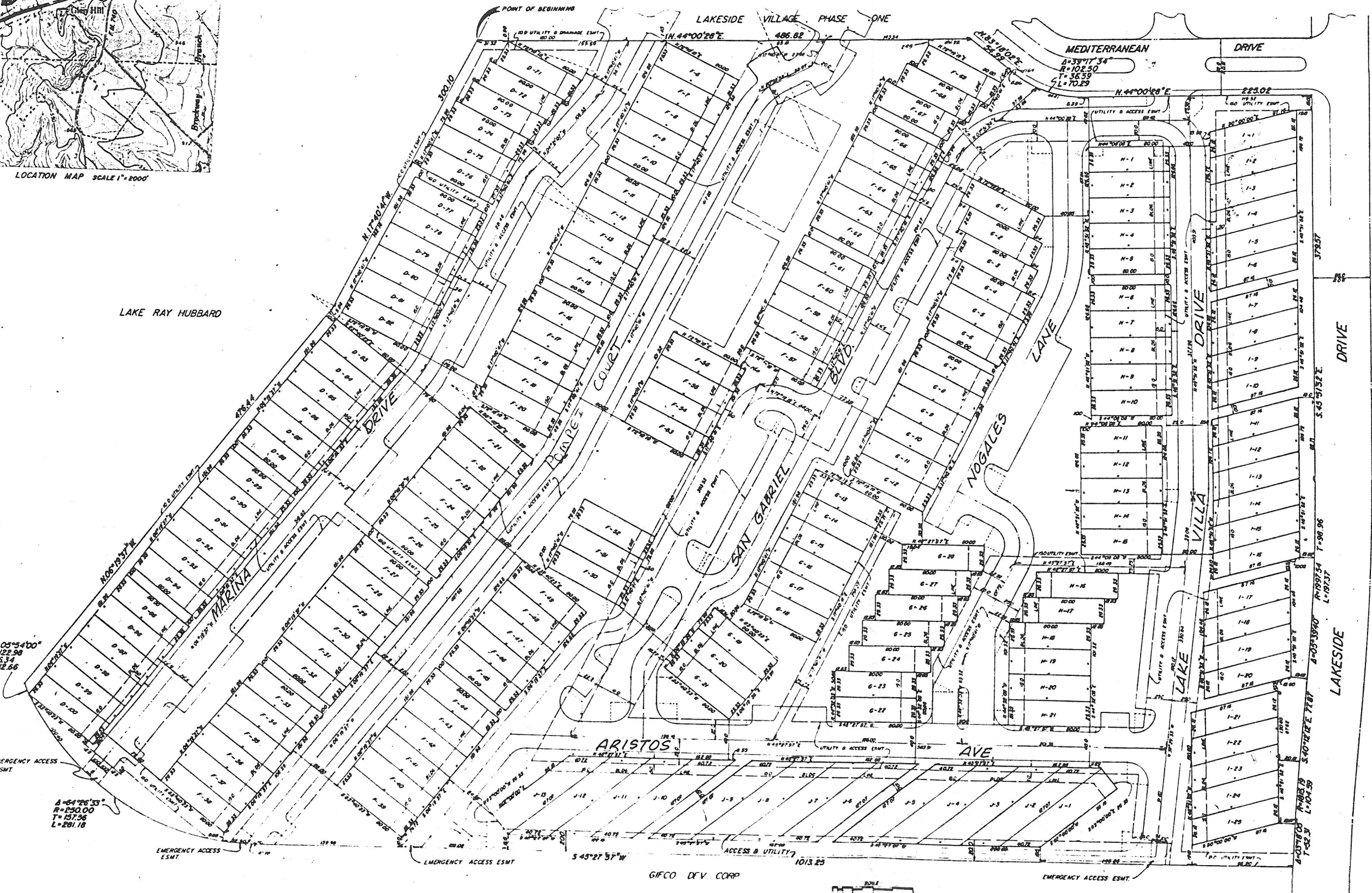


LAKE RAY HUBBARD



GENERAL NOTES:
 1. CREATED HERE, WITH IS A 25.0' WIDE FIRE LANE 12.5' EITHER SIDE OF THE CENTER LINE OF ALL STREETS
 2. COMMON AREA ALSO DESIGNATED UTILITY ESMT.



LAKESIDE VILLAGE NO. 5

M.J. BARKSDALE SURVEY ABSTRACT NO.11

CITY OF ROCKWALL
 ROCKWALL COUNTY, TEXAS
 DATE: MAR, 1983

OWNER: _____ ENGINEER: _____

PLAT VACATION
Lakeside Village No. 5, Rockwall, Texas

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS Jordan Properties Company is the owner of:

19.002 acres in the M. J. Barksdale Survey
Abstract No. 11
Being all of Lakeside Village, No. 5
Lakeside Tract
Rockwall, Texas 75087

and,

WHEREAS, the above described owner desires to and does hereby vacate all (or a portion of) the above described subdivision, as follows:

BEING a tract of land situated in the M.J. BARKSDALE SURVEY, Abstract No. 11, Rockwall County, Texas, and being that 19.002 acres conveyed to First Garland Savings Associated by deed recorded in Volume 169, Page 888, Deed Records, Rockwall County, Texas, and being further known as:

BEING ALL of Lakeside Village No. 5, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Slide B, Page 228, Plate Records, Rockwall County, Texas.

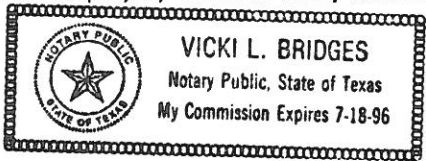
Executed this 2nd day of November, 1992.

BY: JORDAN PROPERTIES COMPANY

James N. Muns
James N. Muns, Chairman
John B. Muns
John B. Muns, President

THE STATE OF TEXAS
COUNTY OF COLLIN

This instrument was acknowledged before me on the 2nd day of November, 1992, on behalf of Jordan Properties Company by James N. Muns, Chairman, and by John B. Muns, President.



Vicki L. Bridges
Notary Public

NOW THEREFORE, The City of Rockwall does hereby vacate and abandon the above described Plat (or portion of) and all streets, rights of way and easements contained therein, which is filed of record on Slide B, Page 228, Rockwall County Clerk.

RECOMMENDED FOR FINAL APPROVAL

Chairman, Planning & Zoning Commission

Date

APPROVED

I hereby certify that the above and foregoing instrument of Plat Vacation in the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the _____ day of _____, 19____. This approval shall be invalid unless the approved instrument for such Vacation is recorded in the office of the County Clerk of Rockwall, County, Texas within one hundred twenty days from said date of final approval.

Witness my hand, this _____ day of _____, 19____.

Mayor, City of Rockwall

Date

Nº 027109



CITY OF ROCKWALL
"THE NEW HORIZON"
 Rockwall, Texas 75087-3628

(214) 771-7700

Cash Receipt

Name Muns Enterprises Date 2-2-93

Mailing Address _____

Job Address _____ Permit No. _____

Check

Cash

Other

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code	Amount
Building Permit	01-3601		Water Tap	02-3311	
Fence Permit	01-3602		10% Fee	02-3311	
Electrical Permit	01-3604		Sewer Tap	02-3314	
Plumbing Permit	01-3607		Water Availability	06-3835	
Mechanical Permit	01-3610		Sewer Availability	07-3836	
Municipal Pool	01-3402		Meter Deposit	02-2201	
Zoning, Planning, B.O.A.	01-3411		Portable Meter Deposit	02-2311	
Subdivision Plats	01-3412	50.00	Misc. Income	02-3819	
Sign Permits	01-3628		NSF Check	02-1128	
Health Permits	01-3631		Meter Rent	02-3406	
Misc. Permits	01-3625		Marina Lease	08-3810	
Misc. Income	01-3819		Cemetery Receipts	10-3830	
Sale of Supplies	01-3807		PID	13-3828	
Recreation Fees	01-3401		Street	14-3828	
			Assessment-Ph#2	14-3830	
			Hotel/Motel Tax	15-3206	
TOTAL OF COLUMN			TOTAL OF COLUMN		
TOTAL DUE		50.00	Received by		<i>Rusc</i>



CITY OF ROCKWALL
"THE NEW HORIZON"
Rockwall, Texas 75087-3628

Nº 026314

(214) 771-7700

Cash Receipt

Name MUNs EnterPRISES, LTD Date 11-3-92

Mailing Address _____

Job Address _____ Permit No. _____

Check

Cash

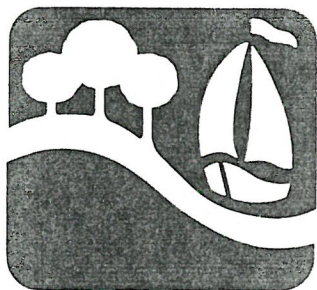
Other

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code	Amount
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Fence Permit	01-3602		10% Fee	02-3311	
Electrical Permit	01-3604		Sewer Tap	02-3314	
Plumbing Permit	01-3607		Water Availability	06-3835	
Mechanical Permit	01-3610		Sewer Availability	07-3836	
Municipal Pool	01-3402		Meter Deposit	02-2201	
Zoning, Planning, B.O.A.	01-3411	50 00	Portable Meter Deposit	02-2311	
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Health Permits	01-3631		Meter Rent	02-3406	
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Sale of Supplies	01-3807		PID	13-3828	
Recreation Fees	01-3401		Street	14-3828	
			Assessment-Ph#2	14-3830	
			Hotel/Motel Tax	15-3206	

TOTAL OF COLUMN 50 00 TOTAL OF COLUMN _____

TOTAL DUE 50.00

Received by Kisa



CITY OF ROCKWALL
"THE NEW HORIZON"

February 22, 1993

Mr. James N. Muns
Muns Enterprises
5201 W. Park Blvd.
Suite 200, LB-3
Plano, TX 75093

Dear Mr. Muns:

Please be advised that the Rockwall City Council will review your request for plat vacation of Lakeside Village, Phase 5 at their next scheduled meeting which is March 1st at 7:00 p.m. You or your representative will need to attend this meeting to answer any questions the Council may have regarding this case.

Sincerely,

Hilda Crangle
Hilda Crangle
City Secretary

cc: Vicki Bridges

MEMORANDUM

January 14, 1993

TO: Bill Eisen, City Manager

FROM: Julie Couch, Assistant City Manager

RE: Plat Vacation Request for Lakeside Village

At the last meeting the plat vacation request for Phase 5 of Lakeside Village was denied by the City Council. One of the concerns expressed by several members of the Council was that there had been no notice to the homeowners in the area. There is currently no notice requirement under state law or under the City's ordinances or policies for notice in a plat vacation request.

We have heard from representatives of the applicant and it is my understanding that they want to refile the plat vacation request and go back through the process in February. Unless the City Council directs that notice be provided in these type requests there will again be no notice to the home owners in the area. If the Council does wish to establish notice requirements a determination would need to be made as to who would receive notice. Under the platting statutes there is no provision for any notice outside of the area covered by the plat being considered. Platting is a technical procedure, not a land use determination process, and a land owner has the right to plat property or vacate a plat as long as the plat meets the city's subdivision requirements and conforms to the zoning on the property. When a change in zoning is being considered notice is provided to property owners within 200 feet of the area being proposed for change. If the zone change is within a PD, Council policy is to notify all property owners within the PD.

Pete Eckert, the City Attorney, has reviewed the plat vacation statute and his comments regarding the vacation process are attached for your review. It is recommended that this information be forwarded to the City Council in order to provide them with an opportunity to indicate if they wish to place an item on the agenda to consider establishing some form of notice.

MEMORANDUM

TO: Julie Couch, City of Rockwall
FROM: Pete Eckert
RE: Lakeside Village - Proposed Vacation of Plat
DATE: January 13, 1993

As you know, a portion of the Lakeside Village Addition Plat is being proposed to be vacated. The vacation was approved by the Planning and Zoning Commission, but was denied by the Council based upon, to my understanding, an unclear presentation by the proponent and some opposition within the subdivision.

The vacation statute, Section 212.013 of the Local Government Code provides that a plat may be vacated at any time before a lot is sold. The same procedure for the approval of the original plat has to be followed in the vacation process.

The salient point is that the vacation process appears to leave little, if any, discretion on the part of the bodies responsible for plat review and approval, as long as the City's rules and regulations for submittal have been met and no appropriation of previously granted easements or rights-of-way has been made by the City or other public utility. However, I can find no Texas authority for that proposition, but a court is likely to apply the statute's plain meaning, which allows a proponent to so vacate.

It is my recommendation that if the plat vacation is resubmitted, it should be favorably considered as long as it is submitted properly. There is no legal requirement for notice to surrounding property owners and I would not advise expanding the statutory notice requirements for zoning, replats, etc., unless there is a specific Council policy direction to do so.

Please call if there are any questions.



FAX

214-867-4984
Plano, Texas

DATE: 12-28-92

FAX: 771-7727

TO: JULIE COUCH

AT: _____

FROM: JAMES MUNS

AT: _____

1 PAGES TO FOLLOW

COMMENTS: JULIE, PLEASE ATTACH THE LETTER TO
THE AGENDA FOR EACH COUNCIL MEMBER FOR
THE JAN 4th MEETING, IF THAT MEETING DOES
NOT BEGIN AT 730 CALL ME; THANKS

December 28, 1992

To: Ms. Julie Couch, Assistant City Manager, City of Rockwall

Honorable Mayor and City Council Members

From: Jordan Properties Company

Subject: Vacation of plat on all of Lakeside Village No. 5, and Addition to the City of Rockwall, Texas, according to the Plat thereof 'recorded in Slide B, Page 228, Plate Records, Rockwall County, Texas.

* Jordan Properties owns all of the above property and there has been no sales of any portion thereof of this said property. To our knowledge, the above property was platted with the original subdivision on or about 1971. It was replatted in the early 1980's as 181 townhouse lots.

* Since that time there have been numerous changes in real estate markets, none of which include townhouses as a marketable product today.

* Having done extensive research, it is our conclusion that under no circumstances we or any other developer will build townhomes on this property.

* Because there is no demand for townhomes there is no source of development funds from lending institutions.

* We have been approached by two investor/developers who are interested in development of single-family detached homes. We have a contract with one of these parties at the present time for purchase of this property, with this stated intent on his part.

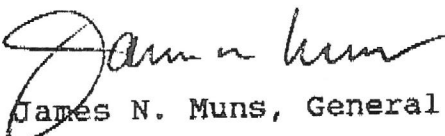
* There is a present dispute with the Lakeside Village homeowners association regarding assessments on this property.

* Regardless of the outcome of this dispute, this land will not be built on under the present site plan.

* There is no decision on a land plan at this time. The zoning does not change. Ad Valorem taxes remain the same. To my knowledge there is no effect whatsoever on the City of Rockwall.

* Therefore, we respectfully request that the Rockwall City Council approve our abandonment of the above site plan for this property.

Jordan Properties Company


James N. Muns, General Manager

12-14-92

Post-It™ brand fax transmittal memo 7671

of pages ▶ 1

To	Julie Couch	From	James Muns
Co.	City of Rockwall	Co.	Jordan Properties
Dept.		Phone #	867-3997
Fax #	771-7727	Fax #	867-4984

771-7727

TO: Ms. Julie Couch, Assistant City Manager
City of Rockwall

FROM: James N. Muns, General Manager
Jordan Properties Co.

DATE: December 14, 1992

SUBJECT: Vacation of plat on all of Lakeside Village No. 5,
an Addition to the City of Rockwall, Texas,
according to the Plat thereof recorded in Slide B,
Page 228, Plate Records, Rockwall County, Texas

As per our conversation today, we respectfully request that this item be postponed from the Rockwall City Council agenda until their meeting of January 4, 1993.

If there is any question, please do not hesitate to call me at 867-3997.

JORDAN PROPERTIES COMPANY

James N. Muns, General Manager

To: Ms. Julie Couch, City of Rockwall

Planning and Zoning Commission, City of Rockwall

From: Jordan Properties Company

Subject: Vacation of plat on all of Lakeside Village No. 5, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Slide B, Page 228, Plate Records, Rockwall County, Texas.

To our knowledge, the above property was platted with the original subdivision on or about 1971. Since that time there have been numerous changes in real estate markets for townhouse development.

After an extensive market survey, it was our determination that there was no demand for townhomes.

Although we have done developments before, it is not our primary business. Therefore we think it is to our advantage to abandon this site plan.

Even if there were such a demand for townhomes, there is no source of development funds. Townhomes are built [as are multi-family developments] by developers, as opposed to builder and/or owner construction of single-family detached homes.

The area directly behind the land is single-family detached homes and would offer continuity.

We have been approached by an investor/developer who is interested in a joint development of single-family detached homes.

We are currently negotiating a contract to sell to a developer who desires single-family.

We have not decided on a land plan because of the interest in a joint development or an outright sale, and we feel that no site plan would help us complete one of those proposals.

We respectfully request that the Planning and Zoning commission approve our abandonment of site plan request for this property.

Jordan Properties Company

Jamce N. Muns, General Manager

MEMORANDUM
December 7, 1992

TO: Members of the Planning and Zoning Commission

FROM: Julie Couch, Assistant City Manager

RE: Upcoming December Meeting

Discuss and Consider Recommending Approval of a Plat Vacation for Phase 5, Lakeside Village

Our regular December meeting is this Thursday, December 10. We have had only one case filed for this meeting and that is a request to vacate the final plat for Phase 5 in Lakeside Village. Vacating a plat is removing the approval of the plat as originally approved. The land then goes back to a single tract rather than being divided into individual lots. The site plan was originally approved in 1983 and the plat was filed in 1985. The plat contains 19 acres and is platted for 181 townhouse lots. The lots do not conform to our current townhouse requirements but they do conform to the approved site plan on this site. A copy of the area requirements for this development and the standard townhouse requirements is attached. Before the owner could change the site plan a public hearing would be required under the terms of the PD-2 ordinance. Attached is a copy of the PD-2 ordinance that governs this tract of land.

Generally a plat is vacated when the property owner has development plans that no longer conform to the approved plat. In this case it is my understanding from the current owner that they have a prospective buyer on the property and the buyer does not want to develop the property under the existing plat. The indication that I have received from the owner is that the prospective buyer may want to either submit a request for a change in the land use or reduce the density of the townhouse use. They do know that they do not want to develop the property as currently platted and want to remove the plat. While this item is not a public hearing and there has been no required notice of the proposed vacation, this particular tract of land has been a point of interest and concern in Lakeside Village for a number of years.

The Commission has the ability to approve or disapprove this plat vacation. If the Commission did not want to approve the vacation you would need to state a specific reason related to the plat for denying the vacation. If the plat vacation is approved the City would still require a public hearing and notice to all of the property owners in Lakeside Village if a change in approved site plan is submitted in the future. If the plat is vacated the City would have a greater ability in the future to review this site plan under the PD review process and possibly bring it closer in line with our current townhouse requirements.

Discuss and Consider Proposed Amendment to Ordinances Regarding Cross Access Easements, Underground Service Lines, and Screening of Utilities and Take Any necessary Action

One of the adopted strategies of the City Council is to revise our development ordinances regarding the above items as recommended by the Corridor Planning Task Force. I am in the process of drafting the necessary amendments and will have the drafts ready to discuss at the meeting on Thursday night.



June 4, 1992

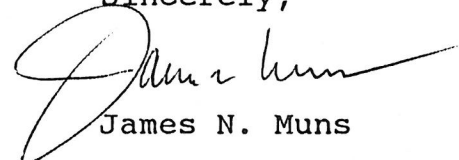
Ms. Julie Couch
Assistant City Manager
City of Rockwall
205 W. Rusk
Rockwall, TX 75087

Dear Ms. Couch:

This letter references a telephone conversation between you and John Muns on Thursday, June 4, 1992 regarding PZ92-13-Z "Continuing Public Hearing and consider Approval of a Request from Lakeside Village Homeowners Association for an Amendment to the Area Requirements for PD-2, Planned Development No. 2 on Phases 1, 2, 3, 4, and 5 Lakeside Village". Such hearing was held before the Planning & Zoning Commission on May 28th, and it is our understanding that it will continue on June 11, 1992.

As of the date of this letter, we are owners of Phase 5 of the above said property. Our contract has been pending for closing in excess of 45 days. During our due diligence process upon this property, we met with the Lakeside Village Homeowners Association on April 15, 1992 to discuss general concerns that both parties might have. There was nothing in this meeting brought up concerning this proposed changing of area requirements on the various phases of Lakeside Village. While we may not oppose the changes that are proposed, we do not feel at this time that we have had sufficient time to analyze the effects, if any, upon our property. Therefore, we respectfully request it be exempted from such a proposal at this time or that the public hearing be postponed or tabled until we have had sufficient time for discussing the rationale with the Homeowners Association. If there is any question, you can call me or John at the address on the letterhead.

Sincerely,



James N. Muns

JNM/vb
cc: John Muns
Sam Chenault

December 28, 1992

To: Ms. Julie Couch, Assistant City Manager, City of Rockwall

Honorable Mayor and City Council Members

From: Jordan Properties Company

Subject: Vacation of plat on all of Lakeside Village No. 5, and Addition to the City of Rockwall, Texas, according to the Plat thereof 'recorded in Slide B, Page 228, Plate Records, Rockwall County, Texas.

* Jordan Properties owns all of the above property and there has been no sales of any portion thereof of this said property. To our knowledge, the above property was platted with the original subdivision on or about 1971. It was replatted in the early 1980's as 181 townhouse lots.

* Since that time there have been numerous changes in real estate markets, none of which include townhouses as a marketable product today.

* Having done extensive research, it is our conclusion that under no circumstances we or any other developer will build townhomes on this property.

* Because there is no demand for townhomes there is no source of development funds from lending institutions.

* We have been approached by two investor/developers who are interested in development of single-family detached homes. We have a contract with one of these parties at the present time for purchase of this property, with this stated intent on his part.

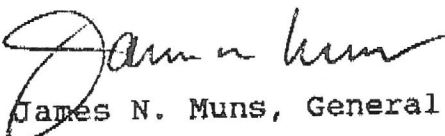
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* Regardless of the outcome of this dispute, this land will not be built on under the present site plan.

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* Therefore, we respectfully request that the Rockwall City Council approve our abandonment of the above site plan for this property.

Jordan Properties Company


James N. Muns, General Manager

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: January 4, 1993

Agenda No: VI. A.

Agenda Item: Discuss and Consider Approval of Plat Vacation of Lakeside Village, Phase 5

Item Generated By:

Action Needed:

Background Information:

Vacating a plat is removing the approval of the plat as originally approved. The land then goes back to a single tract rather than being divided into individual lots. The site plan was originally approved in 1983 and the plat was filed in 1985. The plat contains 19 acres and is platted for 181 townhouse lots. The lots do not conform to our current townhouse requirements but they do conform to the approved site plan on this site. A copy of the area requirements for this development and the standard townhouse requirements is attached. Before the owner could change the site plan a public hearing would be required under the terms of the PD-2 ordinance. Attached is a copy of the PD-2 ordinance that governs this tract of land.

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Attachments:

1. Letter from James N. Muns of Jordan Properties Company
2. Comparison Chart of Area Requirements
3. Plat Vacation
4. Plat
5. Site Plan

Agenda Item: Consider Plat Vacation of Lakeside Village Phase Five

Item No: VI. A.

December 28, 1992

To: Ms. Julie Couch, Assistant City Manager, City of Rockwall

Honorable Mayor and City Council Members

From: Jordan Properties Company

Subject: Vacation of plat on all of Lakeside Village No. 5, and Addition to the City of Rockwall, Texas, according to the Plat thereof 'recorded in Slide B, Page 228, Plate Records, Rockwall County, Texas.

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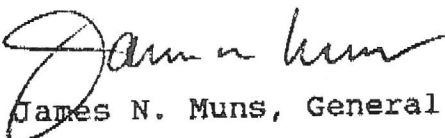
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* Therefore, we respectfully request that the Rockwall City Council approve our abandonment of the above site plan for this property.

Jordan Properties Company



James N. Muns, General Manager

PHASE 5 LAKESIDE VILLAGE
COMPARISON OF AREA REQUIREMENTS

<u>Area Requirement</u>	<u>PD-2</u>	<u>Z o n i n g Ordinance</u>
Min Lot Area	2,000	3,500
Min Lot Depth	80 ft.	100 ft.
Min Lot Width	25 ft.	35 ft.
Max Density	12 u/ac	8 u/ac
Min Front Yard	15 ft.	15 ft. or 20 ft.
Min Rear Yard	10 ft.	7.5 ft.
Garage	2 car	1 car
Max Height	2 story	30 ft.
Max Coverage	50%	60%

PLAT VACATION
Lakeside Village No. 5, Rockwall, Texas

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS Jordan Properties Company is the owner of:

19.002 acres in the M. J. Barksdale Survey
Abstract No. 11
Being all of Lakeside Village, No. 5
Lakeside Tract
Rockwall, Texas 75087

and,

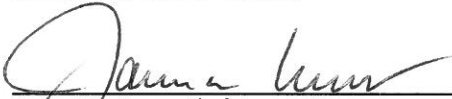
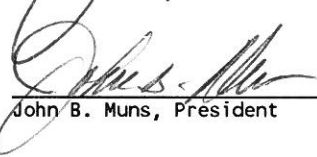
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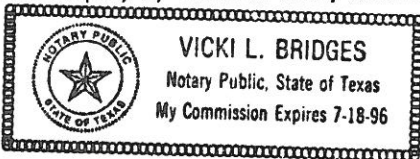
Executed this 2nd day of November, 1992.

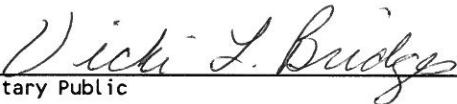
BY: JORDAN PROPERTIES COMPANY


James N. Muns, Chairman

John B. Muns, President

THE STATE OF TEXAS
COUNTY OF COLLIN

This instrument was acknowledged before me on the 2nd day of November, 1992, on behalf of Jordan Properties Company by James N. Muns, Chairman, and by John B. Muns, President.




Notary Public

NOW THEREFORE, The City of Rockwall does hereby vacate and abandon the above described Plat (or portion of) and all streets, rights of way and easements contained therein, which is filed of record on Slide B, Page 228, Rockwall County Clerk.

RECOMMENDED FOR FINAL APPROVAL

Chairman, Planning & Zoning Commission

Date

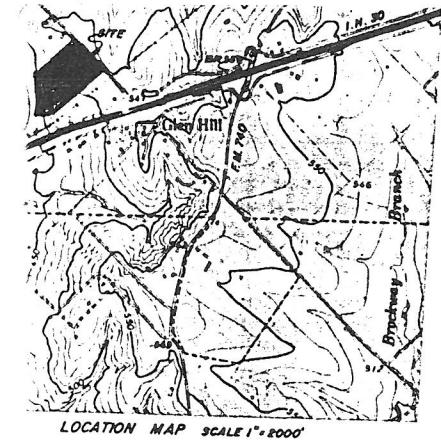
APPROVED

I hereby certify that the above and foregoing instrument of Plat Vacation in the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall on the _____ day of _____, 19____. This approval shall be invalid unless the approved instrument for such Vacation is recorded in the office of the County Clerk of Rockwall, County, Texas within one hundred twenty days from said date of final approval.

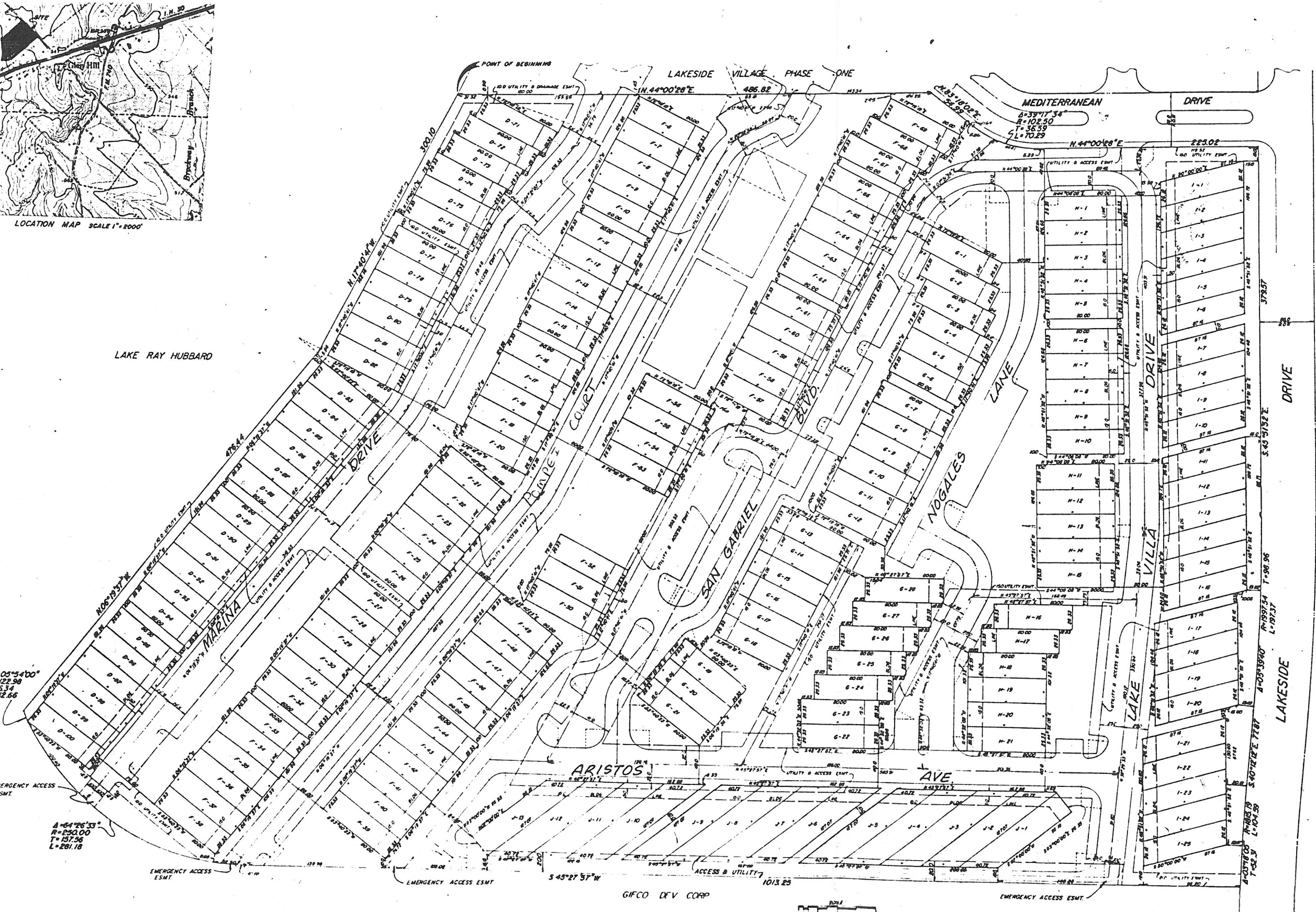
Witness my hand, this _____ day of _____, 19____.

Mayor, City of Rockwall

Date



LAKE RAY HUBBARD



GENERAL NOTES:
 1. CREATED HERE WITH IS A 25.0' WIDE FIRE LANE 12.5' EITHER SIDE OF THE CENTER LINE OF ALL STREETS
 2. COMMON AREA ALSO DESIGNATED UTILITY ESMT.

LAKESIDE VILLAGE NO. 5
 M.J. BARKSDALE SURVEY ABSTRACT NO. 11

CITY OF ROCKWALL
 ROCKWALL COUNTY, TEXAS
 DATE: MAR, 1983

OWNER: GIFCO DEV CORP
 ENGINEER: M.J. BARKSDALE