2 1997 La Mirada

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TOWN OF PUBLIC WORKS ADDISON To: Steve M athis From: John Baumgartner, P.E. Director Company: Humphries + Partner Phone: 214/450-2886 FAX: 214/931-6643 FAX #: 701-9639 16801 Westgrove Date: 6791 P.O. Box 144 Addison, TX 75001 # of pages (including cover): ____0 Original in mail Per your request DFYI Call me Comments:

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COPY Leslaes Mirada

ORDINANCE NO. 095-044

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, APPROVING AN AMENDMENT TO A PREVIOUSLY-APPROVED DEVELOPMENT PLAN IN A PLANNED DEVELOPMENT-TOWNHOUSE/CONDOMINIUM DISTRICT, SO AS TO PROVIDE FOR REVISED DEVELOPMENT PLANS, ON APPLICATION FROM MICHAEL BLOCK TOWNHOMES, INC., LOCATED ON 6.8216 ACRES ON THE SOUTH SIDE OF PROTON DRIVE, AND ON THE EAST, SOUTH, AND WEST OF LES LACS MIRADA CONDOMINIUMS, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

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PAGE 02

SECTION 1. That the Council does hereby approve revised development plans for a townhome development in district zoned Planned Development-Townhouse/Condominium under Ordinance #622. Said property being in the Town of Addison, Texas, and being described as follows:

WHERE, Block Properties, Inc. is the owner of a tract of land situated in the Thomas L. Chenowith Survey, Abstract No. 273, City of Addison, Dallas County, Texas and being a part of Les Lacs Village Phase I, an addition to the City of Addison according to the replat recorded in Volume 83183, Page 4319 of the Dead Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a "+" dut in the concrete pavement found for the northeast corner of said addition, said corner being in the centerline of Proton Drive (a variable width drive);

THENCE, S 00°49'25" W, with the east line of said addition for a distance of 8\$2.63 feet to a one-half inch iron set for corner at the southeast corner of said addition, said corner being on the north line of Greenhill School Addition, an addition to the City of Dallas as recorded in Volume 87200, Page 1886, Deed Records of Dallas County, Texas.

THENCE N 89°21'22" W, with the south line of said Les Lacs Village Phase I and the north line of said Greenhill School Addition for a distance of 511.05 feet to a one-inch iron rod found for corner, said corner being the southwest corner of said Les Lacs Village Phase I and the southeast corner of Westfield Court, an addition to the City of Addison as recorded in Volume 91227, Page 5431, Deed Records of Dallas County, Texas;

THENCE N 00°38'38" E, leaving the north line of Greenhill School Addition and with the west line of said Les Lacs Village Phase I addition, same being the east line of said Westfield Court for a distance of 520.33 feet to a one-half inch iron rod found for corner;

THENCE, S 89°21'22" E, with the north line of a called Tract I in a Special Warranty Deed recorded in Volume 85110, page 3235, Deed Rebords of Dallas County, Texas for a distance of 128.83 feet to a "+" cut in concrete found for corner on the west line of a 24-foot fire lane and utility easement, same being a west line of Les Lacs Mirada Condominiums as recorded in Volume 84193, Page 5200, Deed Records of Dallas County, Texas;

OFFICE OF THE CITY SECRETARY

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THENCE, S $00^{\circ}38'38"$ W, with the west line of said fire lane and utility easement and a west line of said condominiums and passing the southwest corner of said condominiums at a distance of 196.64 feet and continuing for a distance of -044

218.64 feet to a "+" cut in concrete found for corner, said corner being the southwest corner of a tract of land conveyed by Kathy Schacher to AMF Partnership, Ltd., Park Cosmopolitan Associates, Seven-Flags Partnership, Alamo Associates, Keller Springs Limited and Turnpike-Waldrop Joint Venture by Deed recorded in Volume 90113, Page 3651, Deed Records of Dallas County, Texas;

THENCE, S 89°21'22" \$, with the south line of last said tract for a distance of 299.13 feet to a "+" cut in concrete set for corner on the east line of a 24-foot fire lane and utility easement;

THENCE, N 00°38'38" E, with the east line of fire lane and utility easement and passing the northeast corner of last said tract at a distance of 14.00 feet, same being the southeast corner of said condominiums and continuing with an east ine of said condominiums for a total distance of 53.73 feet to a "4" cut in concrete set for corner at the beginning of a curve to the right having a central angle of 90°11'40", a radius of 30.00 feet, a tangent of 30.10 feet, and a chord bearing and distance of N 45°44'28" E, 42.50 feet;

THENCE, in a northeasterly direction continuing with said east line of a fire lane and utility easement and with an east line of said condominiums and with said curve for an arc distance of 47.23 feet to a "+" cut in concrete found for corner;

THENCE, N 00°38'38" E, with an east line of said condominiums and crossing one fire lane and utility easement and then with the east line of another fire lane and utility easement till its termination and continuing for a total distance of 447.12 feet to a one-half inch iron rod found for corner on the north line of said Les Lacs Village, Phase I Addition;

THENCE, S 89°23'17" E, with the north line of said Les Lacs Village Phase I for a distance of 155.60 feet to the POINT OF BEGINNING and containing 297,149 square feet or 6.8216 acres of land more or less.

OFFICE OF THE CITY SECRETARY

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PAGE 84

SECTION 2. As provided in Planned Development District Article of the Comprehensive Zoning Ordinance, said property shall be improved in accordance with the revised development plans which are attached hereto and made a part hereof for all purposes.

SECTION 3. The following special conditions are placed on the above described property:

-Site plan shall be revised to delete the gates shown at the entrance to Proton Drive.

-Prior to construction, utility and drainage plans, that conform to our current requirements, are required. Any additional utility and drainage improvements shall be implemented in conjunction with the building construction. This will require the installation of water, sewer and storm drainage lines.

-In conjunction with the second phase of construction, the water/sewer from Phase I shall be routed to service independently from Phase II. This will require eliminating some units in Phase II or relocating some of the Phase I water/sewer services.

-The eastern entrance shall proved 300 feet of vehicular visibility. All proposed fences and buildings shall be located out of the visibility triangle.

-Any failures in existing Proton Drive (adjacent to this property) shall be repaired prior to issuance of a Certificate of Occupancy for the first unit.

-A side-yard setback of ten feet shall be required for fences, buildings, shrubs, etc. adjacent to streets.

-All driveways shall be at least 20 feet in length.

-A permanent street marking/signage plan, prepared by a professional engineer, should be provided for the private streets.

-Access to the existing storm sewer and sanitary sewer system shall be provided. This primarily affects the building/fences along the south property line.

OFFICE OF THE CITY SECRETARY

PAGE 05

-Locations of all proposed fencing, including fences for individual units, shall be illustrated on the site plan.

-A detailed landscape plan shall be submitted before issuance of a building permit. The plan should adequately address the buffering of the single family on the west side of the property. The schematic plan addresses this concern by showing live oaks planted 20 feet apart.

SECTION 4. All paved areas, permanent drives, streets and drainage structure shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose

SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

SECTION 7. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed, specifically Ordinance 095-013, and all other ordinances of the City not in conflict with the provisions of this ordinance ehall remain in full force and effect.

OFFICE OF THE CITY SECRETARY

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DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of September, 1995.

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ATTEST:

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CITY SECRETA

CASE NO. 1224-2

APPROVED AS TO FORM:

DIRECTOR OF DE VICES

OFFICE OF THE CITY SECRETARY

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ORDINANCE NO. 095-044

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is hereby amended by amending Article XIII subsection 1. to read as follows:

Article XIII

Exceptions

- 1. Vision Clearance
- (A) Is a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points thirty-five (35) feet back from their intersection.
- (B) Prohibited within visibility triangle it shall be unlawful to set out, maintain or permit or cause to be set out or maintained any shrub, plant, sign or other view obstruction having a height greater than two and a half (2½) feet as measured from the top of the curb of the adjacent streets within the visibility triangle. This restriction shall not apply to permanent structures authorized by the zoning ordinance or to traffic control signs and signals, street signs or utility poles placed within such area by authority of the City Council.

SECTION 2. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense. SECTION 3. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Whereas, the above described property required that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City and creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 27th day of September, 1983.

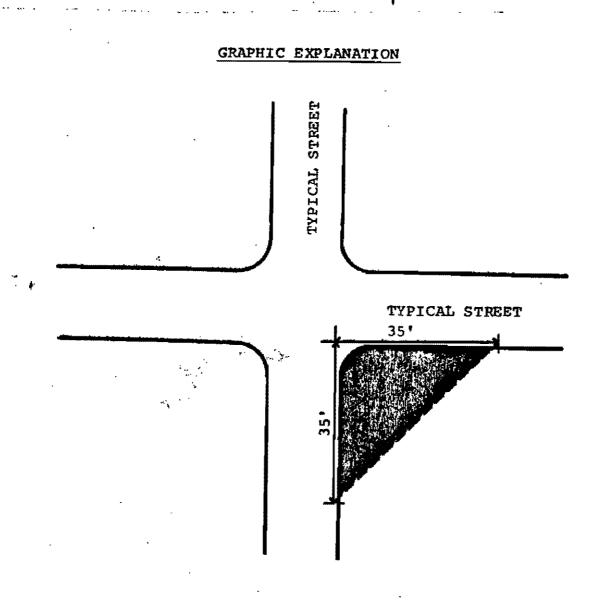
ATTES que Krise

CITY SECRETARY

CASE # 794-2

VISIBILITY TRIANGLE

- (A)Is a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points thirty-five (35) feet back from their intersection.
- **(B)** Prohibited within visibility triangle it shall be unlawful to set out, maintain or permit or cause to be set out or maintained any tree, shrub, plant, sign or other view obstruction having a height greater than two and a half (23) feet as measured from the top of the curb of the adjacent streets within the visibility triangle. This restriction shall not apply to permanent structures authorized by the zoning ordinance or to traffic control signs and signals, street signs or utility poles placed within such area by authority of the City Council.



COPY Leslaes Mirada

ORDINANCE NO. 095-044

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WHEREAS, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

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OFFICE OF THE CITY SECRETARY

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OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 095-044

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-Access to the existing storm sewer and sanitary sewer system shall be provided. This primarily affects the building/fences along the south property line.

OFFICE OF THE CITY SECRETARY

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-A detailed landscape plan shall be submitted before issuance of a building permit. The plan should adequately address the buffering of the single family on the west side of the property. The schematic plan addresses this concern by showing live oaks planted 20 feet apart.

SECTION 4. All paved areas, permanent drives, streets and drainage structure shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose

SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be uncon invalid, the same shall not affect the a whole or any part or provisions iscided to be invalid, illegal of this ordinance be adjudged t affect the

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OFFICE OF THE CITY SECRETARY

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DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 12th day of September, 1995.

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ATTEST :

CITY SECRETAR

CASE NO. 1224-Z

APPROVED AS TO FORM:

RVICES DIRECTOR OF DE

OFFICE OF THE CITY SECRETARY

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Town Jf Addison Public Works

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Company: Cook Consultants
Fax #: 387-8210
Date: 1/15/94 5/14/96
of pages, including cover: 7
From: John Baumgartner
\Box Original in mail \Box Per your request \Box FYI \Box Call me
Comments: please find attached a copy of the ordinance re : Les Lacs Miada Condominiums
Condominiums

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La Mirada Owners Association, Inc. 4031 Proton Road Addison, Texas 75244 August 23, 1995

Mr. Barney Giles, President Venture Realty Advisors, Inc. 4560 Belt Line Road, Suite 201 Dallas, Texas 75244

Re: La Mirada/Venture Realty agreement

Dear Mr. Giles:

As president of the La Mirada Owners Association Board of Directors, I have prepared this letter to affirm La Mirada's general support for your proposed development of the adjoining Phase II tract.

The Board has met in special sessions both with you and privately over the past several months to try to come to an agreement on the plan as you have presented it to us and to propose changes to reflect our unique needs. This letter specifies the details of our mutual agreement as I understand it. Although this letter has not been ratified by the Board, a quorum not being available on short notice this week, it does reflect the current status of many weeks of good-faith discussion, negotiation, and fair compromise and you may use it with the City of Addison to obtain plat approval for development of the Phase II land.

La Mirada agrees to participate with you, or the owner of the adjoining Phase II land, in a shared use agreement that creates reciprocal easements and restrictions for driveways, utilities, parking, fencing, and gating. La Mirada's support is based upon the following points, the substance of which will be incorporated into the agreement:

> Firelane Omissions. The agreement must correct omissions in the 1983 Replat by designating the following portions of shared driveway as part of the continuous firelane easement:

The irregularly-shaped patch of concrete driveway located on the south side of Building UU (aka Building 47), hereafter referred to as the "West Leg Driveway," which may also be described as the firelane/driveway on both sides (north and south) of the property line that runs almost due east



Mr. Barney Giles August 23, 1995 Page 2

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for a distance of 128.83 feet from the Point of Beginning for La Mirada, as shown on the Exhibit "A" legal description to the Declaration and Master Deed for Les Lacs Mirada Condominiums, recorded October 1, 1984, Volume 84193, at Page 5256, Real Property Records, Dallas County, Texas.

The driveway along the south side of La Mirada Condominiums (the "South Driveway") - the 0.1489 acres described in the Special Warranty Deed recorded October 25, 1993, Volume 93207, Page 2026, Real Property Records, Dallas County, Texas, and also described in Exhibit 1 of the First Amendment to Declaration and Master Deed for La Mirada, recorded October 26, 1993, Volume 93208, Page 1232, Real Property Records, Dallas County, Texas.

2. Fencing & Gating of Tract. The agreement will permit gating of the east and west entrances. If the entrances are gated, the perimeter of the entire tract must be enclosed.

Gating by Phase II Developer. If you effect the gating and fencing in connection with development of the Phase II land, you will pay the entire cost of the design, engineering, installation, and implementation - including issuance of initial "gate openers" to La Mirada residents and enclosure of La Mirada's north perimeter, along Proton Drive, by fence sections that connect buildings or by a free-standing fence that runs the length of the north side. Similarly, you may make all decisions relating to selection of materials and contractors, except that fencing to be installed on La Mirada must have the prior approval of La Mirada's board.

Visitor Parking. In response to the shortage of visitor parking spaces on the east side of La Mirada, the agreement will assign to La Mirada the permanent and exclusive use of certain parking spaces along the shared driveway and will provide ample (appx 16) common spaces near the La Mirada



Mr. Barney Giles August 23, 1995 Page 3

property, as shown on the color-coded Exhibit A. attached to this letter.

5. Two Associations. The agreement will state your intent to create a mandatory membership association of Phase II owners. The agreement will further provide that the 2 associations - La Mirada and Phase II - will be the governing entities that work together to finance and operate the shared property components.

6. Cost of Maintenance. Subject to Paragraph #3 above, the costs of maintaining, operating, insuring, repairing, and replacing all components of the shared property will be divided among the property owners as follows:

La Mirada will be liable for 30 percent of the common costs.

Phase II will be liable for 70 percent of the common costs.

Each association will reimburse any direct costs, such as the cost of keys, cards, codes, or remote devises that are billed by a vendor on a per unit or per user basis.

Payments will be handled by and through the two associations.

7. Decision Making. Subject to Paragraph #3 above, operational decisions relating to the shared property will be made jointly by the La Mirada and Phase II associations through a forum to be agreed upon by the parties.

8.

Easement for Utilities. The parties to the agreement will grant each other blanket easements, as needed, for the maintenance and support of utilities that cross one property to serve the other.



Mr. Barney Giles August 23, 1995 Page 4

9. Easement for Access. The parties will grant each other easements of ingress and egress over the shared driveway for access to Proton Drive.

10. La Mirada's Out of Pocket. You will reimburse actual and reasonable legal expenses incurred by La Mirada to negotiate, draft, and review the agreement, up to a maximum of \$1,000.00.

If this letter does not accurately report the points of agreement between you and La Mirada, please notify me immediately. Otherwise, your use of this letter with the City of Addison will demonstrate your acceptance of the terms discussed above.

I understand that your attorney, Ira Levy, and La Mirada's attorney, Sharon Rueler, have already started drafting the agreement. Please let me know if you need additional documentation of La Mirada's commitment to the shared use agreement.

Sincerely,

LA MIRADA OWNERS ASSOCIATION, INC.

By:

Larry E Taylor, President 4130 Proton Drive, #44A Addison, Texas 75244 Tel: 385-4013 (daytime)

LET/vr Attached: Exhibit A

cc: Mr. Pat Clark, PCAM Ms. Sharon Rueler





### PUBLIC WORKS DEPARTMENT

(214) 450-2871 16801 Westgrove

Post Office Box 144 Addison, Texas 75001

MEMORANDUM

July 18, 1995

To: Carmen Moran Director of Developmental Services

From: John R. Baumgartner, P.E Director of Public Works

Re: Site Plan - Michael Block Town homes - Case 1224-2 Replat - La Mirada

The Public Works Department has reviewed the referenced site plan and re-plat and has the following comments:

- 1. The proposed site plan has some cumbersome access easements across the Phase I property under separate ownership. These easements do not address maintenance standards and or responsibilities.
- 2. This site plan is not conducive to development of a secured community. If gates are required, the site plan will require adjustment to provide a vehicular turnaround between the gates and the road and sufficient setback between the gates and the street.
- 3. Prior to construction, utility and drainage plans that conform to our current requirements are required. Any additional utility and drainage improvements shall be implemented in conjunction with the building construction.
- 4. Sufficient easements are required from Phase II to allow Phase I to remain an independent project.
- 5. In conjunction with the second phase of construction the water/sewer from Phase I shall be routed to service independently from Phase II. This requires eliminating some units in Phase II or relocating some of the Phase I water/sewer services.
- 6. The eastern entrance shall be reconfigured to provide 300 feet of vehicular visibility. All proposed fences and buildings shall be located out of the visibility triangle.
- 7. Right-of-way along Proton Drive shall be dedicated to provide a minimum 10 feet of right-of-way, south of the existing curb.
- 8. Any failures in existing Proton Drive shall be repaired.

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- 9. What is the proposal for street sweeping and solid waste collection?
- 10. This proposed development contemplates independent fee-simple ownership of each structures and underlying property. Our current ordinance requires that the streets (public or private) associated with this type of ownership be developed to public street standards. The developer in trying to utilize some of the existing infrastructure was not able to meet this standard. The proposal for private streets as submitted does not meet the public street standards in the following areas:
  - A. Standard residential street width is 27 feet. The existing proposal has street widths of 20 to 24 feet.
  - B. The proposed geometric (horizontal) design does not meet current minimum standards for site visibility.
  - C. Buildings and fences, obscure the visibility at several of the intersections.
  - D. There are 7 dead streets proposed with lengths of up to 150 without adequate provisions for vehicular turnaround.
  - E. Several of the parking spaces appear to encroach into the space provided for the roadway.

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- 11. The existing private driveways located in Phase I which must be utilized to access Phase II under the current development proposal do not meet the current public street standards for width, setback and geometric design.
- 12. It is recommended that if this project is approved as a town home development that the streets be included as part of each lot with a non-exclusive ingress/egress/utility easement dedicated.
- 13. Access to the existing storm sewer and sanitary sewer system shall be provided. This primarily affects the building/fences along the south property line.
- 14. Additional easement for utilities are required.

Please call me if you have any questions or need additional information.

TOWN OF ADDISON	PUBLIC WORKS
To: <u>Steve Mathis</u> Company: <u>Humphries + Partners</u> FAX #: <u>701 - 9639</u> Date: <u>6/7/96</u>	From: John Baumgartner, P.E. Director Phone: 214/450-2886 FAX: 214/931-6643 16801 Westgrove P.O. Box 144
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From: John Baumgartner, P.E. Director Phone: 214/450-2886 FAX: 214/931-6643

> 16801 Westgrove P.O. Box 144 Addison, TX 75001

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Company: Cook Consultants

FAX #: 387-8210

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Date: 6/10/910

To: Lloyd Dickens

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Comments: