenant expense in accordance with the laws, rules and regulations of the United States and the State of Texas.

Section 14.60: Natural Gas Service. Natural gas service will be provided via connections to Oncor Gas Company's lines at tenant expense. Connections points will be approved as part of the final drawings.

ARTICLE XV ELECTRICITY, TELECOMMUNICATIONS AND SECURITY SYSTEMS

Section 15.10: Electric Service. Electric service will be provided in accordance with the following:

1. The tenant is required to install electric service underground from the Park's main line located at the perimeter of tenant's lot to the building(s). Tenant is responsible for all costs of equipment and installation required to provide electrical service to his building, to include but not be limited to, required transformers and ducting. The properly sized electric meter will be provided by TAMUS. The Tenant or its contractor will install this meter. A meter lock will be installed by TAMUS after the meter is operational. The electrical system will be properly grounded in compliance with all Codes and accepted practices.
2. The tenant will connect to the main service line at points acceptable to the Park Director in writing. No cutting, opening, or alteration of Park roadways will be permitted for this purpose.
3. The tenant is responsible for determining particular needs and furnishing and installing transformer(s). (Note: Park system is three-phase, three-wire, resistance grounded primary electric service at 12,470 volts, 60 Hertz.)
4. Above-ground electrical equipment, including transformers and terminal equipment must not be visible from any street or adjacent tenant lot. It is recommended that if plants or other items are used to conceal above-ground equipment or transformers, that a space of 24" (minimum) be maintained. This will allow for inspections, maintenance, and air cooling of the equipment.
5. Electrical service meters will be provided by Texas A&M University and easily accessible for reading by University personnel.
6. The University will provide electrical service at current rates, based on meter readings, for all tenants; however, Texas A&M University, its agents or any employees of the Texas A&M University or the Texas A&M University System will not be liable for damages or loss incurred by tenant as a result of system failure or malfunction. If the Tenant questions a billing, Texas A&M University will test the meter for accuracy. If the meter is found to be properly calibrated, then the Tenant will pay for the cost of the testing. If the meter is found to be improperly calibrated, then the Tenant will NOT pay for the cost of the testing. In addition, the billing will be adjusted to best reflect the proper consumption.
7. Each tenant must regularly maintain transformer(s) owned by tenant to ensure safe, efficient and proper operation. Tenant will be issued

an annual letter to Texas A&M University stating what maintenance has been performed on the transformers.

Section 15.20: Security Systems. If tenant desires, electronic security will be provided through the University's Hawk Eye System. All equipment and installation costs required to connect to the University System will be the responsibility of the tenant. The tenant will maintain and keep in good working order tenant's portion of the system.

Section 15.30: Telecommunications. To ensure future expansion of telecommunications service, the tenant will provide telecommunications ducting into the building as follows: Building Entrance Requirements:

1. Entrance Conduits

- a. Entrance conduit: Location and routing of conduit will be determined through coordinating with the TAMU Telecommunications Office based on location of the feeder facilities.
- b. All conduits must be equipped with pull strings.
- c. All bends must be large radius sweeping bends with no more than (3) 90-degree angles.
- d. Conduit must be buried to a minimum depth of 24".
- e. If the communications conduit shares a trench with power, they must be separated by at least 12" of solid earth.

2. Terminal Closets

- a. Ensure adequate terminal closet for each building within the Development.
- b. Minimum size is 8'-0" wide x 8'-0" tall x 10'-0" deep.
- c. Closets must be accessible from the exterior of the building or from a common interior space.
- d. Two 4 plex 110v AC power outlets must be provided.

3. Bonding and Grounding

- a. Provide a solid #6 AWG ground wire connected to the multi-ground neutral (M.G.N.) no more than 20' away.
- b. If the M.G.N. is more than 20' in distance from the terminal closet, a 25-ohm or less ground is required within 20' of the terminal closet. In addition, a #6 AWG solid copper bonding wire must be run between this ground, all others and the M.G.N.

ARTICLE XVI
ENVIRONMENTAL AND OTHER EXTERNALITIES

Section 16.10: Electromagnetic Emissions. The tenant shall not operate any device in such a manner that it will cause electromagnetic interference with other Park tenants' communication systems. If it is found that a Tenant is producing interference, TAMU will work with the Tenant to eliminate the interference. The Tenant will be responsible for any costs associated with corrective actions required.

Section 16.20: Nuisance Factors and Hazards. In order to protect the interests of all tenants, no operation may be conducted which emits offensive or objectionable noise, vibration, smoke, odors, dust or gases. Precautions should be taken in all operations against radiation, radioactivity, fire and explosion hazards. At a minimum, tenants must comply with the requirements of Federal, State and local laws and any regulations thereunder applicable to the property. The Park Director may establish additional, acceptable limits and standards in writing.

COVENANTS AND RESTRICTIONS
TEXAS A&M UNIVERSITY RESEARCH PARK

ATTACHMENT I

The following is a list of required documentation:

- I. Acknowledgement of Receipt of Covenants and Restrictions. Tenant will provide the Park Director a letter acknowledging receipt of Covenants and Restrictions dated February 20004.
- II. Concept Design Approval. The Park Director will provide a letter to tenant stating that the concept design has been approved allowing tenant to proceed with final design. (Article 3.21)
- III. Construction Documents. Tenant will deliver to Park Director the final construction documents prior to construction. (Article 3.23)
- IV. Architect Statement of Codes. Architect will provide a statement over his/her signature stating all contract documents have been prepared in accordance with all applicable codes, ordinances, and regulations related to the project. (Article 3.30)
- V. Clearing Plan. The tenant will provide a clearing plan as part of the final design landscape drawings indicating all vegetation to be disturbed during construction. (Article 3.60)
- VI. Routing of Access and Egress. The desired access and egress routing to construction site will be approved as part of the final design. (Article 9.80)
- VII. Landscape Plan. Detailed landscape and irrigation plans, prepared by a registered landscape architect, must be submitted to and approved by the Board prior to issuance of a letter of approval. (Article 8.15)
- VIII. Final Design Approval. Park Director will provide the tenant a letter of permission to proceed with construction (Article 3.40)
- IX. Certificate of Use and Acceptance. Tenant will provide the Park Director a certificate or letter stating that the building meets all requirements and has been accepted from the contractor and architect.
- X. Letter of Acceptance. The Park Director will provide the tenant a letter of building acceptance based on the letter/certificate of use and acceptance.

Ervin L called and we went over -

Section 3:22 # 7 – determined no need for change

Section 3:30 # 4 – he suggested keeping wording as ASHRAE 90(revision 2001 or latest edition) – I told him I would check to see where we got the recommendation to use this wording.

TAMU vs use of TAMUS regarding meters being supplied. Will see how others feel about this and why it was suggested.