

ATRIUM @ BENT TREE  
Right of Way Acquisition.

**SHIMEK, JACOBS & FINKLEA, L.L.P.**  
**CONSULTING ENGINEERS**

8333 Douglas Avenue, #820

Dallas, Texas 75225-5816

Fax (214) 361-0204

Phone (214) 361-7900

ROSS L. JACOBS, P.E.  
RONALD V. CONWAY, P.E.  
JOHN W. BIRKHOFF, P.E.  
JOE R. CARTER, P.E.  
GARY C. HENDRICKS, P.E.  
I. C. FINKLEA, P.E.

February 4, 1997

Mr. David C. Nighswonger, P.E.  
Town of Addison  
Post Office Box 144  
Addison, Texas 75001-0144

Re: Excel Parkway/Addison Road Intersection

Dear Mr. Nighswonger:

Our original engineering services agreement dated December 20, 1995, for the preparation of plans and specifications for improvements to the Excel Parkway and Addison Road Intersection recommended a budget of \$14,455.00. To date, we have exceeded that budget and request that the budget be increased.

In review of the project, we find that additional surveying and design was required to incorporate into the project the improvements made by the Excel Corporation at the southwest quadrant of the intersection. Also during the design of this project, we completed a preliminary layout for a left turn lane from Excel Parkway to the existing motor bank based on them dedicating the right-of-way along Addison Road. We developed preliminary improvements to driveway access to the tract north of the existing motor bank, which resulted in the completed design north of Excel Parkway being revised for a shorten section. We developed a parking lot layout to assist in obtaining the required right-of-way from the Atrium Office tract. In addition, we have been creating and transmitting electronic files to the Town's landscape architect and traffic engineer for their plan preparation.

We request that the budget for this project be increased by \$8,000.00 for the additional services completed on this project. This amount will leave \$1,500.00 for the bidding phase and \$2,500.00 for construction administration. We believe that the construction plans and specifications are in final form for bidding, less the traffic signal plans and the landscape plans.

If you are in agreement with the recommended increase in the budget for this project, please have one copy of this letter executed by the Town of Addison and returned to our office. We are available at your convenience to discuss any questions you may have with the additional work required on this project.

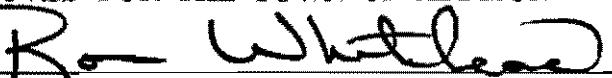
Sincerely,



John W. Birkhoff, P.E.

APPROVED FOR THE TOWN OF ADDISON

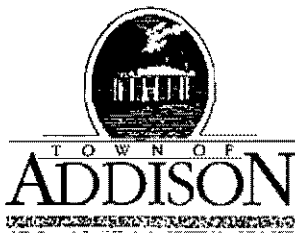
By:



Date:

3-7-97

*Addison/Excel file  
Intersection.*



**PUBLIC WORKS DEPARTMENT**

Post Office Box 144 Addison, Texas 75001


(214) 450-2871

16801 Westgrove

January 7, 1997

**MEMORANDUM**

TO: Ron Whitehead, City Manager

FROM: John Baumgartner, Director of Public Works 

SUBJECT: Addison Road/Excel Parkway Intersection Improvements  
Right-of-Way Acquisition

At the October 8, 1996 City Council meeting, the Council approved the purchase of land for right-of-way at 16775 Addison Road, located at the northwest corner of the Addison Road/Excel Parkway Intersection. The Council approved a purchase of 975 square feet at \$7.25 per square foot, for a total purchase price of \$7,069.

Since then, the needed right-of-way has slightly increase to 1,090 square feet. Based on a land value of \$7.25 per square foot, the new purchase price is \$7,903. Attached is the revised metes and bounds description and exhibit for the right-of-way purchase. The property is owned by Brookdale Investors Limited Partnership, who have agreed to the revised area and price.

Staff recommends that the Council approve the purchase of 1,090 square feet from the tract located at 16775 Addison Road, owned by Brookdale Investors Limited Partnership for \$7.25 per square foot, for a total purchase price of \$7,903.

Date:10/28/96

**FIELD NOTE DESCRIPTION  
FOR  
RIGHT-OF-WAY  
ACROSS THE PROPERTY OF  
  
THE ATRIUM**

Being a parcel of land for right-of-way located in the Town of Addison, Texas and in the William Lomax Survey, Abstract No. 792, Dallas County, Texas and being over, under and across a remaining 4.179 acre tract of land, after a 30 foot dedication for paving, conveyed to The Atrium by deed now of record in Volume 82006, Page 0361 of the Deed Records of Dallas County, Texas, said right-of-way being more particularly described as follows:

BEGINNING at a point for a corner, said point being S 0°14'16" E, 133.62 feet from the northwest corner of said remaining 4.179 acre tract, said northwest corner being evidenced by a 3/8 inch iron rod, said point also being in the west right-of-way of Addison Road, (60 foot right-of-way), said point also being N 0°14'16" W, 174.13 feet from the intersection of the west right-of-line of said Addison Road and the north right-of-way line of Excel Way, (80 foot right-of-way);

THENCE S 0°14'16" E along the east line of said remaining 4.179 tract and along the west right-of-way line of said Addison Road, for a distance of 174.13 feet to a point for a corner, said point being where the west right-of-way of said Addison Road intersects with the north right-of-way line of said Excel Way;

THENCE N 89°50'15" W along the north right-of-way line of said Excel Way, a distance of 27.62 feet to a point for a corner;

THENCE N 0°05'00" W, a distance of 0.54 feet to a point for a corner, said point being in a curve to the left, said curve to the left having a central angle of 90°19'16", a radius of 20.00 feet and a chord bearing-distance of N 44°55'22" E, 28.36 feet;

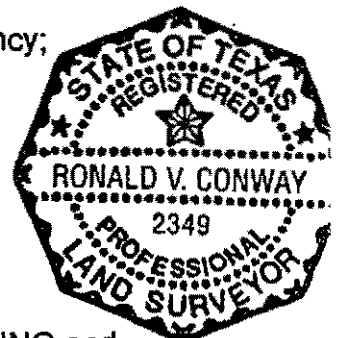
THENCE along said curve, a distance of 31.53 feet to the point of tangency;

THENCE N 0°14'16" W, a distance of 42.19 feet to a point for a corner;

THENCE N 2°40'17" E, a distance of 108.36 feet to a point for a corner;

THENCE N 0°14'16" W, a distance of 2.99 feet to a point for a corner;

THENCE N 89°45'44" E, a distance of 2.00 feet to the POINT OF BEGINNING and containing 1089.77 square feet of land.



*Ronald V. Conway*  
10/28/96

80' R.O.W.

EXCEL WAY

30'  
PAVING  
DEDICATION

SCALE:1=30'

# THE ATRIUM VOL. 82006, PG. 0361

WILLIAM LOMAX SURVEY, ABST. NO. 792  
DALLAS COUNTY, TEXAS

$\Delta = 90^{\circ}19'16''$   
 $R = 20.00'$   
 $T = 20.11'$   
 $L = 31.53'$   
 $CB = N 44^{\circ}55'22'' E$   
 $CD = 28.36'$

I.R.  
N 1000.1418  
E 950.0002

EXIST. UTILITY  
EASEMENT

N89°50'15" W  
27.62'

N 0°05'00" E  
0.54'

N 0°14'16" W  
42.19'

N 2°40'17" E - 108.36'

N 0°14'16" W  
2.99'

N 89°45'44" E  
2.00'

15'

Area = 1089.77 SQ. FT.

S 0°14'16" E - 174.13'

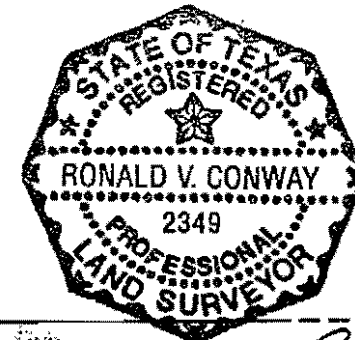
7.5'

S 0°14'16" E - 133.62'

I.R.  
N 1000.0000  
E 1000.0000

POINT OF  
BEGINNING

ADDISON ROAD



60' R.O.W.

*Ronald V. Conway 10/28/96*

BENT TREE TOWER NO.2  
VOL. 86112, PG. 0161

TRIANGLE PACIFIC ADDITION  
VOL. 79129, PG. 0012

TOWN OF ADDISON, TEXAS

THE ATRIUM  
RIGHT-OF-WAY PLAT

SHIMEK, JACOBS & FINKLEA, L.L.P.  
CONSULTING ENGINEERS

OCT., 1996

Date:10/28/96

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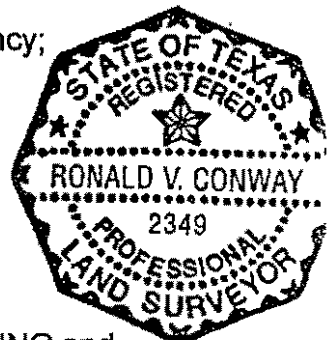
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*Ronald V. Conway*  
10/28/96

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PAVING  
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SCALE: 1"=30'

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DALLAS COUNTY, TEXAS

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 $T = 20.11'$   
 $L = 31.53'$   
 $CB=N 44^{\circ}55'22'' E$   
 $CD=28.36'$

N  $0^{\circ}05'00''$  E  
0.54'

N  $89^{\circ}50'15''$  W  
27.62'

N  $0^{\circ}14'16''$  W  
7.5'

S  $0^{\circ}14'16''$  E - 174.13'

Area = 1089.77 SQ. FT.

N  $0^{\circ}14'16''$  W  
2.99'

N  $2^{\circ}40'17''$  E - 108.36'

N  $89^{\circ}45'44''$  E  
2.00'

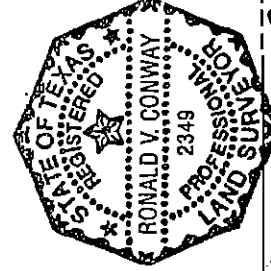
EXIST. UTILITY  
EASEMENT

I.R.  
N 1000.1418  
E 950.0002

S  $0^{\circ}14'16''$  E - 133.62'

N 1000.0000 / I.R.  
E 1000.0000

60' R.O.W.



POINT OF  
BEGINNING

ADDISON ROAD

*Ronald V. Conway 10/25/96*

TRIANGLE PACIFIC ADDITION  
VOL. 79129, PG. 0012

BENT TREE TOWER NO.2  
VOL. 86112, PG. 0161

TOWN OF ADDISON, TEXAS	
THE ATRIUM RIGHT-OF-WAY PLAT	
SHIMEK, JACOBS & FINKLEA, L.L.P. CONSULTING ENGINEERS	OCT., 1996

*Addison/Excel  
Intersection*

**COWLES & THOMPSON**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

901 MAIN STREET, SUITE 4000  
DALLAS, TEXAS 75202-3793

TELEPHONE (214) 672-2000

METRO (972) 263-0005

FAX (214) 672-2020

CHARLES SORRELLS  
(1925-1982)

114 E. LOUISIANA ST., SUITE 200  
McKINNEY, TEXAS 75069-4463  
TELEPHONE (972) 542-5000

100 W. ADAMS AVE., SUITE 321  
P.O. BOX 785  
TEMPLE, TEXAS 76503-0785  
TELEPHONE (254) 771-2800

ONE AMERICAN CENTER, SUITE 777  
909 E.S.E. LOOP 323  
TYLER, TEXAS 75701-9684  
TELEPHONE (903) 581-5588

ROBERT G. BUCHANAN, JR.  
(214) 672-2139

June 16, 1997

Mr. Jeff Markiewicz  
Town of Addison  
P. O. Box 144  
Addison, TX 75001

Re: Addison Road/Excel Parkway Intersection Improvements  
Right-of-Way Acquisition, 16775 Addison Road

Dear Jeff:

Just in case we failed to forward this to you earlier, enclosed is a copy of the Right-of-Way Deed forwarded to Mr. Richard Elam of Fults Realty Corporation on May 2, 1997.

Please call should you have any questions.

Sincerely,



Robert G. Buchanan, Jr.

RGB:wn  
Enclosure



# COWLES & THOMPSON

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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TYLER, TEXAS 75701-9684  
TELEPHONE (903) 581-5588

ROBERT G. BUCHANAN, JR.  
(214) 672-2139

May 2, 1997

Mr. Richard Elam  
Fults Realty Corporation  
6060 North Central Expressway  
Suite 700  
Dallas, TX 75206

RE: Addison Road/Excel Parkway Intersection  
Improvements Right-of-Way Acquisition,  
16775 Addison Road

Dear Mr. Elam:

This firm represents the Town of Addison. At Mr. Jeff Markiewicz' request, enclosed please find a draft of a Right-of-Way Deed for your review and comments.

Please call if you have any questions or comments.

Sincerely,



Robert G. Buchanan

RGB/ts  
Enclosure  
cc:  
Mr. Jeff Markiewicz  
Project Manager  
Town of Addison  
P. O. Box 144  
Addison, TX 75001

State of Texas           §  
                                  §  
County of Dallas       §

After Recording Return To:  
Robert G. Buchanan, Jr.  
Cowles & Thompson  
901 Main Street, Suite 4000  
Dallas, Texas 75202

**RIGHT-OF-WAY DEED**

Date: \_\_\_\_\_, 1997

**Grantor:**

Brookdale Investors Limited Partnership

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**Grantee:**

Town of Addison  
P.O. Box 144  
Addison, TX 75001

**Consideration:**

- (1) The sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and sufficiency of which is acknowledged by Grantor.
- (2) Benefits to be derived by Grantor and his remaining property as a result of the proposed public improvements.

**Property Description:**

See Exhibit "A" attached hereto and by reference made a part hereof.

**Conveyance:**

Grantor grants, sells and conveys to Grantee in fee simple the Property described herein, TO HAVE AND TO HOLD, unto Grantee, its successors and assigns.

Grantor, together with Grantor's heirs, executors, administrators or successors, shall WARRANT AND FOREVER DEFEND all and singular the said Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, except the Exceptions to Conveyance, by through or under Grantor, but not otherwise.

**Exceptions to Conveyance:**

All presently valid and effective easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the Property.

**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 Property hereby conveyed may be used as a public right-of-way for the passage of vehicular and pedestrian traffic, including (without limitation) streets, roads, sidewalks, utilities, drainage, and other customary uses of public right-of-way. Improvements may be on such grade and according to such plans and specifications as will, in the opinion of Grantee, best serve the public purpose.

(c) 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.

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

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

Brookdale Investors Limited Partnership

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

State of \_\_\_\_\_ §

County of \_\_\_\_\_ §

Before Me, this instrument was acknowledged on this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_ by \_\_\_\_\_, the \_\_\_\_\_ of Brookdale Investors Limited Partnership, a \_\_\_\_\_ limited partnership.

\_\_\_\_\_  
Commission Expires:

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Print name:

EXHIBIT "A"

Being a parcel of land for right-of-way located in the Town of Addison, Texas and in the William Lomax Survey, Abstract No. 792, Dallas County, Texas and being over, under and across a remaining 4.179 acre tract of land, after a 30 foot dedication for paving, conveyed to The Atrium by deed now of record in Volume 82006, Page 0361 of the Deed Records of Dallas County, Texas, said right-of-way being more particularly described as follows:

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THENCE N 89°50'15" W along the north right-of-way line of said Excel Way, a distance of 27.62 feet to a point for a corner;

THENCE N 0°05'00" W, a distance of 0.54 feet to a point for a corner, said point being in a curve to the left, said curve to the left having a central angle of 90°19'16", a radius of 20.00 feet and a chord bearing-distance of N 44°55'22" E, 28.36 feet;

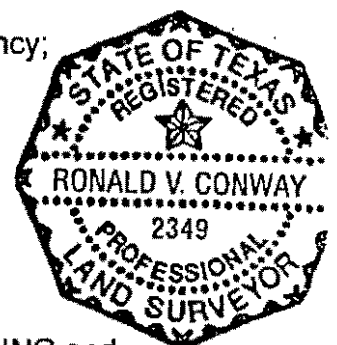
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*Ronald V. Conway*  
10/28/96

1-5-98

ERASEMENT AGREEMENT  
ATRIUM @ BENT TREE

1. Get revised agreement from Bob Buchanan.
2. Send Copy of Plat
3. Send copy of Site Plan for parking certification

FULTS REALTY CORPORATION

Investment Real Estate Services

November 11, 1997

Mr. Jeff Markiewicz  
Town of Addison  
16801 Westgrove Dr.  
Addison, TX 75001

RE: Right-of-Way Acquisition (16775 Addison Road)

Dear Jeff:

Brookdale Investors, LP reviewed the draft Right-of-Way Deed for the above acquisition. They are concerned about a few details of the transaction and request additional information and/or verification.

- Site Plan*  
*Plat*  
*Actual Amount*
1. We need verification that the property will meet city codes for the quantity and size of parking spaces after the proposed construction is complete.
  2. We need a copy of the legal survey. Brookdale's attorney pointed out that since no survey is attached to the draft Deed document, there is no verifiable connection between the legal description, which was provided, and the actual configuration of the parcel which the city is taking.
  3. The wording in the Deed document should reflect the actual terms of the deal. The Deed says that the consideration is \$10.00, yet the actual consideration is \$7,903.00.

I have assurance that Brookdale Investors, LP will be ready to approve this transaction once the above issues are resolved.

Please call me if you have any questions.

Sincerely,

FULTS REALTY CORPORATION  
A Texas Corporation

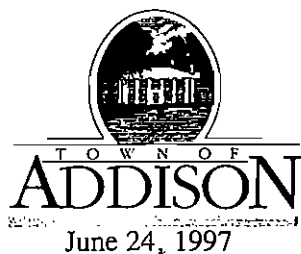


Richard L. Elam  
Property Manager



ATRIUM at BENT TREE  
16775 Addison Road  
Suite 110  
Addison, TX 75248  
214. 930.9929  
214. 930.9447 Fax





**PUBLIC WORKS DEPARTMENT**

Post Office Box 144 Addison, Texas 75001

(972) 450-2871

16801 Westgrove

Mr. Richard Elam  
Fulfs Realty Corporation  
6060 N. Central Expressway, Suite 700  
Dallas, Texas 75206

Re: Right-of-Way Acquisition & Landscape Restoration  
16775 Addison Road

Dear Mr. Elam:

As we have previously discussed, the Town of Addison is planning to widen and place a traffic signal at the intersection of Addison Road and Excel Parkway. In order to do these improvements, it is necessary to acquire additional right-of-way from 16775 Addison Road, located at the northwest corner of the Addison Road / Excel Parkway Intersection. The total right-of-way required to complete the project is 1,090 square feet. A draft copy of the right-of-way deed has been sent to you for review and comment.

Through previous meetings and correspondence we feel the details of the agreement have been determined. The Town of Addison would like to formally propose an offer to purchase the right-of-way from Brookdale Investors Limited Partnership. The conditions of the offer are outlined below.

1. The Town of Addison will pay Brookdale Investors Limited Partnership \$7.25 per square foot for the right-of-way. The total purchase price for 1,090 square feet is \$7,903.00.
2. The Town of Addison agrees to retain the professional services of a landscape architect in order to work with Fulfs Realty Corporation (the property manager) to design a landscape restoration plan. The Town will pay for the landscape improvements in the construction area. Any additional landscaping outside the construction area will be paid for by the Town and then reimbursed by Brookdale Investors Limited Partnership. The landscape plan accepted by Richard Elam of Fulfs Realty Corporation shows that there will be one live oak planted outside the construction area. The landscape architect estimates the cost of this tree to be \$450.00.

Please review the conditions of this offer and the right-of-way deed. If these conditions and the right-of-way deed are acceptable, our attorney will submit the final deed for signature and payment will be made in the sum of \$7,903.00. If you have any questions, please feel free to call me at (972) 450-2871.

Sincerely,

Jeff Markiewicz  
Project Manager



Date:10/28/96

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THENCE N 89°50'15" W along the north right-of-way line of said Excel Way, a distance of 27.62 feet to a point for a corner;

THENCE N 0°05'00" W, a distance of 0.54 feet to a point for a corner, said point being in a curve to the left, said curve to the left having a central angle of 90°19'16", a radius of 20.00 feet and a chord bearing-distance of N 44°55'22" E, 28.36 feet;

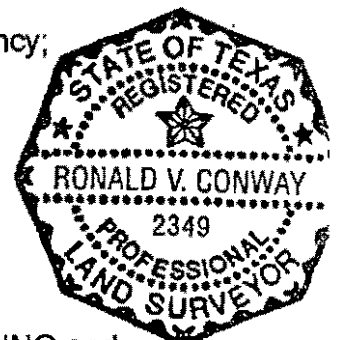
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THENCE N 0°14'16" W, a distance of 2.99 feet to a point for a corner;

THENCE N 89°45'44" E, a distance of 2.00 feet to the POINT OF BEGINNING and containing 1089.77 square feet of land.



*Ronald V. Conway*  
10/28/96

30' R.O.W.

EXCEL WAY

30'  
PAVING  
DEDICATION

$\Delta = 90'19'16''$   
 $R = 20.00'$   
 $T = 20.11'$   
 $L = 31.53'$   
 $CB = N 44'55'22'' E$   
 $CD = 28.36'$

N 0°05'00" E  
0.54'

N 89°50'15" W  
27.62'

N 0°14'16" W  
7.5'

N 2°40'17" E - 108.36'  
N 0°14'16" W - 2.99'  
N 89°45'44" E - 2.00'

S 0°14'16" E - 174.13'

7.5'

Area = 1089.77 SQ. FT.

POINT OF  
BEGINNING

ADDISON ROAD

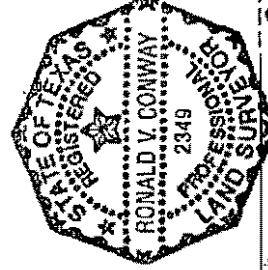
EXIST. UTILITY  
EASEMENT

I.R.  
N 1000.1418  
E 950.0002

S 0°14'16" E - 133.62'

I.R.  
N 1000.0000  
E 1000.0000

60' R.O.W.



DATE:

*Ronald V. Conway 10/28/96*

TRIANGLE PACIFIC ADDITION  
VOL. 79129, PG. 0012

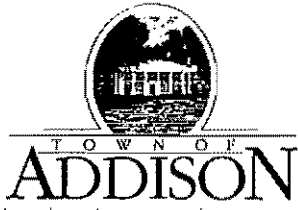
BENT TREE TOWER NO.2  
VOL. 86112, PG. 0161

TOWN OF ADDISON, TEXAS

THE ATRIUM  
RIGHT-OF-WAY PLAT

SHIMEK, JACOBS & FINKLEA, L.L.P.  
CONSULTING ENGINEERS

OCT., 1



**PUBLIC WORKS DEPARTMENT**

Post Office Box 144 Addison, Texas 75001

(972) 450-2871

16801 Westgrove

April 30, 1997

Mr. Richard Elam  
Fults Realty Corporation  
6060 N. Central Expressway, Suite 700  
Dallas, Texas 75206

Re: Addison Road / Excel Parkway Intersection Improvements  
Right-of-Way Acquisition & Landscape Restoration  
16775 Addison Road

Dear Mr. Elam:

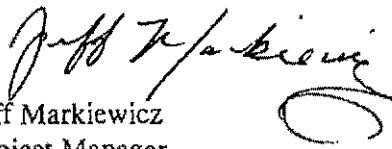
As we discussed today at our meeting, the Town of Addison is planning to widen and place a traffic signal at the intersection of Addison Road and Excel Parkway. In order to do these improvements, it is necessary to acquire additional right-of-way from 16775 Addison Road, located at the northwest corner of the Addison Road / Excel Parkway Intersection. The total right-of-way required to complete the project is 1,090 square feet. Negotiations with the owner, Brookdale Investors Limited Partnership, have been conducted and a purchase price has been verbally agreed upon of \$7.25 per square foot. Based on a land value of \$7.25 per square foot, the total purchase price is \$7,903. The Town of Addison Council approved the purchase of the right-of way on January 14, 1997, for the total price of \$7,903.

Our attorney is currently preparing a draft deed for the acquisition of the right-of-way from Brookdale Investors Limited Partnership. A copy of the draft deed will be sent to you by our attorney for your review and comment.

The second topic of discussion at our meeting was the proposed landscape improvements. I believe that we both agree that the proposed improvements should adequately replace the trees removed in order to improve the intersection. The only concern expressed by the Town of Addison is how far west the landscape improvements continue beyond the intersection improvements. A single live oak is shown on the landscape plan that is well beyond the limit of our construction. We are willing to keep the live oak in the landscape plan if Fults Realty Corporation is willing to reimburse the Town for the cost of the tree. The landscape architect estimated the cost of the tree at \$450.00.

The construction of the intersection is proposed to start in July or August depending on the final right-of-way acquisition. If you have any additional questions please feel free to call me at (972) 450-2860.

Sincerely,

  
Jeff Markiewicz  
Project Manager

## COWLES & THOMPSON

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

901 MAIN STREET, SUITE 4000  
DALLAS, TEXAS 75202-3793

TELEPHONE (214) 872-2000

METRO (972) 263-0005

FAX (214) 672-2020

CHARLES SORRELLS  
(1925-1982)

114 E. LOUISIANA ST., SUITE 200  
McKINNEY, TEXAS 75069-4463  
TELEPHONE (972) 542-5000

NCNB TEXAS NATIONAL BANK BLDG, SUITE 321  
100 W. ADAMS AVE.  
P.O. BOX 785

TEMPLE, TEXAS 76503-0785  
TELEPHONE (817) 771-2800

ONE AMERICAN CENTER, SUITE 777  
909 E.S.E. LOOP 323  
TYLER, TEXAS 75701-9684  
TELEPHONE (903) 581-5588

ROBERT G. BUCHANAN, JR.  
(214) 672-2139

May 2, 1997

Mr. Richard Elam  
Fults Realty Corporation  
6060 North Central Expressway  
Suite 700  
Dallas, TX 75206

RE: Addison Road/Excel Parkway Intersection  
Improvements Right-of-Way Acquisition,  
16775 Addison Road

Dear Mr. Elam:

This firm represents the Town of Addison. At Mr. Jeff Markiewicz' request, enclosed please find a draft of a Right-of-Way Deed for your review and comments.

Please call if you have any questions or comments.

Sincerely,



Robert G. Buchanan

RGB/ts  
Enclosure  
cc:  
Mr. Jeff Markiewicz  
Project Manager  
Town of Addison  
P. O. Box 144  
Addison, TX 75001

State of Texas           §  
                                  §  
County of Dallas       §

After Recording Return To:  
**Robert G. Buchanan, Jr.**  
**Cowles & Thompson**  
**901 Main Street, Suite 4000**  
**Dallas, Texas 75202**

**RIGHT-OF-WAY DEED**

Date: \_\_\_\_\_, 1997

**Grantor:**

Brookdale Investors Limited Partnership

\_\_\_\_\_

\_\_\_\_\_

**Grantee:**

Town of Addison  
P.O. Box 144  
Addison, TX 75001

**Consideration:**

- (1) The sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and sufficiency of which is acknowledged by Grantor.
- (2) Benefits to be derived by Grantor and his remaining property as a result of the proposed public improvements.

**Property Description:**

See Exhibit "A" attached hereto and by reference made a part hereof.

**Conveyance:**

Grantor grants, sells and conveys to Grantee in fee simple the Property described herein, TO HAVE AND TO HOLD, unto Grantee, its successors and assigns.

Grantor, together with Grantor's heirs, executors, administrators or successors, shall WARRANT AND FOREVER DEFEND all and singular the said Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, except the Exceptions to Conveyance, by through or under Grantor, but not otherwise.

**Exceptions to Conveyance:**

All presently valid and effective easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the Property.

**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 Property hereby conveyed may be used as a public right-of-way for the passage of vehicular and pedestrian traffic, including (without limitation) streets, roads, sidewalks, utilities, drainage, and other customary uses of public right-of-way. Improvements may be on such grade and according to such plans and specifications as will, in the opinion of Grantee, best serve the public purpose.

(c) 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.

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

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

Brookdale Investors Limited Partnership

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

State of \_\_\_\_\_ §

County of \_\_\_\_\_ §

Before Me, this instrument was acknowledged on this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_ by \_\_\_\_\_, the \_\_\_\_\_ of Brookdale Investors Limited Partnership, a \_\_\_\_\_ limited partnership.

\_\_\_\_\_  
Commission Expires:

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Print name:

Date:10/28/96

EXHIBIT "A"

Being a parcel of land for right-of-way located in the Town of Addison, Texas and in the William Lomax Survey, Abstract No. 792, Dallas County, Texas and being over, under and across a remaining 4.179 acre tract of land, after a 30 foot dedication for paving, conveyed to The Atrium by deed now of record in Volume 82006, Page 0361 of the Deed Records of Dallas County, Texas, said right-of-way being more particularly described as follows:

BEGINNING at a point for a corner, said point being S 0°14'16" E, 133.62 feet from the northwest corner of said remaining 4.179 acre tract, said northwest corner being evidenced by a 3/8 inch iron rod, said point also being in the west right-of-way of Addison Road, (60 foot right-of-way), said point also being N 0°14'16" W, 174.13 feet from the intersection of the west right-of-line of said Addison Road and the north right-of-way line of Excel Way, (80 foot right-of-way);

THENCE S 0°14'16" E along the east line of said remaining 4.179 tract and along the west right-of-way line of said Addison Road, for a distance of 174.13 feet to a point for a corner, said point being where the west right-of-way of said Addison Road intersects with the north right-of-way line of said Excel Way;

THENCE N 89°50'15" W along the north right-of-way line of said Excel Way, a distance of 27.62 feet to a point for a corner;

THENCE N 0°05'00" W, a distance of 0.54 feet to a point for a corner, said point being in a curve to the left, said curve to the left having a central angle of 90°19'16", a radius of 20.00 feet and a chord bearing-distance of N 44°55'22" E, 28.36 feet;

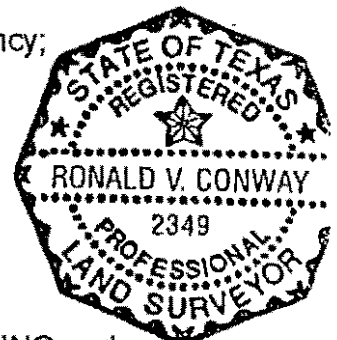
THENCE along said curve, a distance of 31.53 feet to the point of tangency;

THENCE N 0°14'16" W, a distance of 42.19 feet to a point for a corner;

THENCE N 2°40'17" E, a distance of 108.36 feet to a point for a corner;

THENCE N 0°14'16" W, a distance of 2.99 feet to a point for a corner;

THENCE N 89°45'44" E, a distance of 2.00 feet to the POINT OF BEGINNING and containing 1089.77 square feet of land.



*Ronald V. Conway*  
10/28/96





**PROPOSAL TO:**

January 6, 1997

Jeff Markiewicz  
Town of Addison  
16801 Westgrave Drive  
Addison, Texas 75001

**Project: Landscape Restoration  
Addison Road @ Excel Parkway  
Addison, Texas**

Dear Jeff:

Pursuant to our conversation regarding the landscape replacements at the intersection of Addison Road and Excel Parkway, we will provide the following documents:

- A. Planting Plan and Specifications showing tree removals and replacements on the subject property.
- B. Irrigation by notation on planting plan.
- C. Field time for construction questions.

Our fees for these services are as follows:


- A. Planting Plan and Specifications**  
Lump Sum Basis (Including Reimbursables) \$2,000.00
- B. Field Observation**  
Hourly Basis Not to Exceed \$ 500.00

If this proposal meets your requirements, please execute a signature on this letter and fax back to our office. Thanks for your time and consideration.

Respectfully submitted by:  
MESA DESIGN ASSOCIATES, INC.

  
Tary Arterburn  
Principal

APPROVAL:

  
Town of Addison

2-28-97  
Date



**PROPOSAL TO:**

January 6, 1997

Jeff Markiewicz  
Town of Addison  
16801 Westgrave Drive  
Addison, Texas 75001

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Addison Road @ Excel Parkway  
Addison, Texas**

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MESA DESIGN ASSOCIATES, INC.

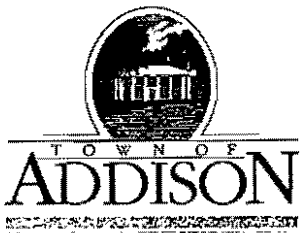
*Tary Arterburn*  
Tary Arterburn  
Principal

APPROVAL:

*Ron Whitehead*  
Town of Addison

2-28-97  
Date

**SIGN  
HERE**



**PUBLIC WORKS DEPARTMENT**

Post Office Box 144 Addison, Texas 75001

(214) 450-2871

16801 Westgrove

February 14, 1997

Ms. Betsy McCain  
Fulfs Realty Corporation  
6060 N. Central Expressway  
Suite 700  
Dallas, TX 75206

Re: Landscape Restoration at The Atrium

Dear Ms. McCain:

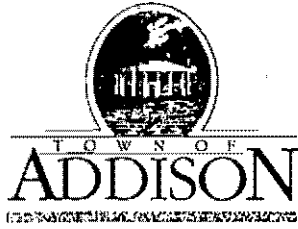
As we discussed at our previous meeting, the Town of Addison is willing to work with you to develop a revised landscape restoration plan. The construction related to the intersection improvements at Excel Parkway and Addison Road will require the removal of 4 existing trees on your property. These trees include 2-18" Bradford Pears, 1-12" Bradford Pear and 1-3" Crepe Myrtle. The Town of Addison quantifies the total tree loss at 51 caliper inches. The Town of Addison determined that the cost to replace the existing trees is \$3500.00. This is based on the approximate cost of 13-4" trees valued at \$270.00 each. /

The revised landscape plan should indicate the proposed trees in the limit of intersection improvements. At the time when the low bidder is selected to perform the landscape improvements, the difference between the \$3500 and the low bid will be paid to Fulfs Reality Corporation for landscape improvements at other locations on your property.

We are willing to meet with your landscape architect to discuss the conditions of the landscape plan if you would like us to. Please feel free to call if you have any questions or would like to arrange a time to meet and discuss the conditions further at (972) 450-2860.

Sincerely,

Jeff Markiewicz  
Project Manager



**PUBLIC WORKS DEPARTMENT**

Post Office Box 144 Addison, Texas 75001

(214) 450-2871

16801 Westgrove

August 27, 1996

Ms. Betsy McCann  
Fults Realty Corporation  
16775 Addison Road, Suite 110  
Dallas, Texas 75248

Re: Intersection Improvements at Addison Road and Bent Tree Plaza Drive

Dear Ms. McCann:

Enclosed is a blueprint showing the proposed paving improvements at the above referenced intersection. The purpose for the project is to add left turn lanes on Addison Road and a traffic signal at the intersection. The expansion of the intersection will require additional right-of-way along Addison Road. Highlighted in yellow on the blueprint is the right-of-way the Town needs to acquire from the Atrium tract. The area is approximately 975 square feet in size.

The new right-of-way line will lie approximately 9.5 feet from the proposed back of curb of the street. This width is needed for the construction of a 5 foot wide sidewalk and the relocation of utilities such as power poles. A portion of the existing parking lot pavement for the Atrium lies within the proposed right-of-way. The Town proposes to move the curb for the parking lot back to the new right-of-way line. The remaining pavement may be re-stripped to provide parking spaces 16 feet in length. These spaces could be reserved for compact cars.

The work required to restore the Atrium property, such as parking lot modifications and landscaping, will be performed by the Town's general contractor for the project and at the Town's expense. The Town will work with you to develop the plans for restoration to the Atrium development.

The price the Town will pay for the right-of-way will be based on recent sales in the area to determine what the market value for the land should be. The City Council will have to approve any offer and authorize staff to formerly make the offer to the owners of the Atrium.

If you have any questions please call me at 450-2879.

Sincerely,

David Nighswonger, P.E.  
Public Works Engineer

Revisions

No.	Date	Item

Prepared by: \_\_\_\_\_  
Checked by: \_\_\_\_\_  
Date: \_\_\_\_\_

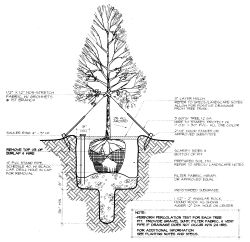
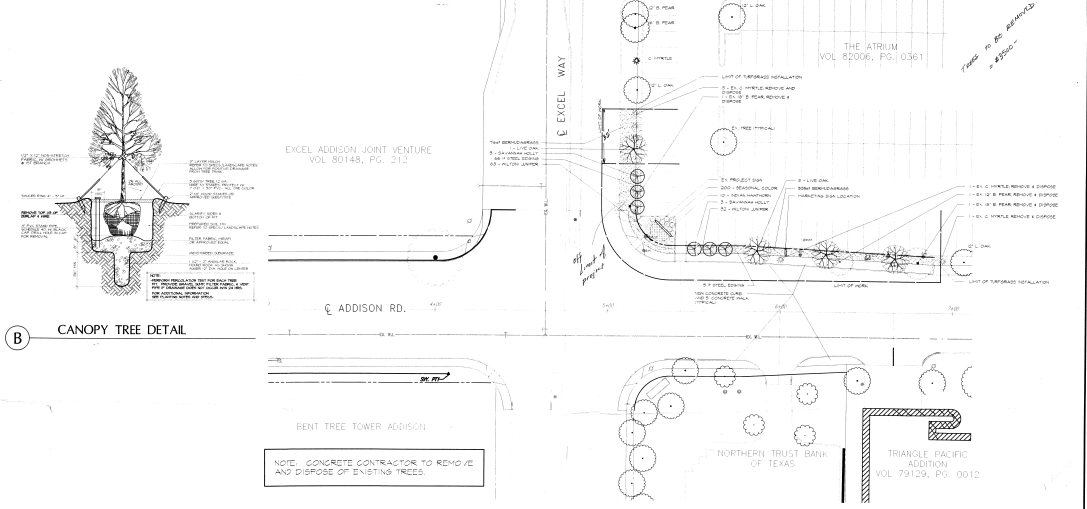
Project No. 048197  
Date: \_\_\_\_\_

DWG Title: \_\_\_\_\_

Scale: \_\_\_\_\_

**LANDSCAPE PLAN**

Sheet No. \_\_\_\_\_



EXCEL ADDISON JOINT VENTURE  
VOL 80148, PG. 212

THE ATRIUM  
VOL 82006, PG. 0361

TWO #6 REBAR @ 2'-0" O.C.

NOTE: CONCRETE CONTRACTOR TO REMOVE AND DISPOSE OF EXISTING TREES.

PLANT LIST

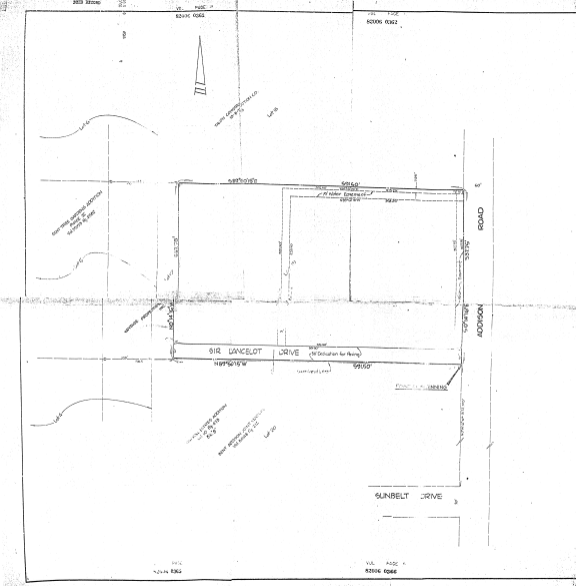
PLANT	PLANT QUANTITY	COST PER UNIT	TOTAL COST	NO.	HEIGHT	SPREAD	COMMENTS
LAWNSIDE METEOR PER DETAIL 1/4"	1000	\$4.00	\$4000	1000	4'-6"	7'-0"	
1/2" O.C. METEOR	80	\$34.00	\$2720	80	10'-0"	10'-0"	
1/2" O.C. METEOR	80	\$10.00	\$800	80	10'-0"	10'-0"	
BURNING BUSH PER DETAIL 1/4"	2	\$220.00	\$440	2	20'-0"	20'-0"	PULL PLANT IN 06
1/2" O.C. METEOR	80	\$11.00	\$880	80	10'-0"	10'-0"	PULL PLANT IN 06
1/2" O.C. METEOR	80	\$2.20	\$176	80	4'-6"	7'-0"	PULL PLANT IN 06
1/2" O.C. METEOR	80	\$2.20	\$176	80	4'-6"	7'-0"	PULL PLANT IN 06
1/2" O.C. METEOR	80	\$2.20	\$176	80	4'-6"	7'-0"	PULL PLANT IN 06
1/2" O.C. METEOR	80	\$2.20	\$176	80	4'-6"	7'-0"	PULL PLANT IN 06

LANDSCAPE PLANTING PLAN  
SCALE: 1" = 20'-0"

LANDSCAPE NOTES:

- PROVIDENCE**  
LANDSCAPE CONTRACTOR AND REPRESENTATIVE OF OWNER SHALL BE RESPONSIBLE FOR VERIFYING EXISTING UTILITIES AND RECORD DRAWINGS FOR EXISTING UTILITIES AND ROADWAY TO BE REMOVED TO THE EXISTING LEVEL OF THE PLANT THREATS.
- PLANT LOCATION**  
VERIFY TO PLANTING PLAN AND RECORD DRAWINGS FOR EXISTING UTILITIES AND ROADWAY TO BE REMOVED TO THE EXISTING LEVEL OF THE PLANT THREATS. VERIFY TO PLANTING PLAN AND RECORD DRAWINGS FOR EXISTING UTILITIES AND ROADWAY TO BE REMOVED TO THE EXISTING LEVEL OF THE PLANT THREATS.
- PLANTING SCHEDULE**  
PLANTING SCHEDULE SHALL BE SUBMITTED TO THE OWNER FOR APPROVAL. THE SCHEDULE SHALL SHOW THE TYPE, QUANTITY, AND COST OF EACH PLANT. THE SCHEDULE SHALL ALSO SHOW THE DATE OF PLANTING AND THE DATE OF PLANTING.
- CONSTRUCTION**  
LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY CONSTRUCTION OF PLANTING BEDS AND MULCH BEDS. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE INSTALLATION OF PLANTING BEDS AND MULCH BEDS. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE INSTALLATION OF PLANTING BEDS AND MULCH BEDS.
- MAINTENANCE**  
LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF PLANTING BEDS AND MULCH BEDS. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF PLANTING BEDS AND MULCH BEDS. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF PLANTING BEDS AND MULCH BEDS.
- VERIFICATION**  
LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING EXISTING UTILITIES AND ROADWAY TO BE REMOVED TO THE EXISTING LEVEL OF THE PLANT THREATS. VERIFY TO PLANTING PLAN AND RECORD DRAWINGS FOR EXISTING UTILITIES AND ROADWAY TO BE REMOVED TO THE EXISTING LEVEL OF THE PLANT THREATS.
- HAZARDOUS**  
ALL EXISTING TREES SHALL BE REMOVED AND DISPOSED OF BY THE CONTRACTOR. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF EXISTING TREES.
- PLANTING**  
ALL PLANTING SHALL BE DONE BY THE CONTRACTOR. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR THE PLANTING AND MAINTENANCE OF PLANTING BEDS AND MULCH BEDS.

THIS DRAWING IS THE PROPERTY OF MESA DESIGN GROUP. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MESA DESIGN GROUP. © MESA DESIGN GROUP 2018.



82306 0362      82306 0364

**THIS IS A REPLAT OF PART OF LOT 19 OF THE CARROLL ESTATES ADDITION**

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, County Clerk of said County, in and to the effect of a replat of land situated in the William Lomax Survey, Abstr. No. 792 and being part of Lot 19 of the Carroll Estates Addition to the City of Dallas as recorded in Volume 176 Page 252 of the Public Records of this County, there is before me particularly described as follows:

**SECTION 19** as a part of the east line of Section Road (S27° N. 82.2.), said part being North 07°11'17" East a distance of 87500.04 feet from the intersection of the east line of Section Road (S27° N. 82.2.) with the West line of said Section Road.

**SECTION 20** North 07°11'17" East a distance of 221.07 feet to a point on the West line of Section Road (S27° N. 82.2.) and from said point North 07°11'17" East a distance of 111.07 feet to a point on the North line of said Road.

**SECTION 21** North 07°11'17" East a distance of 111.07 feet to a point on the West line of said Road.

**SECTION 22** South 07°11'17" East a distance of 111.07 feet to a point on the West line of said Road.

**SECTION 23** South 07°11'17" East a distance of 111.07 feet to a point on the West line of said Road.

Now Myself, County Clerk of said County, do hereby certify that this replat complies with the provisions of the laws of this State relating to the replating of land and that the same has been duly recorded in the Public Records of this County.

WILLIAM LOMAX ENGINEERS, INC.  
BY: *William Lomax*  
COUNTY CLERK  
DALLAS, TEXAS

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, known to me to be the personal representative of the undersigned, in and to the effect of a replat of land situated in the William Lomax Survey, Abstr. No. 792 and being part of Lot 19 of the Carroll Estates Addition to the City of Dallas as recorded in Volume 176 Page 252 of the Public Records of this County, there is before me particularly described as follows:

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WILLIAM LOMAX ENGINEERS, INC.  
BY: *William Lomax*  
COUNTY CLERK  
DALLAS, TEXAS

STATE OF TEXAS  
COUNTY OF DALLAS

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**SECTION 22** South 07°11'17" East a distance of 111.07 feet to a point on the West line of said Road.

**SECTION 23** South 07°11'17" East a distance of 111.07 feet to a point on the West line of said Road.

Now Myself, Notary Public in and for the State of Texas, do hereby certify that this replat complies with the provisions of the laws of this State relating to the replating of land and that the same has been duly recorded in the Public Records of this County.

WILLIAM LOMAX ENGINEERS, INC.  
BY: *William Lomax*  
COUNTY CLERK  
DALLAS, TEXAS

**THE ATRIUM**  
A REPLAT OF PART OF LOT 19 OF THE  
CARROLL ESTATES ADDITION

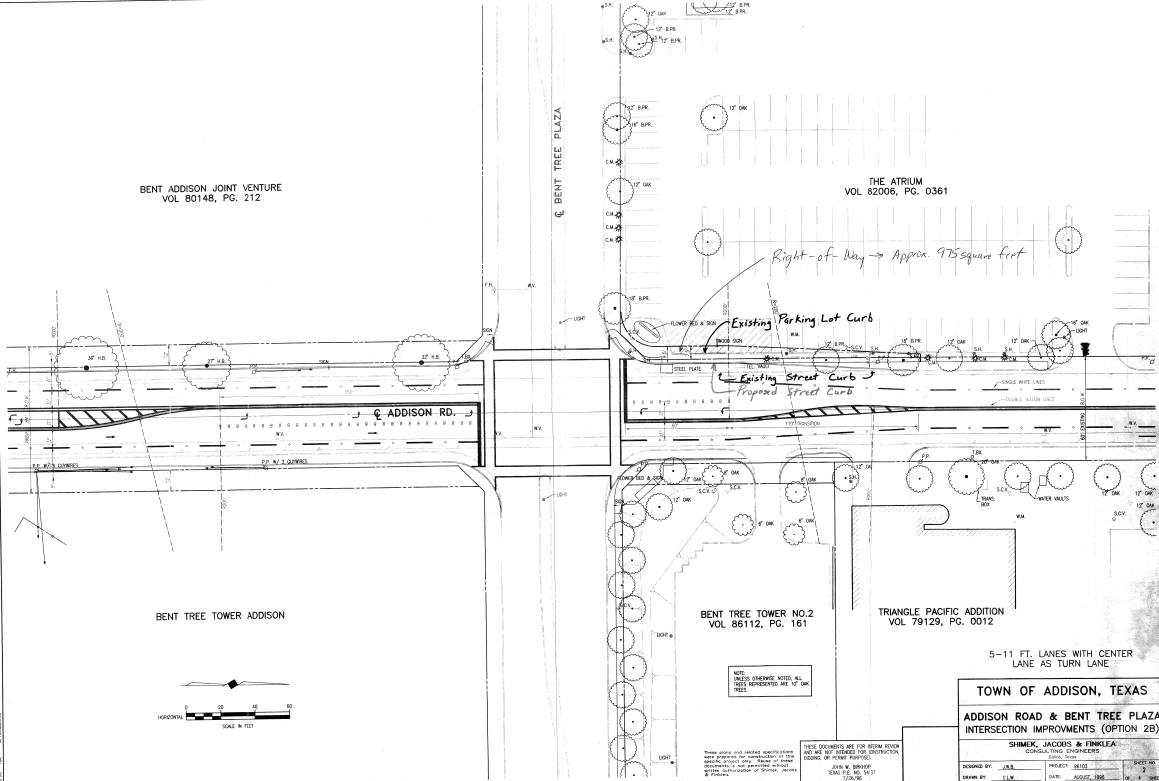
AN ADDITION TO THE CITY OF ADDISON  
OUT OF THE  
WILLIAM LOMAX SURVEY-ABST. NO. 792  
DALLAS COUNTY, TEXAS

DATE: 08PT 22, 1982  
ENGINEERS: WILLIAM LOMAX  
AGREY ROBERTS, FREDERICK L. COOK  
5000 AMHERST PARKWAY  
SUITE 102  
DALLAS, TEXAS 75248

VOL. 82306  
PAGE 4

BENT ADDISON JOINT VENTURE  
VOL 80148, PG. 212

THE ATRIUM  
VOL 82006, PG. 0361

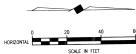


BENT TREE TOWER ADDISON

BENT TREE TOWER NO.2  
VOL 86112, PG. 161

TRIANGLE PACIFIC ADDITION  
VOL 79129, PG. 0012

5-11 FT. LANES WITH CENTER  
LANE AS TURN LANE



NOTE:  
UNLESS OTHERWISE NOTED, ALL  
TREES REPRESENTED ARE 17' DIA  
TREES.

These plans and related specifications  
were prepared for the convenience of the  
specific project only. Major structural  
modifications, such as structural steel  
& frames.

THESE DOCUMENTS ARE FOR BENT TREE RIVER  
AND ARE NOT INTENDED FOR CONSTRUCTION  
UNLESS SO CLEARLY NOTIFIED.  
JOHN W. BRIDGES  
SEAL NO. 160 3617  
7/20/96

TOWN OF ADDISON, TEXAS

ADDISON ROAD & BENT TREE PLAZA  
INTERSECTION IMPROVEMENTS (OPTION 2B)

SHIMMEL, JACOBS & FINNLEA  
CONSULTING ENGINEERS  
Dallas, Texas

DESIGNED BY: JLB	PROJECT: 88103	SHEET NO.: 3
DRAWN BY: CLW	DATE: AUGUST, 1998	OF: 4 SHEETS