

OWNER'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF ROCKWALL §

WHEREAS EXCEL ROCKWALL LLC, BEING THE OWNER OF A TRACT OF LAND IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, SAID TRACT BEING DESCRIBED AS FOLLOWS:

BEING A 12.661 ACRE TRACT OF LAND SITUATED IN THE J.D. McFARLAND SURVEY, ABSTRACT NO. 145, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND BEING ALL OF LOT 9 OF ROCKWALL BUSINESS PARK EAST SUBDIVISION, AN ADDITION TO THE CITY OF ROCKWALL ACCORDING TO THE RE-PLAT THEREOF FILED FOR RECORD IN CABINET G, SLIDE 231 OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS, (P.R.R.C.T.), AND DESCRIBED IN THE SPECIAL WARRANTY DEED TO EXCEL ROCKWALL LLC, RECORDED IN VOLUME 6157, PAGE 173, OR COUNTY CLERK'S FILE NUMBER 2010-00435617, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS, SAID 12.661 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "THE WALLACE GROUP" FOUND FOR THE MOST WESTERLY CORNER OF LOT 6 OF SAID ROCKWALL BUSINESS PARK EAST SUBDIVISION AND BEING IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 30, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

THENCE NORTH 35°21'38" EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 437.36 FEET TO A CUT "X" SET FOR THE POINT OF BEGINNING AND BEING THE MOST WESTERLY NORTHWEST CORNER OF SAID LOT 6 SAME BEING THE MOST WESTERLY CORNER OF SAID LOT 9;

THENCE NORTH 35°21'38" EAST CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 886.42 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "THE WALLACE GROUP" FOUND FOR THE MOST NORTHERN CORNER OF SAID LOT 9 AND BEING THE MOST WESTERLY CORNER OF LOT 4, BLOCK A, TRAVEL CENTERS OF AMERICA ADDITION, AN ADDITION TO THE CITY OF ROCKWALL ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET G, SLIDE 137, P.R.R.C.T.;

THENCE SOUTH 48°01'57" EAST ALONG THE COMMON LINE OF SAID LOT 9 AND SAID TRAVEL CENTERS OF AMERICA ADDITION, A DISTANCE OF 958.27 FEET TO THE COMMON CORNER OF LOT 9 AND LOT 6 OF SAID BUSINESS PARK EAST SUBDIVISION AND SAID TRAVEL CENTERS OF AMERICA ADDITION AND FROM WHICH A 5/8-INCH IRON ROD FOUND BEARS SOUTH 63° EAST, A DISTANCE OF 0.40 FEET;

THENCE ALONG THE COMMON LINE OF SAID LOT 9 AND SAID LOT 6, THE FOLLOWING:

SOUTH 40°39'43" WEST, A DISTANCE OF 61.13 FEET TO A POINT FROM WHICH A CUT "X" FOUND BEARS SOUTH 05° EAST, A DISTANCE OF 0.19 FEET;

NORTH 76°00'01" WEST, A DISTANCE OF 263.31 FEET TO A CUT "X" FOUND FOR CORNER;

SOUTH 13°58'04" WEST, A DISTANCE OF 340.78 FEET TO A CUT "X" FOUND FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS POINT WHICH BEARS NORTH 81°12'49" WEST, A DISTANCE OF 41.68 FEET; SOUTHWESTERLY WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 118°25'53" FOR AN ARC LENGTH OF 86.15 FEET, A CHORD BEARING OF SOUTH 68°00'07" WEST AND A CHORD DISTANCE OF 71.61 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS POINT WHICH BEARS SOUTH 34°33'29" WEST, A DISTANCE OF 1822.29 FEET;

NORTHWESTERLY WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 08°44'20" FOR AN ARC LENGTH OF 277.94 FEET, A CHORD BEARING OF NORTH 59°48'41" WEST AND A CHORD DISTANCE OF 277.67 FEET TO THE END OF SAID CURVE;

NORTH 66°56'25" WEST, A DISTANCE OF 50.26 FEET TO A CUT "X" FOUND FOR CORNER;

NORTH 70°41'07" WEST, A DISTANCE OF 68.73 FEET TO A CUT "X" FOUND FOR CORNER;

NORTH 73°28'52" WEST, A DISTANCE OF 208.84 FEET TO A CUT "X" FOUND FOR CORNER;

NORTH 64°37'04" WEST, A DISTANCE OF 52.69 FEET TO A CUT "X" FOUND FOR CORNER;

SOUTH 72°46'32" WEST, A DISTANCE OF 49.30 FEET TO A CUT "X" SET FOR CORNER;

SOUTH 81°03'24" WEST, A DISTANCE OF 24.67 FEET TO A CUT "X" FOUND FOR CORNER;

NORTH 70°14'07" WEST, A DISTANCE OF 77.72 FEET TO A CUT "X" FOUND FOR CORNER AND FROM WHICH A CUT "X" FOUND BEARS SOUTH 38° 51' WEST, A DISTANCE OF 2.50 FEET;

NORTH 54°38'22" WEST, A DISTANCE OF 18.49 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 551,528 SQUARE FEET OR 12.661 ACRES OF LAND.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

STATE OF TEXAS §
COUNTY OF ROCKWALL §

I THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS THE LOT 10, ROCKWALL BUSINESS PARK EAST SUBDIVISION, TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, 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. I FURTHER CERTIFY THAT ALL OTHER PARTIES WHO HAVE A MORTGAGE OR LIEN INTEREST IN LOT 10, ROCKWALL BUSINESS PARK EAST SUBDIVISION HAVE BEEN NOTIFIED AND SIGNED THIS PLAT.

I 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. I ALSO UNDERSTAND THE FOLLOWING:

1. NO BUILDINGS SHALL BE CONSTRUCTED OR PLACED UPON, OVER, OR ACROSS THE UTILITY EASEMENTS AS DESCRIBED HEREIN.

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 FOR 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.

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.

4. THE DEVELOPER AND SUBDIVISION ENGINEER SHALL BEAR TOTAL RESPONSIBILITY FOR STORM DRAIN IMPROVEMENTS.

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.

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

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.

I 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; I, MY SUCCESSORS AND ASSIGNS HEREBY WAIVE AND CLAIM, DAMAGE, OR CAUSE OF ACTION THAT I MAY HAVE AS A RESULT OF THE DEDICATION OF EXACTIONS MADE HEREIN.

BY: _____

EXCEL ROCKWALL LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: EXCEL TRUST, L.P.

STATE OF _____ §
COUNTY OF _____ §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE ___ DAY OF _____, 2010

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES: _____

NOTE: IT SHALL BE THE POLICY OF THE CITY OF ROCKWALL TO WITHHOLD ISSUING BUILDING PERMITS UNTIL ALL STREETS, WATER, SEWER AND STORM DRAINAGE SYSTEMS HAVE BEEN ACCEPTED BY THE CITY. THE APPROVAL OF A PLAT BY THE CITY DOES NOT CONSTITUTE ANY REPRESENTATION, ASSURANCE OR GUARANTEE THAT ANY BUILDING WITHIN SUCH PLAT SHALL BE APPROVED, AUTHORIZED OR PERMIT THEREOF ISSUED, NOR SHALL SUCH APPROVAL CONSTITUTE ANY REPRESENTATION, ASSURANCE OR GUARANTEE BY THE CITY OF THE ADEQUACY AND AVAILABILITY FOR WATER FOR PERSONAL USE AND FIRE PROTECTION WITHIN SUCH PLAT, AS REQUIRED UNDER ORDINANCE 83-84.

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, DAVID J. DE WEIRD, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND, AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION.

DAVID J. DE WEIRD,
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 5066

DATE

Preliminary
This document shall not be
recorded for any purpose.
For Review Purposes Only
David J. De Weirdt, R.P.L.S.
Registration No. 5066
October 1, 2010

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED DAVID J. DE WEIRD, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE ___ DAY OF _____, 2010

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

RECOMMENDED FOR FINAL APPROVAL

PLANNING AND ZONING COMMISSION DATE

APPROVED

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF AN ADDITION TO THE CITY OF ROCKWALL, TEXAS, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL ON THE ___ DAY OF _____, 2010.

THIS APPROVAL SHALL BE INVALID UNLESS THE APPROVED PLAT FOR SUCH ADDITION IS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF ROCKWALL COUNTY, TEXAS, WITHIN ONE HUNDRED EIGHTY (180) DAYS FROM SAID DATE OF FINAL APPROVAL.

WITNESS OUR HANDS, THIS ___ DAY OF _____, 2010

MAYOR, CITY OF ROCKWALL CITY SECRETARY

CITY ENGINEER

LOT 10
ROCKWALL BUSINESS
PARK EAST SUBDIVISION
BEING A REPLAT OF
LOT 9, OF
ROCKWALL BUSINESS PARK EAST SUBDIVISION
LOCATED IN THE
J.D. McFARLAND SURVEY, ABSTRACT NO. 145
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
OCTOBER 1, 2010

OWNER:
EXCEL ROCKWALL LLC
801 NORTH 500 WEST, SUITE 201
BOUNTIFUL, UTAH 84010

SURVEYOR:
BURY + PARTNERS-DFW, INC.
5310 HARVEST HILL, SUITE 100
DALLAS, TEXAS 75230
PHONE: (972) 991-0011
CONTACT: DAVID J. DE WEIRD, R.P.L.S.

BPI PROJECT NO. R0108673-30001 SHEET 12 OF 12