

POST, BUCKLEY, SCHUH & JERNIGAN, INC. * DALLAS, TEXAS

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS ASHTON CUSTER, L.L.C., a Texas limited liability company, being the owner of a tract of land in the E.P. GAINES CHISUM SURVEY, Abstract No. 64, in the City of Rockwall, Rockwall County, Texas, and being all of the tract of land described in deed to Ashton Custer, L.L.C., recorded in Volume 1060, Page 111 of the Deed Records of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found with a yellow plastic cap stamped "NELSON CORP." (hereinafter called 5/8" iron rod found) in the northwest right-of-way line of the Union Pacific Railroad (100' ROW) for an easterly corner of TURTLE COVE ADDITION SECOND REPLAT, an addition to the City of Rockwall, Rockwall County, Texas according to the plat thereof recorded in Cabinet C, Slide 315 of the Plat Records of Rockwall County, Texas;

THENCE with the easterly line of said TURTLE COVE ADDITION SECOND REPLAT, the following courses and distances to wit:

North 40°24'39" West, a distance of 110.00 feet to a 5/8" iron rod found for corner;
North 49°35'21" East, a distance of 52.06 feet to a 5/8" iron rod found for corner;
North 40°24'39" West, a distance of 345.63 feet to a 5/8" iron rod found for corner;
North 49°35'21" East, a distance of 110.00 feet to a 5/8" iron rod found for corner;
North 40°24'39" West, a distance of 36.37 feet to a 5/8" iron rod found for the beginning of a tangent curve to the left, having a central angle of 11°25'00", a radius of 310.00 feet and a chord bearing and distance of North 46°07'09" West, 61.67 feet;
Northwesterly with said curve, an arc distance of 61.77 feet to a 5/8" iron rod found for corner;
North 51°49'39" West, a distance of 184.56 feet to a 5/8" iron rod found for corner;
North 46°24'39" West, a distance of 200.96 feet to a 5/8" iron rod found for corner;
North 40°24'39" West, a distance of 9.86 feet to a 5/8" iron rod found for the beginning of a tangent curve to the right, having a central angle of 90°00'00", a radius of 26.00 feet and a chord bearing and distance of North 04°35'21" East, 36.77 feet;
Northeasterly with said curve, an arc distance of 40.84 feet to a 5/8" iron rod found for corner;
North 49°35'21" East, a distance of 112.63 feet to a 5/8" iron rod found for corner;
North 40°24'39" West, a distance of 70.00 feet to a 5/8" iron rod found for corner;
North 04°35'21" East, a distance of 21.21 feet to a 5/8" iron rod found for corner;
North 49°35'21" East, a distance of 43.52 feet to a 5/8" iron rod found for corner;
North 17°49'10" West, a distance of 115.61 feet to a 5/8" iron rod found for corner;
North 72°10'50" East, a distance of 107.51 feet to a 5/8" iron rod found for the beginning of a tangent curve to the right, having a central angle of 90°00'00", a radius of 20.00 feet and a chord bearing and distance of South 62°49'10" East, 26.26 feet;
Southwesterly with said curve, an arc distance of 31.42 feet to a 5/8" iron rod found for corner;
North 72°10'50" East, a distance of 40.00 feet to a 5/8" iron rod found for the beginning of a non-tangent curve to the left, having a central angle of 41°32'23", a radius of 60.00 feet and a chord bearing and distance of North 38°35'22" West, 42.58 feet;
Northwesterly with said curve, an arc distance of 43.50 feet to a 5/8" iron rod found for corner;
North 65°56'55" East, a distance of 114.50 feet to a 5/8" iron rod found for corner;
South 68°28'08" East, a distance of 115.23 feet to a point for corner;
South 17°19'55" East, a distance of 87.71 feet to a point for corner;
South 68°28'08" East, a distance of 115.23 feet to a point for corner;
South 31°26'48" East, a distance of 128.86 feet to a point for corner;
South 55°18'21" East, a distance of 93.41 feet to a point for corner;
South 46°15'48" East, a distance of 84.06 feet to a point for corner;
North 64°32'05" East, a distance of 63.62 feet to a point for corner;
South 80°42'55" East, a distance of 82.71 feet to a point for corner;
South 45°16'35" East, a distance of 117.46 feet to a point for corner;
South 65°49'22" East, a distance of 80.50 feet to a point for corner;
South 10°03'11" West, a distance of 48.41 feet to a point for corner;
South 23°04'06" East, a distance of 93.99 feet to a concrete monument marked X1-5 on the aforementioned northwest line of the Union Pacific Railroad right-of-way for the beginning of a non-tangent curve to the right, having a central angle of 02°46'02", a radius of 5696.19 feet and a chord bearing and distance of South 48°12'20" West, 275.08 feet;

THENCE with the westerly line of said LAKE RIDGE PARK and the meanders of said creek, the following courses and distances to wit:

South 20°52'17" East, a distance of 48.01 feet to a point for corner;
South 32°13'39" East, a distance of 136.61 feet to a point for corner;
South 17°19'55" East, a distance of 87.71 feet to a point for corner;
South 68°28'08" East, a distance of 115.23 feet to a point for corner;
South 31°26'48" East, a distance of 128.86 feet to a point for corner;
South 55°18'21" East, a distance of 93.41 feet to a point for corner;
South 46°15'48" East, a distance of 84.06 feet to a point for corner;
North 64°32'05" East, a distance of 63.62 feet to a point for corner;
South 80°42'55" East, a distance of 82.71 feet to a point for corner;
South 45°16'35" East, a distance of 117.46 feet to a point for corner;
South 65°49'22" East, a distance of 80.50 feet to a point for corner;
South 10°03'11" West, a distance of 48.41 feet to a point for corner;
South 23°04'06" East, a distance of 93.99 feet to a concrete monument marked X1-5 on the aforementioned northwest line of the Union Pacific Railroad right-of-way for the beginning of a non-tangent curve to the right, having a central angle of 02°46'02", a radius of 5696.19 feet and a chord bearing and distance of South 48°12'20" West, 275.08 feet;

THENCE with said curve, and the northwest line in a southwesterly direction, passing a 5/8" iron rod set with a red plastic cap stamped "PBSJ, INC." at a distance of 40.57 feet, in all a total arc distance of 275.11 feet to a 5/8" iron rod found for corner;

THENCE continuing with the said northwest line, South 49°35'21" West, a distance of 410.58 feet to the POINT OF BEGINNING and containing 12.9420 acres of land.

Bearing system based on the plat recorded in Cabinet B, Slide 235 of the Plat Records of Rockwall County, Texas.

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, John Vicain, 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.

JOHN VICAIN
Registered Professional Land Surveyor #4097
POST, BUCKLEY, SCHUH & JERNIGAN, INC.
5999 Summerside Drive, Dallas, Texas 75252
(972) 380-2605

STATE OF TEXAS
COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____, 1998.

By _____

Notary Public in and for the State of Texas My Commission Expires: _____

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 _____, 1998.

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 twenty (120) days from said date of final approval.

Said addition shall be subject to all requirements of the Subdivision Regulations of the City of Rockwall.

WITNESS OUR HANDS, this _____ day of _____, 1998.

Mayor, City of Rockwall City Secretary, City of Rockwall

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 TURTLE COVE ADDITION PHASE II subdivision to the City of Rockwall, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all 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 the TURTLE COVE ADDITION PHASE II 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 exactions 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 any claim, damage, or cause of action that I may have as a result of the dedication of exactions made herein.

ASHTON CUSTER, L.L.C.

By: Nicholas R. DiGiuseppe, Authorized Representative

STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared Nicholas R. DiGiuseppe, Authorized Representative of Ashton Custer, L.L.C., 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.

Given upon my hand and seal of office this _____ day of _____, 1998.

Notary Public in and for the State of Texas My Commission Expires: _____

Signature of Party with Mortgage or Lien Interest

STATE OF TEXAS
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 foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this _____ day of _____, 1998.

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 therefore 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 83-54.

NOTES:

- 1.) ZONED PLANNED DEVELOPMENT DISTRICT 2.
2.) LOT 58, BLOCK A TO BE CONVEYED TO THE CITY OF ROCKWALL BY SEPARATE INSTRUMENT.
3.) REQUIRED ABANDONMENTS WILL BE HANDLED BY PLAT VACATION AT TIME OF FINAL PLATTING.
4.) PRIVATE FENCING WILL BE ALLOWED OVER THE NORTH TEXAS MUNICIPAL WATER DISTRICT'S SEWER EASEMENT AT THE REAR OF LOTS 32-37 BLOCK A WITH THE UNDERSTANDING THAT IF THE FORCE MAIN REQUIRES MAINTENANCE ANY CONFLICTING FENCE WILL BE REMOVED BY THE DISTRICT. THE COST TO REINSTALL THE SAID FENCE WILL BE ON THE PROPERTY OWNER.
5.) THE EXISTING NORTH TEXAS MUNICIPAL DISTRICT 20' SANITARY SEWER EASEMENT FOUND IN VOL. 147, PG. 931 TO BE ABANDONED.
6.) ALL IRON RODS ARE 5/8" IRON RODS WITH A RED PLASTIC CAP STAMPED "PBSJ, INC." EXCEPT AS NOTED.
7.) BEARING SYSTEM BASED UPON THE MONUMENTS FOUND ON THE NORTH R.O.W. LINE OF STAFFORD CIRCLE ACCORDING TO THE PLAT OF TURTLE COVE ADDITION SECOND REPLAT RECORDED IN CAB. C, SLIDE 315, P.R.R.C.T.
8.) THE NTMWD EASEMENT RESTRICTS CONSTRUCTION OF PERMANENT STRUCTURES SUCH AS FOUNDATIONS, WALLS, POOLS, AND PERMANENT STORAGE BUILDINGS. ITEMS SUCH AS DRIVEWAYS, FENCES, SPRINKLER SYSTEM AND NORMAL LANDSCAPING PLANS THAT ENCRUSH ON THE NTMWD EASEMENTS ARE ALLOWED. HOWEVER, THE NTMWD ASSUMES NO RESPONSIBILITY FOR DAMAGES RESULTING FROM THE NEED TO REPAIR OR MAINTAIN THE NTMWD PIPELINES OR TO CONSTRUCT ADDITIONAL PIPELINES. FURTHER, ANY COST FOR REPAIR FOR DAMAGE TO THE PIPELINES RESULTING FROM CONSTRUCTION BY THE DEVELOPER OR OWNER WILL BE THE RESPONSIBILITY OF THE DEVELOPER OR OWNER.

FINAL PLAT
TURTLE COVE ADDITION
PHASE II

AN ADDITION TO THE CITY OF ROCKWALL, TEXAS
BEING A TOTAL OF 12.9420 ACRE TRACT (52 RESIDENTIAL LOTS)
OUT OF THE
E.P. GAINES CHISUM SURVEY, ABSTRACT NO. 64
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

OWNER
ASHTON CUSTER, L.L.C.
15851 DALLAS PARKWAY, SUITE 100
DALLAS, TEXAS 75248
(972) 490-3255
PLANNER-ENGINEER-SURVEYOR
POST, BUCKLEY, SCHUH, & JERNIGAN, INC.
5999 SUMMERSIDE DRIVE, SUITE 202
DALLAS, TEXAS 75252
(972) 380-2605

JANUARY 30, 1998

PBS&J# 05115.01

SCALE: AS SHOWN
SHEET NO. 2 OF 2