

Drawing name: K:\SNA\_DWG\060807045\060807045-CALTA.dwg REPEAT (2) Mar 29, 2012 1:47pm by jmkikereak  
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<p style="text-align: center;"><b>OWNER'S CERTIFICATE</b></p> <p>STATE OF TEXAS      §                  COUNTY OF ROCKWALL      §</p> <p>WHEREAS EXCEL ROCKWALL LLC, is the owner of a tract of land situated in the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, and being all of Lot 10, Rockwall Business Park East Subdivision, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet H, Slide 117, of the Plat Records of Rockwall County, Texas, same being a portion of a tract of land conveyed to Excell Rockwall LLC, as evidenced in a Special Warranty Deed recorded in Volume 6157, Page 173, of the Official Public Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:</p> <p><b>BEGINNING</b> at a 5/8-inch "WALLACE" capped iron rod found for the north corner of said Lot 10, same being the west corner of Lot 3, Block A of Travel Centers of America Addition, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet G, Slide 137, of the Plat records of Rockwall County, Texas, said iron rod also being on the southeast right of way line of Interstate Highway No. 30 (a variable width right of way);</p> <p><b>THENCE</b> South 46°01'57" East, departing the southeast right of way line of said Interstate Highway No. 30, along the northeast line of said Lot 10 and the southwest line of said Travel Centers of America Addition, a distance of 959.27 feet to a 5/8-inch "KHA" capped iron rod set for the east corner of said Lot 10, same being on the northerly line of Lot 6, Rockwall Business Park East Subdivision, an Addition to the City of Rockwall, Texas, according to the Plat, thereof recorded in Cabinet G, Slide 231 of the Plat Records of Rockwall County, Texas;</p> <p><b>THENCE</b> in a westerly direction, along the common line of said Lot 10 and said Lot 6, the following:</p> <p>South 40°39'43" West, a distance of 61.13 feet to an "X" cut set for a corner;</p> <p>North 76°00'01" West, a distance of 263.31 feet to an "X" cut set for a corner;</p> <p>South 13°59'04" West, a distance of 340.78 feet to an "X" cut found for the point of curvature of a curve to the right;</p> <p>Along the arc of said curve to the right, through a central angle of 118°25'53", having a radius of 41.68 feet, a chord bearing of South 69°00'07" West, a chord distance of 71.61 feet and an arc length of 86.15 feet to an "X" cut found for the point of reverse curvature of a curve to the left;</p> <p>Along the arc of said curve to the left, through a central angle of 08°44'20", having a radius of 1,822.29 feet, a chord bearing of North 59°48'41" West, a chord distance of 277.67 feet and an arc length of 277.94 feet to an "X" cut found for the end of said curve;</p> <p>North 66°56'25" West, a distance of 50.26 feet to an "X" out found for a corner;</p> <p>North 70°41'07" West, a distance of 68.73 feet to an "X" out found for a corner;</p> <p>North 73°28'52" West, a distance of 208.84 feet to an "X" out found for a corner;</p> <p>North 64°37'04" West, a distance of 52.69 feet to an "X" out set for a corner;</p> <p>South 72°46'32" West, a distance of 49.30 feet to a 5/8-inch "WALLACE" capped iron rod found for a corner;</p> <p>South 81°03'24" West, a distance of 24.67 feet to an "X" out found for a corner;</p> <p>North 70°14'07" West, a distance of 77.72 feet to an "X" out found for a corner;</p> <p>North 54°38'22" West, a distance of 18.49 feet to an "X" out found for the west corner of said Lot 10, same being on the southeast right of way line of aforesaid Interstate Highway No. 30;</p> <p><b>THENCE</b> North 35°21'38" East, along the northwest line of said Lot 10 and the southeast right of way line of said Interstate Highway No. 30, a distance of 886.42 feet to the <b>POINT OF BEGINNING</b> and containing 12.661 acres (551,528 square feet) of land, more or less.</p> <p>Bearing system based on the monumented northwest line of Lot 10 of Rockwall Business Park East Subdivision, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet H, Slide 117, of the Plat Records of Rockwall County, Texas, said bearing being North 35°21'38" East.</p>	<p style="text-align: center;"><b>SURVEYOR'S CERTIFICATE</b></p> <p>STATE OF TEXAS      §                  COUNTY OF ROCKWALL      §</p> <p>NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:</p> <p>We the undersigned owner of the land shown on this plat, and designated herein as the <b>ROCKWALL BUSINESS PARK EAST SUBDIVISION, LOTS 11 AND 12</b>, a subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. We further certify that all other parties who have a mortgage or lien interest in the <b>ROCKWALL BUSINESS PARK EAST SUBDIVISION, LOTS 11 AND 12</b>, subdivision have been notified and signed this plat.</p> <p>We understand and do hereby reserve the easement strips shown on this plat for the purposes stated and for the mutual use and accommodation of all utilities desiring to use or using same. We also understand the following:</p> <ol style="list-style-type: none"> <li>1. No buildings shall be constructed or placed upon, over, or across the utility easements as described herein.</li> <li>2. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective system on any of these easement strips; and any public utility shall at all times have the right of ingress or egress to, from and upon the said easement strips or purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or part of their respective system without the necessity of, at any time, procuring the permission of anyone.</li> <li>3. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grade of streets in the subdivision.</li> <li>4. The developer and subdivision engineer shall bear total responsibility for storm drain improvements.</li> <li>5. The developer shall be responsible for the necessary facilities to provide drainage patterns and drainage controls such that properties within the drainage area are not adversely affected by storm drainage from the development.</li> <li>6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the owner or any other person until the developer and/or owner has complied with all requirements of the Subdivision Regulations of the City of Rockwall regarding Improvements with respect to the entire block on the street or streets on which property abuts, including the actual installation of streets with the required base and paving, curb and gutter, water and sewer, drainage structures, storm structures, storm sewers, and alleys, all according to the specifications of the City of Rockwall; or</li> </ol> <p>Until an escrow deposit, sufficient to pay for the cost of such improvements, as determined by the city's engineer and/or city administrator, computed on a private commercial rate basis, has been made with the city secretary, accompanied by an agreement signed by the developer and/or owner, authorizing the city to make such improvements at prevailing private commercial rates, or have the same made by a contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making such improvements by making certified requisitions to the city secretary, supported by evidence of work done; or Until the developer and/or owner files a corporate surety bond with the city secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the city council of the City of Rockwall.</p> <p>We further acknowledge that the dedications and/or exaction's made herein are proportional to the impact of the subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; We, our successors and assigns hereby waive any claim, damage, or cause of action that we may have as a result of the dedication of exaction's made herein.</p> <p><b>EXCEL ROCKWALL LLC</b>, a Delaware Limited Liability Company</p> <p>By: EXCEL TRUST, L.P., a Delaware Limited Partnership, its Sole Member</p> <p>By: EXCEL TRUST, INC., a Maryland corporation, its Sole General Partner</p> <p>By: _____                  Name and signature</p> <p>STATE OF _____ §                  COUNTY OF _____ §</p> <p>Before me, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.</p> <p>Given upon my hand and seal of office this _____ day of _____, 2011.</p> <p>Notary Public in and for the State of _____ My Commission Expires: _____</p>
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**REPLAT**  
**ROCKWALL BUSINESS**  
**PARK EAST SUBDIVISION**  
 LOTS 11 AND 12  
 BEING A REPLAT OF LOT 10  
 ROCKWALL BUSINESS PARK EAST SUBDIVISION  
 AN ADDITION TO THE CITY OF ROCKWALL  
 RECORDED IN CABINET H, PAGE 117  
 BEING 12.661 ACRES OUT OF  
 J. D. McFARLAND SURVEY ABSTRACT NO. 145  
 CITY OF ROCKWALL, ROCKWALL, COUNTY, TEXAS

APPLICANT: Darden SW, LLC 1000 Darden Center Blvd. Orlando, Florida 32837 Contact : Jack DeGagne	OWNER: Excel Rockwall LLC 2100 West 7th Street Fort Worth, Texas 76107 Contact : Rick Machak
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**SURVEYOR :**  
**Kimley-Horn and Associates, Inc.**  
 12700 Park Central Drive, Suite 1800  
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 Fax No. 972-239-3820

DATE : Aug. 17, 2011      KHA JOB NO. 63887045      SHEET 2 OF 2

**C · R · H · O**  
*Architecture Interior Planning*  
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 Tustin, California 92780  
 714 832-1834  
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 ○

ARCHITECTS PROJECT #:  
11194

**Kimley-Horn and Associates, Inc.**  
 601 NW LOOP 410, SUITE 350  
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 TPE Firm No. 928  
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 KHA PROJECT # 063887045

THIS SHEET PROVIDED  
FOR REFERENCE ONLY



Issue Date: 07/18/11

REVISION INFORMATION

Restaurant #: 11L0042

**OLIVE GARDEN**  
 PROTOTYPE OG-P-75R  
 ROCKWALL BUSINESS  
 PARK EAST SUBDIVISION  
 1043 EAST IH-30

AUTHORIZED FOR: PERMIT/BID  
 ROCKWALL, TEXAS

DRAWING  
 REPLAT (2 OF 2)

C1.3