

2000-3 Arapaho Road  
R.O.W. Litigious Documents (Spectrum) - 2004



# COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON  
214.672.2144  
AWASHINGTON@COWLESTHOMPSON.COM

February 14, 2003

***VIA HAND DELIVERY***

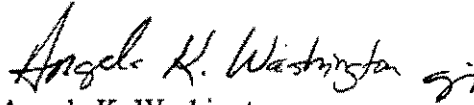
Mr. Steve Chutchian  
Assistant City Engineer  
Town of Addison - Service Center  
16801 Westgrove Drive  
Addison, TX 75001

**RE: Spectrum Drive Project**

Dear Steve:

Enclosed are right-of-way deeds and sidewalk easements for Parcels 3 through 6 of the above-referenced project. Documents for Parcel 2 were forwarded to you on December 23, 2002 and, as you will recall, Parcel 1 is the property of the Town of Addison. If you have any questions or need anything further, please give me a call.

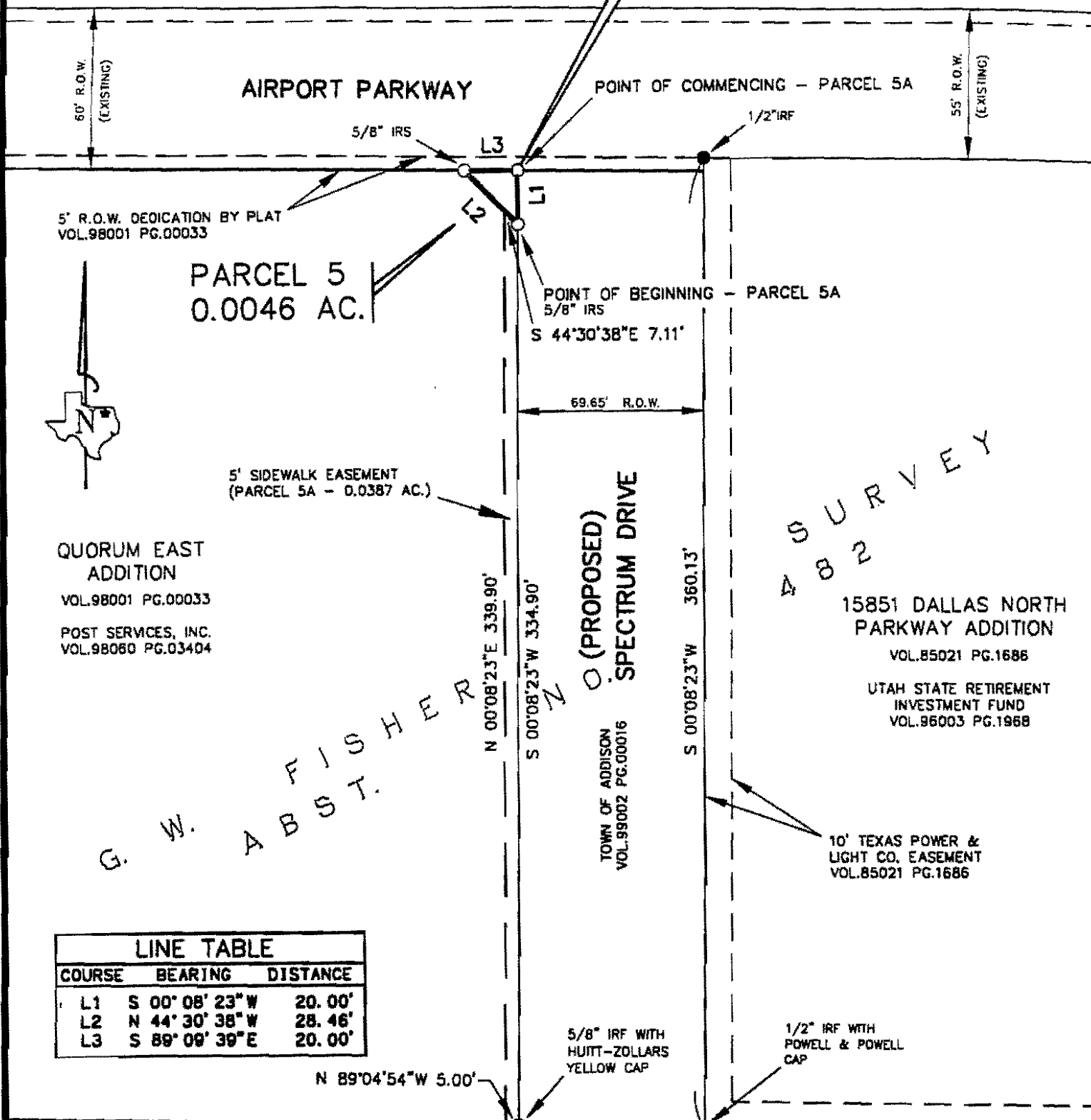
Sincerely,

  
Angela K. Washington

AKW/yjr  
Enclosures

c(w/o Enclosures): Mr. Mike Murphy  
Mr. Kenneth C. Dippel, w/firm

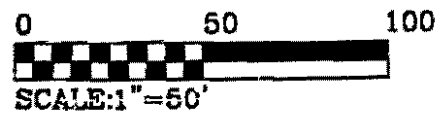
NOTE: Improvements were not located for this exhibit and there may be easements and other matters of record that may affect this tract.



LINE TABLE		
COURSE	BEARING	DISTANCE
L1	S 00° 08' 23" W	20.00'
L2	N 44° 30' 38" W	28.46'
L3	S 89° 09' 39" E	20.00'

PAGE 3 OF 3

LEGEND  
IRS = Iron Rod Set with Huitt-Zollars yellow plastic cap  
IRF = Iron Rod Found



This is to certify that the above survey was made under my supervision on November 5, 2002 and that the metes and bounds shown thereon are true and correct to the best of my knowledge.

*Eric J. Yahoudy*  
Eric J. Yahoudy, Registered Professional Land Surveyor, Texas No. 4862

BASIS OF BEARINGS:  
The monuments found as called for on the amended plat of Addison Circle Phase II, an addition to the Town of Addison, Texas, as recorded in Volume 2000153, Page 00015, Deed Records, Dallas County, Texas.

**HUITT-ZOLLARS**  
Huitt-Zollars, Inc. Dallas  
3131 McKinney Avenue, Suite 600  
Dallas, Texas 75204-2489  
Phone (214) 871-3311 Fax (214) 871-0757

**SPECTRUM DRIVE  
RIGHT-OF-WAY EXHIBIT  
& SIDEWALK EASEMENT  
TOWN OF ADDISON, TEXAS**

Prepared For: TOWN OF ADDISON  
16801 Westgrove Dr., Addison, TX 75001  
**EXHIBIT PARCEL NO. 5**  
OWNER: POST SERVICES, INC.  
AREA: 0.0046 AC. DATE: 11/05/2002

25th  
Anniversary  
1978-2003

COWLES & THOMPSON  
A Professional Corporation  
ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON  
214.672.2144  
AWASHINGTON@COWLESTHOMPSON.COM

April 22, 2003

Mr. Steve Chutchian  
Assistant City Engineer  
Town of Addison - Service Center  
16801 Westgrove Drive  
Addison, TX 75001

**VIA HAND DELIVERY**

Ms. Carmen Moran  
City Secretary  
Town of Addison  
5300 Belt Line Road  
Dallas, TX 75254

**VIA HAND DELIVERY**

**RE: Spectrum Drive Right-of-Way Project**

Dear Steve and Carmen:

Enclosed with attached exhibits are the documents for Parcels 2, 2A, 2B, 3 and 3A of the above-referenced project. If there are any questions or if you need anything further, please give me a call at 214.672.2144.

Sincerely,

Angela K. Washington

AKW/yjr  
Enclosures

c(w/o Enclosures): Mr. Mike Murphy  
Mr. Ken C. Dippel

25th  
Anniversary  
1978-2003

COWLES & THOMPSON  
A Professional Corporation  
ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON  
214.672.2144  
AWASHINGTON@COWLESTHOMPSON.COM

April 22, 2003

**VIA HAND DELIVERY**

Mr. Steve Chutchian  
Assistant City Engineer  
Town of Addison - Service Center  
16801 Westgrove Drive  
Addison, TX 75001

**RE: Inwood Road / South Quorum Phase II**

Dear Steve:

Enclosed are easement documents with attached exhibits for drainage Easements 5, 6, and 7 of the above-referenced project. If you have any questions or need anything further, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr  
Enclosures

c(w/o Enclosures): Mr. Mike Murphy  
Mr. Kenneth C. Dippel, w/firm

# COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON  
214.672.2144  
AWASHINGTON@COWLESTHOMPSON.COM

February 18, 2004

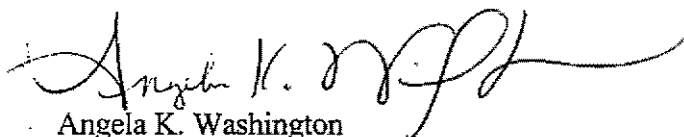
Ms. Dayna Boone  
Legal Assistant  
Post Properties, Inc.  
One Riverside  
4401 Northside Parkway, Suite 800  
Atlanta, GA 30327

**RE: Correction Special Warranty Deed for Parcels 5 and 5A, Spectrum Drive  
Right-of-Way Project**

Dear Dayna:

As we discussed, enclosed is the Correction Special Warranty Deed for Parcels 5 and 5A, Town of Addison Spectrum Drive Right-of-Way Project. As you will note, in addition to the correction to the property description contained in the body of the deed, I am also providing marked exhibits, as a referenced in the deed. Please have the document executed by the appropriate party and return it directly to me. I will then secure the signature of the City Manager and have the document filed in the real property records of Dallas County. After it is returned by the County, I will forward to you a copy of the file-marked instrument. If you have any questions, please give me a call.

Sincerely,



Angela K. Washington

AKW/yjr  
Enclosures

c(w/Enclosures): Ms. Carmen Moran, w/Town of Addison  
Mr. Mike Murphy, w/Town of Addison  
Mr. Steve Chutchian, w/Town of Addison  
(w/o Enclosures) Mr. Ken C. Dippel, w/firm

After Recording Return To:  
Angela K. Washington  
Cowles & Thompson, P.C.  
901 Main Street, Suite 4000  
Dallas, Texas 75202

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

**TOWN OF ADDISON**  
**CORRECTION SPECIAL WARRANTY DEED**

**EFFECTIVE DATE:** November 14, 2003

**GRANTOR:** Post Services, Inc.  
One Riverside  
4401 Northside Parkway, Suite 800  
Atlanta, Georgia 30327

**GRANTEE:** Town of Addison, Texas  
5300 Belt Line Road  
Addison, TX 75001  
(Dallas County, Texas)

**CONSIDERATION:**

- (1) One Dollar (\$1.00) in hand paid by Grantee, the receipt and sufficiency of which is acknowledged by Grantor.
- (2) Benefits to be derived by Grantor and its remaining property as a result of the proposed public improvements.
- (3) Representations and warranties of Grantee provided herein.

**PROPERTY (INCLUDING ANY IMPROVEMENTS):**

See Exhibit A (Field Note Descriptions for Parcels 5 and 5A) and Exhibit B (Survey Depiction for Parcels 5 and 5A) both attached hereto and incorporated herein by reference.

**CONVEYANCE:**

Grantor, a corporation organized and existing under the laws of the State of Georgia for the consideration described above grants, sells, and conveys to Grantee the Property (subject to the Reservations from Conveyance described herein), together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee, Grantee's

heirs, executors, administrators, successors, and assigns forever. Grantor does hereby bind itself and Grantor's heirs, executors, administrators, successors, and assigns to Warrant and forever Defend all and singular the premises herein conveyed unto Grantee and its heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

#### **RESERVATIONS FROM CONVEYANCE:**

(a) Grantor reserves all of the oil, gas and sulfur in and under the land herein conveyed, but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same. Nothing in this reservation shall affect the title and rights of Grantee to take and use all other minerals and materials thereon, therein and thereunder.

(b) Grantor reserves the right to use the Property for access to and from the Remainder and to install driveways and other facilities necessary for such access subject to Grantee's reasonable approval of the location and extent of same.

#### **REPRESENTATIONS AND WARRANTIES:**

As an inducement to execute and deliver this Deed, Grantee agrees, represents and warrants to Grantor that:

(a) The Property hereby conveyed may be used as a public right-of-way for the passage of pedestrian traffic, including (without limitation) sidewalks, landscaping, utilities and drainage, or for any other customary use of public right-of-way as Grantee determines necessary or desirable.

(b) No additional assessments or fees for this Project in excess of those established prior to the date of this agreement shall be required of Grantor. For purposes of this paragraph, the term "this Project" means the Spectrum Drive Right-of-Way Project approved by the Town of Addison 2000 Bond Program.

(c) The Property is part of a lot governed by a plat approved by Grantee on December 9, 1997. Nothing in this conveyance shall require replatting or additional plat dedications prior to development of the remainder of the lot pursuant to the lot configuration approved by said plat, and Grantee agrees that the Property shall continue to be a part of the platted lot or development site for purposes of measuring or calculating lot area, setbacks, permissible floor area ratio, landscape area, sign placement or for the application of any and all other applicable development or zoning regulations.

#### **MISCELLANEOUS:**

(a) Nothing in this instrument shall be construed as a waiver by Grantee of any utility connection charge or other charges imposed by ordinance or Charter of the Town of Addison.



(b) The consideration described above shall be deemed full compensation for the conveyance of the Property and for any diminution in value that may result to the remaining property of Grantor by virtue of Grantee's use of the Property.

(c) When the context requires it, singular nouns and pronouns include the plural.

**NOTE CONCERNING CORRECTION:**

This deed is made as a correction deed in substitution of the deed titled "Town of Addison Special Warranty Deed" ("Corrected Deed") dated November 14, 2003, and recorded in Volume 2003236, Page 00027 of the real property records of Dallas County, Texas, to correct the following incorrect information: the property description contained in the body of the deed referenced only the field note description and survey depiction for Parcel 5A, when it should have referenced field note descriptions and survey depictions for both Parcels 5 and 5A. In addition, the exhibits to the deed were not marked as Exhibits A and B, as referenced in the body of the deed. Other than these stated corrections, this deed is intended to restate in all respects the Corrected Deed, and the effective date of this correction deed relates back to the effective date of the Corrected Deed.

**EXECUTED** effective as of the day first written above.

**GRANTOR:**

**POST SERVICES, INC.**  
a Georgia Corporation

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

**GRANTEE:**

**TOWN OF ADDISON**  
a Texas Municipal Corporation

By: \_\_\_\_\_  
Ron Whitehead  
City Manager

STATE OF GEORGIA §  
COUNTY OF FULTON §

BEFORE ME, the undersigned notary public in and for said county and state, on this \_\_\_\_\_ day of \_\_\_\_\_, 2004, personally appeared \_\_\_\_\_, \_\_\_\_\_ on behalf of Post Services, Inc., a Georgia corporation, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or entity upon behalf of which he acted executed the instrument for the uses and purposes therein set forth.

GIVEN UNDER my hand and seal of office the day and year last above written.

\_\_\_\_\_  
Notary Public in and for the State of Georgia

MY COMMISSION EXPIRES:

\_\_\_\_\_

[ S E A L ]

STATE OF TEXAS §  
COUNTY OF DALLAS §

BEFORE ME, the undersigned notary public in and for said county and state, on this \_\_\_\_\_ day of \_\_\_\_\_, 2004, personally appeared Ron Whitehead, City Manager for the Town of Addison, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or entity upon behalf of which he acted executed the instrument for the uses and purposes therein set forth.

GIVEN UNDER my hand and seal of office the day and year last above written.

\_\_\_\_\_  
Notary Public in and for the State of Texas

MY COMMISSION EXPIRES:

\_\_\_\_\_

[ S E A L ]

**EXHIBIT A**

**SPECTRUM DRIVE  
RIGHT-OF-WAY EXHIBIT  
LAND DESCRIPTION  
PARCEL 5**

BEING a tract of land situated in the G. W. FISHER SURVEY, Abstract No. 482, Town of Addison, Dallas County, Texas, and being a portion of Quorum East Addition, an addition to the Town of Addison, Texas as recorded in Volume 98001, Page 00033 of the Deed Records of Dallas County, Texas and being a portion of that tract of land described in instrument to Post Services, Inc. as recorded in Volume 98060, Page 03404 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set with Huitt-Zollars yellow plastic cap on the southerly right-of-way line of Airport Parkway (60 foot wide right-of-way at this point) as established by the final plat of said Quorum East Addition, said point being the northwest corner of a 0.5675 of an acre tract of land to the Town of Addison, Texas as recorded in Volume 99002, Page 00016 of the Deed Records of Dallas County, Texas;

THENCE South 00 degrees 08 minutes 23 seconds West along the westerly line of said Town of Addison tract a distance of 20.00 feet to a 5/8 inch iron rod set with Huitt-Zollars yellow plastic cap for a corner, from which a 5/8 inch iron rod found with Huitt-Zollars yellow plastic cap bears South 00 degrees 08 minutes 23 seconds West at a distance of 334.90 feet;

THENCE North 44 degrees 30 minutes 38 seconds West departing said westerly line of the Town of Addison tract a distance of 28.46 feet to a 5/8 inch iron rod set with Huitt-Zollars yellow plastic cap on the said southerly right-of-way line of Airport Parkway;

THENCE South 89 degrees 09 minutes 39 seconds East along the southerly right-of-way line of said Airport Parkway a distance of 20.00 feet to the POINT OF BEGINNING and containing 0.0046 of an acre of land, more or less.

**EXHIBIT A**

**SPECTRUM DRIVE  
SIDEWALK EASEMENT  
LAND DESCRIPTION  
PARCEL 5A**

BEING a tract of land situated in the G. W. FISHER SURVEY, Abstract No. 482, Town of Addison, Dallas County, Texas, said tract being 5 feet in width and adjacent to the westerly side of Spectrum Drive and being a portion of Quorum East Addition, an addition to the Town of Addison, Texas as recorded in Volume 98001, Page 00033 of the Deed Records of Dallas County, Texas and being a portion of that tract of land described in instrument to Post Services, Inc. as recorded in Volume 98060, Page 03404 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod set with Huitt-Zollars yellow plastic cap on the southerly right-of-way line of Airport Parkway (60 foot wide right-of-way at this point) as established by the final plat of said Quorum East Addition, said point being the northwest corner of a 0.5675 of an acre tract of land to the Town of Addison, Texas as recorded in Volume 99002, Page 00016 of the Deed Records of Dallas County, Texas;

THENCE South 00 degrees 08 minutes 23 seconds West along the westerly line of said Town of Addison tract a distance of 20.00 feet to a 5/8 inch iron rod set with Huitt-Zollars yellow plastic cap for THE POINT OF BEGINNING;

THENCE continuing South 00 degrees 08 minutes 23 seconds West along the westerly line of said Town of Addison tract a distance of 334.90 feet to a 5/8 inch iron rod found with Huitt-Zollars yellow plastic cap on the platted southerly line of said Quorum East Addition;

THENCE North 89 degrees 04 minutes 54 seconds West along the southerly line of said Quorum East Addition a distance of 5.00 feet to a point for a corner;

THENCE North 00 degrees 08 minutes 23 seconds East departing the southerly line of said Quorum East Addition a distance of 339.90 feet to a point for a corner;

THENCE South 44 degrees 30 minutes 38 seconds East a distance of 7.11 feet to the POINT OF BEGINNING and containing 0.0387 of an acre of land, more or less.

Addison!

MICHAEL E. MURPHY, P.E.

Director of Public Works

(972) 450-2878

(972) 450-2837 FAX

mmurphy@ci.addison.tx.us E-mail

Town of Addison 16801 Westgrove Dr. P.O. Box 9010, Addison, Texas 75001-9010

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Md01-6-file

4/25 Centurian

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