

Legal Description

Being a 48.478 acre tract of land situated in the J.B. & ANN ADAMS SURVEY, Abstract No. 5, City of Waxahachie, Ellis County, Texas, and being all of that certain tract of land conveyed to Bethany/Garden Valley, LTD., as recorded in Volume 02241, Page 1815, Deed Records, Ellis County, Texas (D.R.E.C.T.) and being more fully described as follows:

BEGINNING at a 1/2 inch capped iron rod found, being the northeast corner of said Bethany/Garden Valley, LTD. tract, at the southeast corner of Spring Creek Farm, on addition to the City of Waxahachie, Ellis County, Texas, according to the Plat thereof as recorded in Cabinet A, Slide 725 of the Plat Records of Ellis County, Texas (P.R.E.C.T.) and the southwest corner of Spring Creek Farm, Phase 1, on addition to Ellis County, Texas, according to the Plat thereof as recorded in Cabinet C, Sides 706 and 707, (P.R.E.C.T.);

THENCE South 01 degrees 36 minutes 23 seconds West, 32.81 feet along the common east line of said Bethany/Garden Valley, LTD. tract, and the west line of a 1.0748 acre tract of land, owned by Lance A. and Laurie M. Whitlock, as recorded in Volume 1902, Page 1097 (D.R.E.C.T.);

THENCE South 01 degrees 14 minutes 07 seconds West, 487.87 feet along said common line and then along the west line of a 27.497 acre tract of land, owned by Waxahachie Burleson Partnership, as recorded in Volume 1974, Page 1986 (D.R.E.C.T.);

THENCE South 90 degrees 00 minutes 00 seconds West, departing said common line, 2,729.85 feet to a 1/2 inch iron rod set;

THENCE South 23 degrees 58 minutes 09 seconds West, 104.18 feet to a 1/2 inch iron rod set, same point being the beginning of a non tangent curve to the left, with a radius of 760.00 feet, (Central Angle of 23 degrees 58 minutes 09 seconds, Long Chord - North 78 degrees 00 minutes 55 seconds West, 315.63 feet);

THENCE westerly, along the arc of said curve, a distance of 317.94 feet to a 1/2 inch iron rod set;

THENCE South 90 degrees 00 minutes 00 seconds West, 261.47 feet to a 1/2 inch iron rod set, same point being the beginning of a tangent curve to the right, with a radius of 640.00 feet, (Central Angle of 12 degrees 45 minutes 54 seconds, Long Chord - North 83 degrees 37 minutes 03 seconds West, 142.29 feet);

THENCE westerly, along the arc of said curve, a distance of 142.59 feet to a 1/2 inch iron rod set, same point being the beginning of a tangent curve to the left, with a radius of 560.00 feet, (Central Angle of 12 degrees 56 minutes 11 seconds, Long Chord - North 83 degrees 42 minutes 12 seconds West, 126.17 feet);

THENCE westerly, along the arc of said curve, a distance of 126.44 feet to a 1/2 inch iron rod found, same being an inner ell corner in the west line of a tract of land conveyed to Clyde Hargrove, as recorded in Volume 01690, Page 1690, same being the northeast corner of Indian Hills Addition, Unit VII, on addition to the City of Waxahachie, Ellis County, Texas, according to the Plat thereof as recorded in Cabinet E, Slide 382, (P.R.E.C.T.);

THENCE South 89 degrees 49 minutes 43 seconds West, along the common south line of said Bethany/Garden Valley, LTD. tract, and the common north line of said Indian Hills Addition Unit VII, 518.57 feet to a 1/2 inch iron rod found;

THENCE South 73 degrees 39 minutes 31 seconds West, 22.62 feet continuing along said common line, to a 1/2 inch capped iron rod found, same being the most westerly corner of said Bethany/Garden Valley, LTD. tract, some being on the east right-of-way line of Farm to Market Road 813 (an 85 foot right-of-way) same being the northwest corner of said Indian Hills Addition Unit VII, and being the beginning of a non tangent curve to the left, with a radius of 358.31 feet, (Central Angle of 24 degrees 03 minutes 33 seconds, Long Chord - North 21 degrees 56 minutes 38 seconds East, 149.35 feet);

THENCE northerly, along the arc of said curve, and along a westerly line of said Bethany/Garden Valley, LTD. tract, and along the east right-of-way line of F.M. 813, a distance of 150.46 feet to a 1/2 inch iron rod found, same being a northwest corner said Bethany/Garden Valley tract, and the southwest corner of that certain 0.733 acre tract of land, owned by Jack and Cheree Fielder, as recorded in Volume 1107, Page 170 (D.R.E.C.T.);

THENCE North 89 degrees 32 minutes 22 seconds East, 232.68 feet along a north line of said Bethany/Garden Valley, LTD. tract, to a 1 inch iron pipe found, same being an inset northwest corner of said Bethany/Garden Valley tract, and the southeast corner of said 0.733 acre tract;

THENCE North 00 degrees 02 minutes 16 seconds West, 366.42 feet along the west line of said Bethany/Garden Valley, LTD. tract and along the east line of said 0.733 acre tract and that certain 1.151 acre tract of land of land, owned by Jack and Cheree Fielder, as recorded in Volume 1125, Page 893 (D.R.E.C.T.), to a 1/2 inch iron rod found, same being an upper northwest corner of said Bethany/Garden Valley, LTD. tract, and being in the south line of the Tejas Trails Replat, on addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet B, Slide 405, (D.R.E.C.T.);

THENCE North 87 degrees 53 minutes 31 seconds East, 1,213.46 feet along the north line of said Bethany/Garden Valley, LTD. tract, and along the south line of said Tejas Trails and then said Spring Creek Farm, to a 1/2 inch iron rod found;

THENCE continuing along the north line of said Bethany/Garden Valley, LTD. tract, and along the south line of said Spring Creek Farm as follows:

South 88 degrees 47 minutes 12 seconds East, 674.53 feet to a 1/2 inch iron rod found;

North 33 degrees 33 minutes 28 seconds East, 13.53 feet to a 1/2 inch iron rod found;

South 89 degrees 18 minutes 01 seconds East, 1984.83 feet to the POINT OF BEGINNING and containing 2,111,711 square feet or 48.478 acres of land more or less.

SURVEYOR'S CERTIFICATE

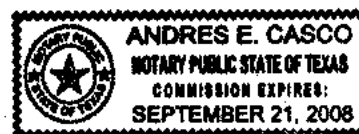
KNOW ALL MEN BY THESE PRESENTS: That I, Allen W. Kerley, do hereby certify that I prepared this plat from an actual and accurate survey of the land and the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

Allen W. Kerley
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5427

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Allen W. Kerley, 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 purposes and considerations.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 31st day of MAY, 2007



Notary Public in and for the State of Texas

"NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

1. THAT BETHANY/GARDEN VALLEY, LTD. ("OWNER"), ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICER, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS THE ESTATES OF GARDEN VALLEY, AN ADDITION TO THE CITY OF WAXAHACHIE, TEXAS (THE "CITY"), AND DOES HEREBY DEDICATE TO THE CITY: (a) EASEMENTS FOR THE PURPOSES SHOWN ON THIS PLAT AND FOR THE MUTUAL BENEFIT, USE, AND ACCOMMODATION OF ALL PUBLIC UTILITY ENTITIES INCLUDING THE CITY PROVIDING SERVICES TO THE ADDITION CREATED HEREBY AND DESIRING TO USE OR USING THE SAME, AND ALSO AN EASEMENT AND RIGHT OF WAY, UNDER, ACROSS, AND UPON BLOCK 1, TRACT 3C SHOWN HEREON FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, OPERATION, INSPECTION, REMOVAL, AND RECONSTRUCTION OF THE FACILITIES, EQUIPMENT, AND SYSTEMS OF SUCH PUBLIC UTILITY ENTITIES; AND (b) FOR THE USE, BENEFIT, AND ACCOMMODATION OF THE CITY, AN EASEMENT AND RIGHT-OF-WAY, UNDER, ACROSS, AND UPON BLOCK 1, TRACT 3C SHOWN HEREON FOR ANY PURPOSE RELATED TO THE EXERCISE OF A GOVERNMENTAL SERVICE OR FUNCTION INCLUDING, BUT NOT LIMITED TO, FIRE AND POLICE PROTECTION, GARBAGE COLLECTION, INSPECTION AND CODE ENFORCEMENT, AND THE REMOVAL OF ANY VEHICLE OR OBSTACLE THAT IMPAIRS EMERGENCY ACCESS BLOCK 1, TRACT 3C AND ALL STREETS SHOWN HEREON ARE PRIVATE STREETS AND ARE NOT DEDICATED FOR USE AS PUBLIC STREETS, OR RIGHTS OF WAY AND THE PUBLIC SHALL HAVE NO RIGHT TO USE ANY PORTION OF SUCH PRIVATE STREETS. OWNER ACKNOWLEDGES THAT SO LONG AS THE STREETS AND RELATED IMPROVEMENTS CONSTRUCTED ON BLOCK 1, TRACT 3C SHOWN HEREON SHALL REMAIN PRIVATE, CERTAIN CITY SERVICES SHALL NOT BE PROVIDED ON SAID PRIVATE STREETS INCLUDING, BUT NOT LIMITED TO, STREET CLEANING, ROUTINE POLICE PATROLS, ENFORCEMENT OF TRAFFIC AND PARKING ORDINANCES, AND PREPARATION OF ACCIDENT REPORTS, EXCEPT FOR PRIVATE STREETS AND RELATED IMPROVEMENTS, NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OR ACROSS THE EASEMENTS DEDICATED HEREIN. THE CITY AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER PROHIBITED IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THEIR RESPECTIVE EASEMENTS. IN ADDITION, THE CITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ANY VEHICLE OR OBSTACLE THAT IMPAIRS EMERGENCY ACCESS TO ITS EASEMENT. THE CITY AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO AND FROM THEIR RESPECTIVE EASEMENTS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING PERMISSION FROM ANYONE. THE USE, BY THE CITY AND PUBLIC UTILITY ENTITIES, OF THEIR RESPECTIVE EASEMENTS SHALL NOT UNREASONABLY INTERFERE WITH THE RIGHTS OF PROPERTY OWNERS AND THE HOMEOWNER'S ASSOCIATION (THE "ASSOCIATION") IN AND TO BLOCK 1, TRACT 3C SHOWN HEREON.

2. THAT THE ASSOCIATION AGREES TO RELEASE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE CITY AND ANY GOVERNMENTAL ENTITY OR PUBLIC UTILITY ENTITY THAT OWNS PUBLIC IMPROVEMENTS WITHIN THE ADDITION CREATED BY THIS PLAT (COLLECTIVELY, THE "INDEMNITIES") FROM AND AGAINST ANY CLAIMS FOR DAMAGES TO THE PRIVATE STREETS, RESTRICTED ACCESS GATES, AND ENTRANCES AND RELATED APPURTENANCES (COLLECTIVELY, THE "PRIVATE STREETS") CAUSED BY THE REASONABLE USE OF THE PRIVATE STREETS BY THE INDEMNITIES. THIS PARAGRAPH 2 DOES NOT APPLY TO DAMAGES TO THE PRIVATE STREETS CAUSED BY THE DESIGN, CONSTRUCTION, OR MAINTENANCE, OR ANY PUBLIC IMPROVEMENTS OWNED BY ANY OF THE INDEMNITIES.

3. THAT THE ASSOCIATION AGREES TO RELEASE, INDEMNIFY, DEFEND, AND HOLD HARMLESS THE INDEMNITIES FROM AND AGAINST ANY CLAIMS FOR DAMAGES TO PROPERTY AND INJURY TO PERSONS (INCLUDING DEATH) THAT ARISE OUT OF THE USE OF THE PRIVATE STREETS BY THE INDEMNITIES AND THAT ARE CAUSED BY THE FAILURE OF THE ASSOCIATION TO DESIGN, CONSTRUCT, OR MAINTAIN THE PRIVATE STREETS IN ACCORDANCE WITH CITY STANDARDS. THE INDEMNIFICATION CONTAINED IN THIS PARAGRAPH 3 SHALL APPLY REGARDLESS OF WHETHER A CONTRIBUTING FACTOR TO SUCH DAMAGES OR INJURY WAS THE NEGLIGENCE, ACTS OR OMISSIONS OF THE INDEMNITIES OR THEIR RESPECTIVE OFFICERS, EMPLOYEES, OR AGENTS.

4. THAT THE OWNER OF EACH LOT SHOWN ON THIS PLAT AGREES TO RELEASE THE INDEMNITIES FROM CLAIMS FOR DAMAGES TO PROPERTY AND INJURY TO PERSONS (INCLUDING DEATH) THAT ARISE OUT OF THE USE OF THE PRIVATE STREETS BY THE INDEMNITIES AND THAT ARE CAUSED BY THE FAILURE OF THE ASSOCIATION TO DESIGN, CONSTRUCT, OR MAINTAIN THE PRIVATE STREETS IN ACCORDANCE WITH CITY STANDARDS.

5. THAT THE OBLIGATIONS OF THE ASSOCIATION AND LOT OWNERS SET FORTH IN PARAGRAPHS 2, 3, AND 4 ABOVE SHALL IMMEDIATELY AND AUTOMATICALLY TERMINATE IF THE STREETS AND OTHER RIGHTS OF WAY ARE DEDICATED TO AND ACCEPTED BY THE CITY.

6. THAT BETHANY/GARDEN VALLEY, LTD. ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS THE ESTATES OF GARDEN VALLEY, AN ADDITION TO THE CITY OF WAXAHACHIE, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREET (GARDEN VALLEY PARKWAY) SHOWN THEREON. THE STREET IS DEDICATED FOR STREET PURPOSES.

7. THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. THE CITY SHALL HAVE THE RIGHT BUT NOT THE OBLIGATION TO MAINTAIN ANY AND ALL LANDSCAPING WITHIN THE VAM EASEMENT. SHOULD THE CITY EXERCISE THIS LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER AND FIXTURES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS. NO BUILDING, FENCE, SHRUB, TREE OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT BUT NOT THE OBLIGATION TO ADD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT TO ERECT ANY TRAFFIC CONTROL DEVICES OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS.

WITNESS MY HAND, THIS 31st DAY OF MAY, 2007.

BETHANY/GARDEN VALLEY, LTD., A TEXAS LIMITED PARTNERSHIP

BY: Clyde L. Hargrove
NAME: CLYDE L. HARGROVE
TITLE: MANAGER

STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared CLYDE L. HARGROVE, 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 purposes and considerations.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 31st DAY OF MAY, 2007



Notary Public in and for the State of Texas

FILED FOR RECORD - ELLIS COUNTY, TEXAS
Last No: 0716376
on Jun 05, 2007 at 01:12:00 PM

ORIGINAL FILED

4/422

APPROVED BY: Planning and Zoning Commission
City of Waxahachie

BY: James K. Koster
Chairperson

4-11-07
Date

APPROVED BY: City Council
City of Waxahachie

BY: Joe Jenkins
Mayor



Attest: Nancy Ross
Attest

4-16-07
Date

FINAL PLAT
OF
THE ESTATES OF GARDEN VALLEY

48.478 ACRES (84 LOTS)
OUT OF THE

J.B. & ANN ADAMS SURVEY
ABSTRACT 5

IN THE
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS

ZONING PD SP-1
ORDINANCE 2137

OWNER
BETHANY/GARDEN VALLEY, LTD.

101 VALLEY RIDGE DRIVE
RED OAK, TX 75154

(972) 617-1100 FAX (972) 617-1104

ENGINEER HARRINGTON ENGINEERING, INC. SURVEYOR ADVANCED LAND SURVEYING, INC.
P.O. BOX 140447 P.O. BOX 516
DALLAS, TX 75214 PALMER, TX 75152
(214) 824-9324 FAX (214) 824-9325 (972) 845-2452 FAX (972) 845-2461

MAY 30, 2007 SCALE: 1"=100'
SHEET 4 OF 4