

EXXON

**DON VICE**  
M.M.S. AREA SUPERVISOR  
E-Mail: don.vice@tenhoevebros.com



*EXXON*

**TEN HOEVE BROS., INC.**  
SERVICE STATION & C-STORE EQUIPMENT

**DALLAS BRANCH**  
10651 KING WILLIAM DRIVE  
DALLAS, TX 75220  
TEL: 972-831-1183 Website: C-Store-<http://www.tenhoevebros.com>  
FAX: 972-831-1190 Website: Petro.Equipment-<http://www.tenhoevebros.com>

*Mobile - 214-284-1118*

**EA Engineering, Science,  
and Technology**

EA South Central  
1420 Valwood Parkway, Suite 170  
Carrollton, TX 75006  
Telephone: 214-484-1420  
Fax: 214-247-7220

*EXXON*

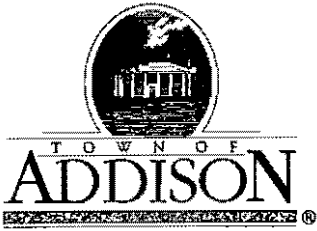


Todd A. Nickerson

**Simonne R. Jones**  
Maintenance & Repair Field Coordinator

**ExxonMobil**  
Fuels Marketing

**ExxonMobil**  
**Fuels Marketing Company**  
7516 Bluebonnet Road, PMB 106  
Baton Rouge, Louisiana 70810  
225 767 3747 Telephone  
225 767 0144 Facsimile  
800 946 4645 Pin# 2727535 Pager  
simonne.r.jones@exxon.com



**PUBLIC WORKS DEPARTMENT**

(972) 450-2871

Post Office Box 9010 Addison, Texas 75001-9010

16801 Westgrove

Mr. Terry Sauls

The Town's engineering staff has made a decision regarding the appropriate fill material for the Midway and Beltline underground petroleum storage tanks. No pea gravel may be placed within the Town of Addison's Right of Way. The Right of way shall be filled with a flowable fill (2 sack non-reinforced concrete). When placing the flowable fill, a form must be erected to separate the fill from the pea gravel in the tank hole.

If you have any questions, please contact me.

Luke Jalbert

Town of Addison

Public Works Project Manager

972-450-2860

LSI Services  
Robert Shoff  
281-808-2226

THU	FRI	SAT/SUN
	<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED JUL 27 2001

**WOMACK, McCLISH & WALL, P.C.**

ATTORNEYS AT LAW

DANNY M. WOMACK  
JOHN McCLISH \*  
SUE WALL  
DAN FOSTER

1601 LAVACA, SUITE 120  
AUSTIN, TEXAS 78701  
PHONE (512) 474-9875  
FACSIMILE (512) 474-9894  
EMAIL WMC@WOMACKMCCLISH.COM

\* BOARD CERTIFIED IN CIVIL TRIAL AND CIVIL APPELLATE  
LAW BY THE TEXAS BOARD OF LEGAL SPECIALIZATION

July 23, 2001

Mr. Luke Jalbert  
Project Manager  
Town of Addison  
Public Works Department  
P.O. Box 9010  
Addison, Texas 75001-9010

Re: Fuel Storage Tanks - Midway Road and Belt Line Road

Dear Mr. Jalbert:

Exxon/Mobile has asked that we respond to your June 6<sup>th</sup> letter regarding the Exxon Tiger Mart located at the intersection of Midway Road and Belt Line Road in Addison. As you recall, one of the store's underground storage tanks was recently damaged by contractors working within the Town's right-of-way. Your letter requests a written response outlining Exxon's intended course of action regarding the existing tanks and the Town's request that the curb and pavement be set back in compliance with the previously approved site plan.

We wish to assure you that Exxon is working diligently toward a resolution of these matters. Discussions regarding the tanks and site are currently being held with the landlord and store operator. Furthermore, Exxon is seeking direction from the TNRCC regarding the damaged tank. Finally, all these matters are complicated by the 1996 condemnation proceedings in which the Town acquired the right of way under which a portion of the tank is apparently buried. As you might imagine, providing a specific course of action has proven difficult given the complexity of the situation and number of interested parties.

Mr. Luke Jalbert  
July 17, 2001  
Page - 2 -

We are confident that all issues will be resolved within the next three weeks and that a detailed course of action will then be available. Exxon appreciates your patience and looks forward to addressing your concerns.

Sincerely,



Handwritten signature of Dan Foster in cursive script.

Dan Foster

DF/bk

9/19/61

EXXON NOTES

(EXXON)  
THEY GOT A BLDG. PERMIT TO BUILD STATION  
STATION NOT FRANCHISED

THEY DID NECESSARY SET BACKS AHEAD OF TIME  
WE CONDEMNED C. SU + EXXON  
EXXON WOULD NOT COME TO CONDEMNATION HEARING &  
AVOIDED ANY INTERACTION  
WE BUILT THE STREET WITHOUT INPUT FROM EXXON.  
TANKS WERE INSTALLED IN OUR ROW, NOT ACCORDING  
TO PLANS.

PROJECT WAS TX DOT & DALLAS COUNTY PROJECT.

EVERYONE AGREED TO PLANS, INCLUDING EXXON, IT  
WAS NOT BUILT ACCORDING TO PLANS.

**COWLES & THOMPSON**  
A Professional Corporation  
ATTORNEYS AND COUNSELORS



**FACSIMILE COVER PAGE**

Date: September 27, 2001 Time: \_\_\_\_\_

Total Number of Pages (including this sheet): 3

Normal/Rush: Normal Client/Matter #: 3195/25211

**TO:** (1) Luke Jalbert **FAX:** (972) 450-2837  
**FROM:** Kenneth C. Dippel **Direct Dial #:** (214) 672-2158  
**MESSAGE:** RE: Fuel Storage Tanks

**IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION,  
PLEASE CALL OUR SERVICE CENTER  
AT (214) 672-2508  
or Yolanda Rodriguez at (214) 672-2629  
Thank you.**

**IMPORTANT/CONFIDENTIAL:** This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the law firm of Cowles & Thompson which may be privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee, or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number (214) 672-2000. We will be happy to arrange for the return of this message to us, via the United States Postal Service, at no cost to you.



Right-of-Way Acquisition <sup>52c</sup>  
Belt Line Road/Midway Road  
Belt Line Road/Quorum

---

October 17, 2000

Fina Oil Co. & Gulf Oil Corporation (condemnation) - \$180,000\*  
Commissioner's cost - 2,400  
Area - 2,823 s.f.

\$105,000 JLP

\*Original condemnation award totaled \$187,000; however, only \$180,000 was paid to Fina.

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Exxon Corporation & New Era Life Insurance Co.(condemnation) -       ?  
Area - 3,720 s.f.

JIM - I COULD NOT  
FIND THE ACTUAL  
AMOUNT PAID TO  
EXXON IN THE FILES

Trammel Crow (S.E. corner of Belt Line & Quorum) - \$162,980  
Area - 8,150 s.f.

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Beltway Development Company - \$10.00 (dedicated)  
Area - 147 s.f.

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Plaza at the Quorum Associates - \$64,296  
Area - 5,358 s.f.

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Exxon/Shaw Su

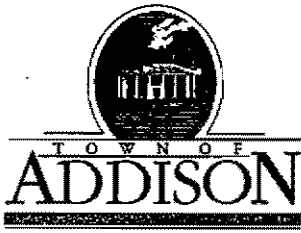
9/11/00

Telephoned Mr Su. - Su has no claim for irrig/landscaping repairs for Andromas and the strip shopping center.

irrig system  
EXXON has been repaired according to Mr Su - that's what Exxon told him.

What Mr Su was talking about was damages we did to Exxon's system, the irrig system they put in. Our agreement with Mr Su did not cover that, according to Mr Su. Mr Su asked if we have a claim from Exxon & I said I did not know of any. They have talked to Mr Su about it, but

Mr Su & I agreed that we have no issues between each other. (We may have an issue or a potential issue with Exxon re landscaping and irrigation).



**PUBLIC WORKS DEPARTMENT**

(972) 450-2871

Post Office Box 9010 Addison, Texas 75001-9010

16801 Westgrove

September 6, 2000

Mr. Shiaw Su  
SUSCO Investments  
P.O. Box 962  
Addison, TX 75001-0962

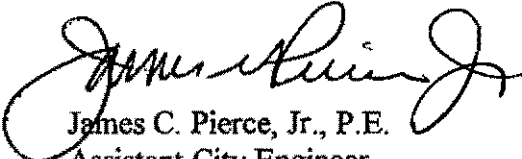
Re: Addison Beltway Joint Venture No. One, Exxon Station, Andiamo's Restaurant and Adjacent Shopping Center

Dear Mr. Su:

Referencing your letter of August 1, 2000, I am enclosing a copy of a Release signed by you and Mr. Huang that provided compensation to you for repair and replacement of landscaping and irrigation facilities on the above referenced properties. Based upon this, I consider the matter closed.

Very truly yours,

Town of Addison



James C. Pierce, Jr., P.E.  
Assistant City Engineer

cc: Chris Terry, Assistant City Manager  
Michael E. Murphy, P.E., Director of Public Works

Enclosure

**RELEASE**

WHEREAS, the Town of Addison ("Addison") has condemned certain real property (the "Property," described in Exhibit "A") owned by Addison Beltway Joint Venture No. One ("Joint Venture") for right-of-way purposes for Dallas Area Rapid Transit Company ("DART");

WHEREAS, Joint Venture's conveyance of the Property to Addison is evidenced by that certain Special Warranty Deed executed by Joint Venture for the benefit of Addison on February 19, 1999;

WHEREAS, as a result of DART's and Addison's right-of-way work on the Property, a certain portion of Joint Venture's landscaping on its remaining adjacent property and its sprinkler system will be damaged;

WHEREAS, Addison has agreed to pay to Joint Venture the sum of One Thousand Five Hundred and No/100 Dollars (\$1,500.00) to reimburse Joint Venture for costs it will incur in repairing and replacing its landscaping and sprinkler system as a result of DART's work in building the right-of-way; and

WHEREAS, in return for the above-referenced payment by Addison, Joint Venture agrees to release Addison and DART from any claims related to damage to its landscaping and sprinkler system during the building of the right-of-way as follows:

For and in consideration of the payment of the sum of One Thousand Five Hundred and No/100 (\$1,500.00), receipt and sufficiency of which is hereby acknowledged, Addison Beltway Joint Venture No. One, through its authorized representatives, Shiaw Y. Su and Chau-Fe Huang, forever release and discharge Addison, its council members, officers, employees and DART, its directors, officers and employees, from any and all claims related to damage to its landscape and/or sprinkler system during the building of the right-of-way by DART. This release is limited to the time period in which it is necessary for DART to construct the right-of-way adjacent to Joint Venture's property. This release is also limited to general and anticipated damages with respect to same. The parties do not contemplate in any manner that this release would prohibit Joint Venture from recovering from either Addison or DART or both for any catastrophic, significant, or otherwise unanticipated damages in any amount that may occur to Joint Venture's property as a result of either DART's or Addison's work while building the right-of-way or use of the right-of-way thereafter.

Executed this 3rd day of May, 1999.

ADDISON BELTWAY JOINT VENTURE NO. ONE

By:

Shiaw Y. Su  
Shiaw Y. Su

By:

Chau-Fe Huang  
Chau-Fe Huang

**EXHIBIT A  
Parcel 1**

**HIGHWAY:** Addison Transit Pass-Belt Line Road/Midway Road

**PROJECT LIMITS**

**FROM:** 360 feet north, 435 feet east, 460 feet south, 485 feet west of intersection





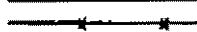

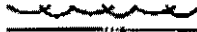





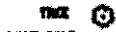







BEING 0.0854 acre of land, more or less, situated in the W. H. Witt Survey, Abstract No.1609 in the Town of Addison, Dallas County, Texas, and being part of Lots 1, 2 and 3 of Goff Addition, an addition to the Town of Addison as shown on plat recorded in Volume 80005, Page 3044 of the Deed Records of Dallas County, Texas, and being a part of that tract of land conveyed to Addison Beltway Joint Venture One as evidenced by deed recorded in Volume 84005, Page 6871 of said Deed Records and being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Lot 2;

THENCE South 00 degrees 08 minutes 03 seconds West, along the west line of Lot 2, a distance of 166.59 feet to a ½" iron rod with cap marked AB&A set for the POINT OF BEGINNING in the proposed northerly right-of-way line of Belt Line Road;

- (1) THENCE, along said proposed northerly line, North 88 degrees 48 minutes 57 seconds East a distance of 60.09 feet to a ½" iron rod with cap marked AB&A set for an angle point;
- (2) THENCE North 89 degrees 58 minutes 14 seconds East, continuing along said line, a distance of 114.75 feet to an "x" cut in concrete set for the beginning of a curve to the left having a radius of 66.50 feet;
- (3) THENCE along said curve, through a central angle of 89 degrees 29 minutes 19 seconds, an arc distance of 103.86 feet (chord bears North 45 degrees 13 minutes 33 seconds East and is 93.62 feet in length) to an "x" cut in concrete set at the end of said curve;
- (4) THENCE, continuing along said line, North 02 degrees 32 minutes 37 seconds East a distance of 73.23 feet to an "x" cut in concrete set for corner;
- (5) THENCE, continuing along said line, North 08 degrees 58 minutes 00 seconds East a distance of 39.99 feet to an "x" cut in concrete set for corner;
- (6) THENCE, continuing along said line, North 18 degrees 37 minutes 20 seconds East a distance of 61.09 feet to an "x" cut in concrete set in the curving existing west right-of-way line of Midway Road;
- (7) THENCE along said curve to the left having a radius of 1004.93 feet, through a central angle of 10 degrees 46 minutes 29 seconds, an arc distance of 188.98 feet (chord bears South 04 degrees 52 minutes 46 seconds West and is 188.70 feet in length) to the end of said curve;
- (8) THENCE along said line South 00 degrees 30 minutes 29 seconds East for a distance of 21.51 feet to the north end of a cutback line to the north right-of-way line of Belt Line Road;
- (9) THENCE, along said line, South 44 degrees 50 minutes 25 seconds West a distance of 42.41 feet to the south end of said line in the north line of Belt Line Road;
- (10) THENCE, along said line, North 89 degrees 51 minutes 55 seconds West a distance of 224.52 feet to the southwest corner of Lot 2;
- (11) THENCE, along the west line of Lot 2, North 00 degrees 08 minutes 03 seconds East a distance of 1.28 feet to the POINT OF BEGINNING and containing 3720 square feet or 0.0854 acre of land, more or less.

# LEGEND

-  PROPOSED FENCING
-  EDGE OF ASPHALT
-  PROPERTY LINE
-  TINE LINE
-  EASEMENT LINE
-  CENTERLINE
-  FENCE
-  OVERHEAD WIRE
-  TREE LINE
-  SURVEY LINE
-  POWER POLE
-  METER
-  BOX
-  TINE
-  LIGHT POLE
-  WATER METER
-  FIRE HYDRANT
-  WATER VALVE
-  GAS METER
-  CLEARED

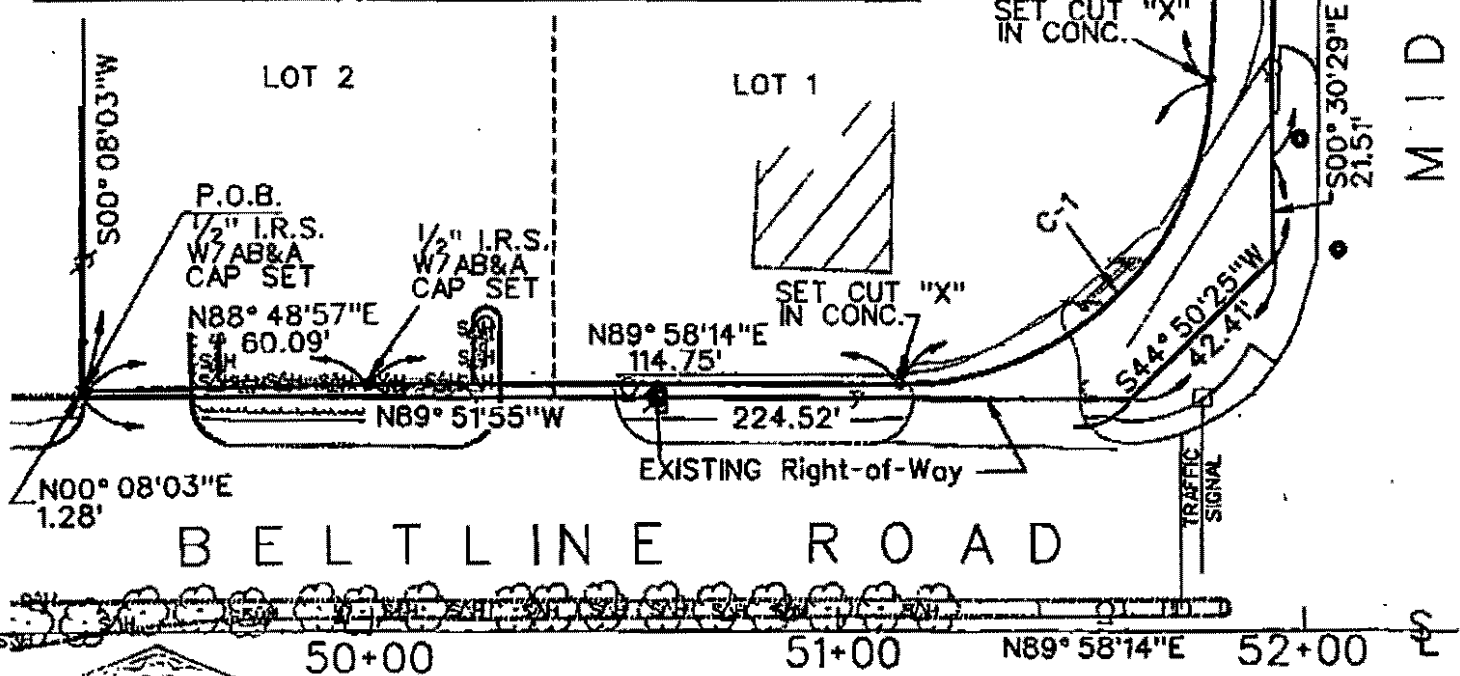


## W. H. WITT SURVEY ABST. NO. 1609

LOT 3      GOFF ADDN.  
Vol. 80005, Pg. 3044  
DRDCT

ADDISON BELTWAY  
JOINT VENTURE ONE  
DEED  
Vol. 84005, Pg. 6871  
3,720 S.F.

CURVE TABLE					
CURVE NO.	CENTRAL ANGLE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C-1	89° 29' 19"	103.86'	66.50'	N45° 13' 33"E	93.62'
C-2	10° 46' 29"	188.98'	1004.93'	S04° 52' 46"W	188.70'



A PLAT OF A SURVEY OF A 3720 SF  
(0.0850 AC.) TRACT OF LAND  
IN THE W.H. WITT SURVEY  
ABSTRACT NUMBER 1609  
GOFF ADDITION - LOTS 1, 2 and 3  
ADDISON, DALLAS COUNTY, TEXAS

3/19/94  
DATE

*John H. Lee*

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
127	10/23 5:15PM	0'54"	Cowles & Thompson	Send.....	3/ 3	EC144	Completed.....
Total		0'54"	Pages Sent: 3	Pages Printed: 0			

TOWN OF  
ADDISON

PUBLIC WORKS

To: John Hill  
Company: Cowles & Thompson  
FAX #: 214-672-2020

From: Jim Pierce, P.E.  
Asst. Public Wks. Dir.  
Phone: 972/450-2879  
FAX: 972/450-2837  
jpierce@claddison.tx.us

Date: 10-23-00

16801 Westgrove  
P.O.Box 9010  
Addison, TX 75001-9010

# of pages (including cover): 3

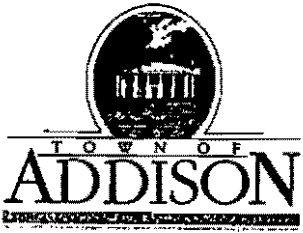
Re: Exxon - Beltline & Midway - Landscaping & Row Encroachment

- Original in mail
- Per your request
- FYI
- Call me

Comments: John FYI - I had it a little wrong - I guess we suspect that the fuel tanks may be in the ROW and asked for confirmation of location.

These letters bear on the landscape retraction issue which is working on.

Jim



**PUBLIC WORKS DEPARTMENT**

(972) 450-2871

Post Office Box 9010 Addison, Texas 75001-9010

16801 Westgrove

July 28, 2000

Mr. Shiaw Su  
SUSCO Investments  
P.O. Box 962  
Addison, TX 75001-0962

Re: Addison Beltway Joint Venture No. One, Exxon Station

Dear Mr. Su:

We have received a request to repair the irrigation system and replace landscaping that was affected by the construction along Midway and Belt Line Road at the Exxon Station.

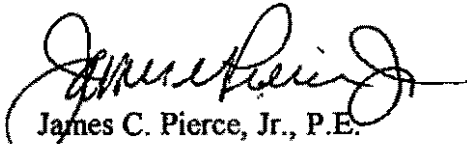
Part of the settlement agreement for acquiring the right-of-way included compensating you for the damages to the irrigation system and landscaping. Based on this, we must deny the request.

Also I am attaching a copy of a letter dated June 21, 2000 to Mr. Mike Maya regarding issues the Town has regarding a non-conforming site plan and possible fuel tank encroachment into the road right-of-way. As the property owner, I wanted you to be aware of this situation.

Please call me at 972-450-2879 if you have any questions.

Very truly yours,

Town of Addison

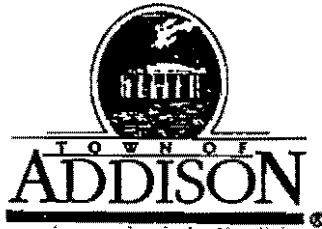


James C. Pierce, Jr., P.E.  
Assistant City Engineer

cc: Chris Terry, Assistant City Manager  
Michael E. Murphy, P.E., Director of Public Works  
Mike Maya

Enclosure





**PUBLIC WORKS DEPARTMENT**

Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871

16801 Westgrove

FINAL COPY

June 21, 2000

Mr. Mike Maya  
16110 Dallas Parkway Suite 101  
Dallas, Texas 75248

- 972-248-4000 - fax

Re: Site Improvements at Exxon - Midway Road and Belt Line Road

Dear Mr. Maya:

Thank you for your continued support throughout the intersection improvement project at Midway Road and Belt Line Road. It has come to our attention during the construction project that the site improvements done at your Exxon Station in 1996 were not constructed according to approved plans. According to the site plan approved by the Town of Addison, the curb of your parking lot on the southeast corner should be no closer to the right-of-way than 6.5 feet. Based on our investigation it appears that the parking lot was constructed on the new Town of Addison right-of-way. A copy of the approved site plan from 1996 is attached to this letter for your reference.

The enclosed site plan was designed to compensate for the current intersection improvements. Had the site improvements been constructed according to approved plans, only landscape restoration would be required following intersection construction. As a result of construction modifications to your site plan it is not possible to achieve the landscape improvements indicated in the approved site plan from 1996.

The Town of Addison respectfully requests that the Exxon site be modified to meet the approved design improvements indicated on the site and landscape plan. In addition, we request that you determine the actual locations of your fuel storage tanks and certify that they are not in the public right-of-way. If we can help you in any way, please feel free to call me at 972-450-2871.

Sincerely,

Jeff Markiewicz  
Project Manager

Faxed to Mr. Maya 7-28-00

Attachment

cc: Mike Murphy

Right-of-Way Acquisition <sup>57c</sup>  
Belt Line Road/Midway Road  
Belt Line Road/Quorum

---

October 17, 2000

Fina Oil Co. & Gulf Oil Corporation (condemnation) - \$180,000\*  
Commissioner's cost - 2,400  
Area - 2,823 s.f.

\$105,000  
JLP

\*Original condemnation award totaled \$187,000; however, only \$180,000 was paid to Fina.

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Exxon Corporation & New Era Life Insurance Co. (condemnation) -  
Area - 3,720 s.f.

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Trammel Crow (S.E. corner of Belt Line & Quorum) - \$162,980  
Area - 8,150 s.f.

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Beltway Development Company - \$10.00 (dedicated)  
Area - 147 s.f.

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Plaza at the Quorum Associates - \$64,296  
Area - 5,358 s.f.

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Total of above \$ 514,686

10-23-00

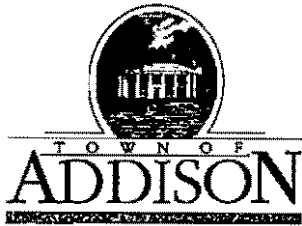
Exxon Addison Beltway Owner →  
Joint Venture ←

\$105,000

Purchase price for Row @  
Midway  
+ 1500 to Belt Line  
repair iving of Landscape

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**PUBLIC WORKS DEPARTMENT**

Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871

16801 Westgrove

July 28, 2000

Mr. Shiaw Su  
SUSCO Investments  
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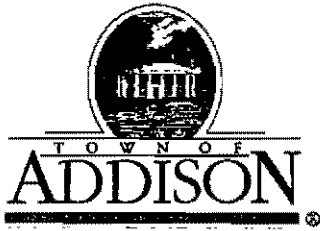
Town of Addison



James C. Pierce, Jr., P.E.  
Assistant City Engineer

cc: Chris Terry, Assistant City Manager  
Michael E. Murphy, P.E., Director of Public Works  
Mike Maya

Enclosure



**PUBLIC WORKS DEPARTMENT**

Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871

16801 Westgrove

*Before I send this  
out - please  
review.*

June 21, 2000

Mr. Mike Maya  
16110 Dallas Parkway  
Dallas, Texas 75248

*OK*  
*MM*

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Sincerely,

Jeff Markiewicz  
Project Manager

Attachment

cc: Mike Murphy

FINAL  
COPY



**PUBLIC WORKS DEPARTMENT**

Post Office Box 9010 Addison, Texas 75001-9010

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June 21, 2000

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16110 Dallas Parkway *Suite 101*  
Dallas, Texas 75248

*- 972-248-4000 - fax*

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Jeff Markiewicz  
Project Manager

*Faxed to Mr. Maya 7-28-00*

Attachment

cc: Mike Murphy

November 7, 2000

Mr. Shiaw Su  
Managing Trustee, Addison Beltway Joint Venture One  
Susco Investments  
P.O. Box 962  
Addison, Texas 75001

**RE: Landscape Restoration – Exxon Tiger Mart – Northwest Corner of Belt Line Road and Midway Road**

Dear Mr. Su:

Please be advised that the turn lane paving improvements are complete at the intersection of Belt Line Road and Midway Road. According to the DART Right-of-way Purchase Agreement for this project, the property owner was compensated as part of the right-of-way purchase for rehabilitation of landscaping and irrigation damaged by the construction activities.

Please let this serve as notice that the landscaping and irrigation at the above referenced site needs to be replaced according to the Town of Addison Landscape Regulations within 90 days of the date of this notice. In addition, the landscaping is not being maintained on a regular basis and needs immediate attention.

Any questions relating to the DART Right-of-way Purchase Agreement should be directed to Jim Pierce at 972-450-2871.

Please contact me at 972-450-2869 if you need information relating to the landscape regulations.

Sincerely,

Slade Strickland, Director  
Parks and Recreation

cc: Mike Maya, 16110 Dallas Parkway Suite 101, Dallas, TX 75248  
Chris Terry, Assistant City Manager  
Jim Pierce, Assistant Director, Public Works

October 17, 2000

Mr. Mike Maya  
16110 Dallas Parkway #101  
Dallas, Texas 75248

**RE: Landscape Restoration – Exxon Tiger Mart – Northwest Corner of Belt Line Road and Midway Road**

Dear Mr. Maya:

Please be advised that the turn lane paving improvements are complete at the intersection of Belt Line Road and Midway Road. According to the DART Right-of-way Purchase Agreement for this project, the property owner was compensated as part of the right-of-way purchase for rehabilitation of landscaping and irrigation damaged by the construction activities.

Please let this serve as notice that the landscaping and irrigation at the above referenced site needs to be replaced according to the Town of Addison Landscape Regulations within 90 days of the date of this notice.

Any questions relating to the DART Right-of-way Purchase Agreement should be directed to Jim Pierce at 972-450-2871.

Please contact me at 972-450-2869 if you need information relating to the landscape regulations.

Sincerely,

Slade Strickland, Director  
Parks and Recreation

c: Chris Terry, Assistant City Manager  
Jim Pierce, Assistant Director, Public Works



**SUSCO INVESTMENTS**

P O Box 962                      16601 Addison Rd Ste#107  
Addison, TX 75001              Dallas, TX 75248

Tel: (972) 931-6199 Fax: (972) 931-6190

September 14, 2000

Mr. James C. Pierce, Jr.  
Assistant City Engineer, The Town of Addison  
P O Box 9010  
Addison, Texas 75001

**RE: Irrigation and landscaping damages at the Exxon Station, 4191 Beltline, Addison**

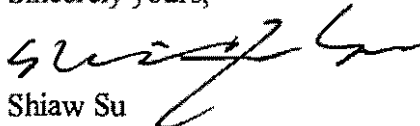
Dear Mr. Pierce:

Thank you for kindly returning my phone call concerning the above referenced matter on Monday, September 11, 2000. This letter is to summarize the results of our telephone conversation as follows:

1. There was a misunderstanding with regard to the so-called "a request to repair the irrigation and replace landscaping that was affected by the construction along Midway and Belt Line Road at the Exxon Station." as stated in your first letter dated July 28, 2000. You stated that there was no such a request received so far.
2. The property owner, Addison Beltway Joint Venture One, has not submitted any requests for damage compensation to the Town of Addison, except for the amount as previously agreed upon in the Release agreement.
3. The "Release" as referred in your second letter dated September 6, 2000, which shall release the Town of Addison and DART from any claims related to damage to its landscaping and sprinkler system during the construction of the right-of-way, covers **only** the improvements made by the property owner.
4. Any improvements made by Exxon are Exxon's personal property and shall not be included in the "Release".

If any of the above understandings is incorrect, please let me know. Please also advise if the Town of Addison has made any decision with regard to the modification of two entrances to our Center from Midway and Beltline Road. The current constructions appear to have created some traffic hazards to the motorists entering and/or leaving our Center.

Sincerely yours,

  
Shiaw Su  
Managing Trustee,  
Addison Beltway Joint Venture One

*only one  
is involved  
@ Midway Rd.*

CC: Mike Maya, 16110 Dallas Parkway Suite 101, Dallas, TX 75248

**SUSCO INVESTMENTS**

P O Box 962                      16601 Addison Rd Ste#107  
Addison, TX 75001              Dallas, TX 75248

Tel: (972) 931-6199 Fax: (972) 931-6190

November 13, 2000

Mr. Slade Strickland, Director  
Parks and Recreation, The Town of Addison  
P O Box 9010  
Addison, Texas 75001

**RE: landscaping Restoration - Exxon Tiger Mart, 4191 Beltline, Addison**

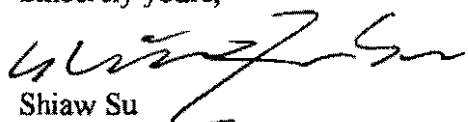
Dear Mr. Strickland:

This is to acknowledge the receipt of your letter dated November 7, 2000, regarding the above referenced matter. It is also intended to clarify your statement that "the property owner was compensated as part of the right-of-way purchase for rehabilitation of landscaping and irrigation damaged by the construction". Attached are two letters addressed to Mr. James C. Pierce of Town of Addison with regards to this matter. Please note that it is our position that:

**The property owner, Addison Beltway Joint Venture One, has never submitted anything on the Exxon's behalf for the compensation of potential irrigation and landscaping damages at its station due to the right-of-way construction. The compensation of \$1,500 we received is only related to the rest of shopping center, which excludes the Exxon's Station.**

Please call me if you have any questions.

Sincerely yours,



Shiaw Su  
Managing Trustee,  
Addison Beltway Joint Venture One

CC: Mike Maya, 16110 Dallas Parkway Suite 101, Dallas, TX 75248  
James C. Pierce, Assistant Director, Public Works, Town of Addison  
W/O Attachment

Attachment

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

8333 Douglas Avenue, #820 · Dallas, Texas 75225-5816 Fax (214) 361-0204 Phone (214) 361-7900

RONALD V. CONWAY, P.E.  
JOHN W. BIRKHOFF, P.E.  
JOE R. CARTER, P.E.  
GARY C. HENDRICKS, P.E.  
PAUL A. CARLINE, P.E.  
MATT HICKEY, P.E.

ROSS L. JACOBS, P.E.  
I. C. FINKLEA, P.E.

September 25, 2000

Mr. James C. Pierce, Jr., P.E., DEE  
Assistant Director of Public Works  
Town of Addison  
Post Office Box 9010  
Addison, Texas 75001-9010

Re: Engineering Services Agreement  
Driveway Study  
Midway at Beltline

Dear Mr. Pierce:

In accordance with your request, we propose to furnish engineering services to study the driveway approach to the businesses at the northwest corner of the intersection of Beltline Road and Midway Road. Our services will include the following:

1. Field surveys of the shopping center and a portion of the Exxon Station. Field surveys will include such details as parking lot stripes and will include a portion of Midway Road.
2. Topographic plots will be generated of existing conditions and proposed alternatives.
3. Alternatives will include improvements without regard to cost and alternatives that could be effective with cost being a factor.
4. Cross sections of the driveway approach in each alternative.
5. Contour of pavement in each section.
6. Parking lot marking plan, if required by an alternate.
7. Quantity takeoff and formulation of an opinion of probable construction cost for each alternate.
8. Meeting with the staff to discuss the alternate
9. Letter report summarizing the alternates and findings.

We propose to be compensated the basis of salary cost times a multiplier of 2.3 with expenses at invoice cost times 1.15. Field surveys will compensated at \$110.00 per hour. We recommend a budget of \$13,500.00 be

10-20-00  
Discussed w John Birkhoff  
He will review and  
try to come up with  
a scope & fee of \$7.5K

Mr. James C. Pierce, Jr., P.E., DEE  
Town of Addison  
9/25/00  
Page 2 of 2

established for these services. We anticipate these services to require approximately 135-hours of time to complete.

If you are in agreement with our proposal, please have one copy of this letter agreement executed by the Town of Addison and return one copy to our office. We will commence our services at your direction.

Sincerely



John W. Birkhoff, P.E.

**APPROVED FOR THE TOWN OF ADDISION**

**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_

HP LaserJet 3100  
Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for  
Town of Addison  
9724502834  
Jul-28-00 3:53PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
344	7/28 3:53PM	0'27"	972 248 04000	Send.....	1 / 1	EC144	Completed.....

Total 0'27" Pages Sent: 1 Pages Printed: 0



**PUBLIC WORKS DEPARTMENT**  
Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871  
14801 Westgrove

*FINAL COPY*

June 21, 2000

Mr. Mike Maya  
16110 Dallas Parkway  
Dallas, Texas 75248

*- 972-248-4000 - fax*

Re: Site Improvements at Exxon - Midway Road and Belt Line Road

Dear Mr. Maya:

Thank you for your continued support throughout the intersection improvement project at Midway Road and Belt Line Road. It has come to our attention during the construction project that the site improvements done at your Exxon Station in 1996 were not constructed according to approved plans. According to the site plan approved by the Town of Addison, the curb of your parking lot on the southeast corner should be no closer to the right-of-way than 6.5 feet. Based on our investigation it appears that the parking lot was constructed on the new Town of Addison right-of-way. A copy of the approved site plan from 1996 is attached to this letter for your reference.

The enclosed site plan was designed to compensate for the current intersection improvements. Had the site improvements been constructed according to approved plans, only landscape restoration would be required following intersection construction. As a result of construction modifications to your site plan it is not possible to achieve the landscape improvements indicated in the approved site plan from 1996.

The Town of Addison respectfully requests that the Exxon site be modified to meet the approved design improvements indicated on the site and landscape plan. In addition, we request that you determine the actual locations of your fuel storage tanks and certify that they are not in the public right-of-way. If we can help you in any way, please feel free to call me at 972-450-2871.

Sincerely,

Jeff Marikewicz  
Project Manager

*Faxed to Mr. Maya 7-28-00*

Attachment

cc: Mike Murphy

**SUSCO INVESTMENTS**

P O Box 962                      16601 Addison Rd Ste#107  
Addison, TX 75001              Dallas, TX 75248

Tel: (972) 931-6199 Fax: (972) 931-6190

August 1, 2000

Mr. James C. Pierce, Jr.  
Assistant City Engineer, The Town of Addison  
P O Box 9010  
Addison, Texas 75001

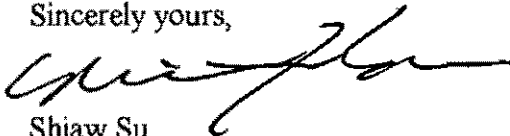
**RE: Irrigation and landscaping damages at the Exxon Station, 4191 Beltline, Addison**

Dear Mr. Pierce:

This is in reference to your letter dated July 28, 2000 regarding to the above referenced subject. Please be advised that we have **never submitted anything on the Exxon's behalf** with regards to the potential damages at its Station to be impacted by the construction works. It was our understanding that Exxon was negotiating with the City separately for this matter at that time due to the potential complication concerning the completion of its original Site Improvement Plan in 1996.

Attached please find copies of actual damage estimates of \$2,696, as submitted by us to the Town of Addison for compensation in February 1999. Please note that the areas covered under the attached estimates are limited only the area to be impacted within the shopping center, excluding Exxon Station.

Sincerely yours,



Shiaw Su  
Managing Trustee,  
Addison Beltway Joint Venture One

CC: Mike Maya, 16110 Dallas Parkway Suite 101, Dallas, TX 75248

Attachment

# GreenTech, Inc.

## Landscape Services

Feb. 11, 1999

Mr. Su

Susco Investments

BUDGET

ESTIMATE

Renovate Landscaped Area Beltline & Midway Rd (4151 Beltline Rd)

Beltline 3.5' x 65' } (1) 5-gal Shrub every (3) Linear ft.  
Midway 3.5' x 70' } Plus (1) 5-gal Crepe Myrtle every (8) Lin. ft

(46) Shrubs, Indian Hawthorne, D. Burford Holly, D. Yonson Holly  
(Your Choice) 5-gal  
cost: \$ 1104.<sup>00</sup>

(17) Crepe Myrtle, 5-gal  
cost: \$ 425.<sup>00</sup>

(296) Feet, Linear, Steel Landscape Edging  
cost: \$ 592.<sup>00</sup>

(3) Cubic Yard, Composted Soil cost: 135.<sup>00</sup>

(2) Cubic Yard, Hardwood Mulch cost: 90.<sup>00</sup>

Tax: 8.25% — LABOR & MATERIALS INCLUDED —

Due Upon Completion

C. Wisner

\$ 2346.<sup>00</sup>

IRRIGATION ENVIRONS INC.  
TEX. LIC. # 360 PH. # 972-238-7968  
1109 PUEBLO DR. RICHARDSON, TX 75080

71725

NAME <b>SUSCO INVESTMENTS</b>		SHIP TO <b>12 FEB 99</b>	
ADDRESS <b>4151 BELT LINE</b>		ADDRESS	
CITY, STATE, ZIP <b>ADDISON TX</b>		CITY, STATE, ZIP	
ORDER NUMBER	TERMS	DATE	
WHEN SHIP	HOW SHIP	SALESMAN	
QUANTITY	DESCRIPTION	PRICE	AMOUNT
	<b>RE-ROUTE IRRIGATION SYSTEM TO COMPLY TO NEW SIDEWALK REMODEL ON MIDWAY ROAD, WEST SIDE OF STREET</b>		
	<i>John M. [Signature]</i>	<b>\$</b>	<b>350 00</b>
BUYER:			

KEEP THIS SLIP FOR REFERENCE



# SUSCO INVESTMENTS

16601 ADDISON RD.# 107  
ADDISON, TX 75001

P.O. BOX 962  
ADDISON, TEXAS 75001-0962



Mr. James C. Pierce, Jr.  
Assistant Ciyt Engineer, The Town of Addison  
P O Box 9010  
Addison, Texas 75001

75001-9010



# COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



## FACSIMILE COVER PAGE

Date: July 28, 2000

Time: \_\_\_\_\_

Total Number of Pages (including this sheet): 2

Normal/Rush: Normal

Client/Matter #: 3195/25211

TO: (1) Jim Pierce  
(2)  
(3)

FAX: (972) 450-2834

FAX:

FAX:

FROM: Pete Eckert

Direct Dial #: (214) 672-2156

### MESSAGE:

**IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION,  
PLEASE CALL OUR SERVICE CENTER  
AT (214) 672-2508  
or Caren Thoman at (214) 672-2640  
Thank you.**

**IMPORTANT/CONFIDENTIAL:** This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the law firm of Cowles & Thompson which may be privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee, or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number (214) 672-2000. We will be happy to arrange for the return of this message to us, via the United States Postal Service, at no cost to you.

# COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



## FACSIMILE COVER PAGE

Date: July 28, 2000

Time: \_\_\_\_\_

Total Number of Pages (including this sheet): 3

Normal/Rush: Normal

Client/Matter #: 3195/25211

TO: (1) **Jim Pierce**  
(2)  
(3)

FAX: (972) 450-2834  
FAX:  
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FROM: Pete Eckert

Direct Dial #: (214) 672-2156

MESSAGE:

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**RELEASE**

WHEREAS, the Town of Addison ("Addison") has condemned certain real property (the "Property," described in Exhibit "A") owned by Addison Beltway Joint Venture No. One ("Joint Venture") for right-of-way purposes for Dallas Area Rapid Transit Company ("DART");

WHEREAS, Joint Venture's conveyance of the Property to Addison is evidenced by that certain Special Warranty Deed executed by Joint Venture for the benefit of Addison on February 19, 1999;

WHEREAS, as a result of DART's and Addison's right-of-way work on the Property, a certain portion of Joint Venture's landscaping on its remaining adjacent property and its sprinkler system will be damaged;


WHEREAS, Addison has agreed to pay to Joint Venture the sum of One Thousand Five Hundred and No/100 Dollars (\$1,500.00) to reimburse Joint Venture for costs it will incur in repairing and replacing its landscaping and sprinkler system as a result of DART's work in building the right-of-way; and


WHEREAS, in return for the above-referenced payment by Addison, Joint Venture agrees to release Addison and DART from any claims related to damage to its landscaping and sprinkler system during the building of the right-of-way as follows:

For and in consideration of the payment of the sum of One Thousand Five Hundred and No/100 (\$1,500.00), receipt and sufficiency of which is hereby acknowledged, Addison Beltway Joint Venture No. One, through its authorized representatives, Shiaw Y. Su and Chau-Fe Huang, forever release and discharge Addison, its council members, officers, employees and DART, its directors, officers and employees, from any and all claims related to damage to its landscape and/or sprinkler system during the building of the right-of-way by DART. This release is limited to the time period in which it is necessary for DART to construct the right-of-way adjacent to Joint Venture's property. This release is also limited to general and anticipated damages with respect to same. The parties do not contemplate in any manner that this release would prohibit Joint Venture from recovering from either Addison or DART or both for any catastrophic, significant, or otherwise unanticipated damages in any amount that may occur to Joint Venture's property as a result of either DART's or Addison's work while building the right-of-way or use of the right-of-way thereafter.

Executed this 3rd day of May, 1999.

ADDISON BELTWAY JOINT VENTURE NO. ONE

By:   
Shiaw Y. Su

By:   
Chau-Fe Huang

**EXHIBIT A  
Parcel 1**

**HIGHWAY:** Addison Transit Pass-Belt Line Road/Midway Road

**PROJECT LIMITS**

**FROM:** 360 feet north, 435 feet east, 460 feet south, 485 feet west of intersection

BEING 0.0854 acre of land, more or less, situated in the W. H. Witt Survey, Abstract No. 1609 in the Town of Addison, Dallas County, Texas, and being part of Lots 1, 2 and 3 of Goff Addition, an addition to the Town of Addison as shown on plat recorded in Volume 80005, Page 3044 of the Deed Records of Dallas County, Texas, and being a part of that tract of land conveyed to Addison Beltway Joint Venture One as evidenced by deed recorded in Volume 84005, Page 6871 of said Deed Records and being more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Lot 2;

THENCE South 00 degrees 08 minutes 03 seconds West, along the west line of Lot 2, a distance of 166.59 feet to a ½" iron rod with cap marked AB&A set for the POINT OF BEGINNING in the proposed northerly right-of-way line of Belt Line Road;

- (1) THENCE, along said proposed northerly line, North 88 degrees 48 minutes 57 seconds East a distance of 60.09 feet to a ½" iron rod with cap marked AB&A set for an angle point;
- (2) THENCE North 89 degrees 58 minutes 14 seconds East, continuing along said line, a distance of 114.75 feet to an "x" cut in concrete set for the beginning of a curve to the left having a radius of 66.50 feet;
- (3) THENCE along said curve, through a central angle of 89 degrees 29 minutes 19 seconds, an arc distance of 103.86 feet (chord bears North 45 degrees 13 minutes 33 seconds East and is 93.62 feet in length) to an "x" cut in concrete set at the end of said curve;
- (4) THENCE, continuing along said line, North 02 degrees 32 minutes 37 seconds East a distance of 73.23 feet to an "x" cut in concrete set for corner;
- (5) THENCE, continuing along said line, North 08 degrees 58 minutes 00 seconds East a distance of 39.99 feet to an "x" cut in concrete set for corner;
- (6) THENCE, continuing along said line, North 18 degrees 37 minutes 20 seconds East a distance of 61.09 feet to an "x" cut in concrete set in the curving existing west right-of-way line of Midway Road;
- (7) THENCE along said curve to the left having a radius of 1004.93 feet, through a central angle of 10 degrees 46 minutes 29 seconds, an arc distance of 188.98 feet (chord bears South 04 degrees 52 minutes 46 seconds West and is 188.70 feet in length) to the end of said curve;
- (8) THENCE along said line South 00 degrees 30 minutes 29 seconds East for a distance of 21.51 feet to the north end of a cutback line to the north right-of-way line of Belt Line Road;
- (9) THENCE, along said line, South 44 degrees 50 minutes 25 seconds West a distance of 42.41 feet to the south end of said line in the north line of Belt Line Road;
- (10) THENCE, along said line, North 89 degrees 51 minutes 55 seconds West a distance of 224.52 feet to the southwest corner of Lot 2;
- (11) THENCE, along the west line of Lot 2, North 00 degrees 08 minutes 03 seconds East a distance of 1.28 feet to the POINT OF BEGINNING and containing 3720 square feet or 0.0854 acre of land, more or less.

# LEGEND

- PROPOSED PAVEMENT
- EDGE OF ASPHALT
- PROPERTY LINE
- TAKE LINE
- EXHIBIT LINE
- CENTERLINE
- FORCE
- OVERHEAD WIRE
- TREE LINE
- SURVEY LINE
- POWER POLE
- ANCHOR
- BOX
- TRIE
- LIGHT POLE
- WATER METER
- FIRE HYDRANT
- WATER VALVE
- GAS METER
- CLEAROUT

SCALE IN FEET



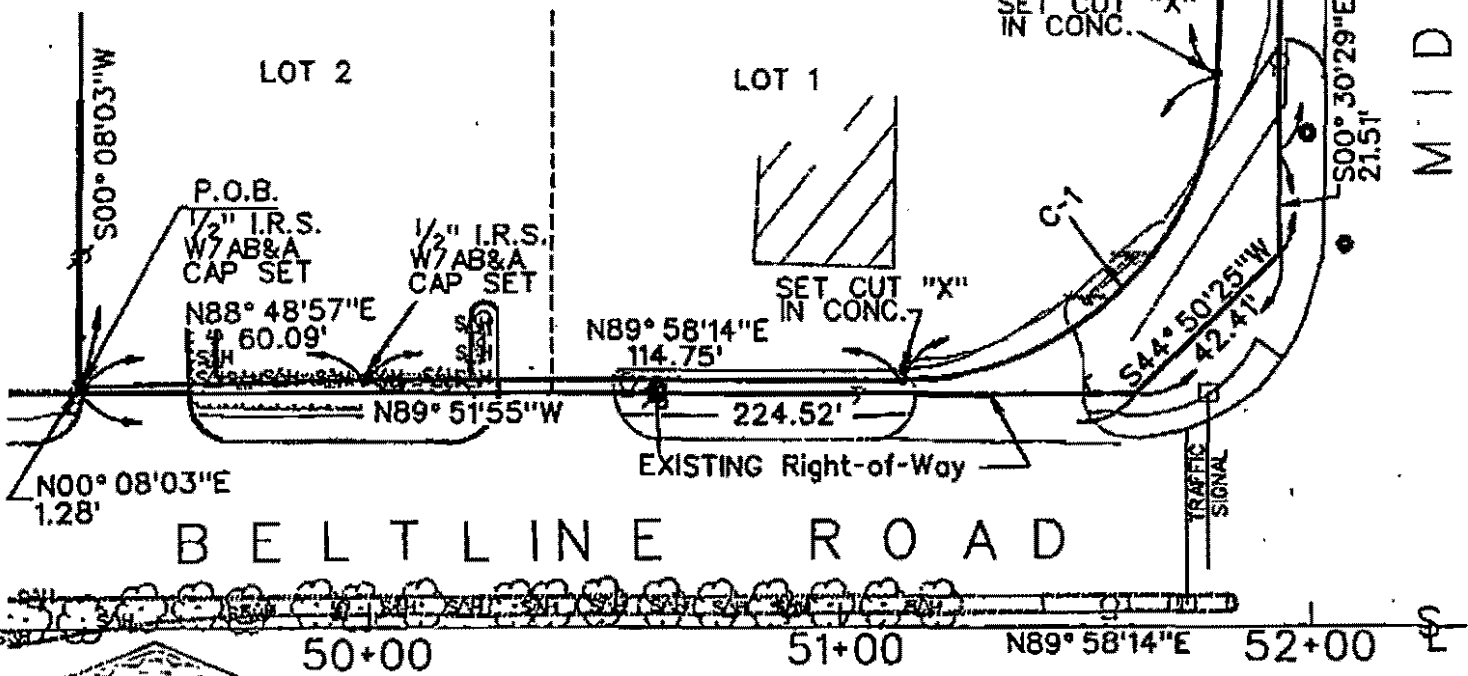
## W. H. WITT SURVEY ABST. NO. 1609

LOT 3      GOFF ADDN.  
Vol. 80005, Pg. 3044  
DRDCT

ADDISON BELTWAY  
JOINT VENTURE ONE  
DEED  
Vol. 84005, Pg. 6871  
3,720 S.F.

CURVE TABLE

CURVE NO.	CENTRAL ANGLE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C-1	89° 29' 19"	103.86'	66.50'	N45° 13' 33"E	93.62'
C-2	10° 46' 29"	188.98'	1004.93'	S04° 52' 46"W	188.70'



## BELTLINE ROAD

## MIDWAY ROAD

A PLAT OF A SURVEY OF A 3720 SF  
(0.0850 AC.) TRACT OF LAND  
IN THE W.H. WITT SURVEY  
ABSTRACT NUMBER 1609  
GOFF ADDITION - LOTS 1, 2 and 3  
ADDISON, DALLAS COUNTY, TEXAS

3/19/96  
DATE

Jeff  
FYI  
John

ATTORNEYS & COUNSELORS

MUNSCH  
HARDT  
KOPF &  
HARR, P.C.

DALLAS & AUSTIN

WRITER'S DIRECT DIAL

214/855-7546  
e-mail: nbush@munsch.com

February 15, 1999

Mr. Ken Dippel  
Cowles & Thompson  
4000 NationsBank Plaza  
901 Main St.  
Dallas, Texas 75202

VIA FACSIMILE


Re: *DART v. Addison Beltway Joint Venture I et al.*  
Cause No. 97-00353-E

Dear Ken:

Attached please find cost estimates for restoring and repairing the landscaping and irrigation system which are expected to be damaged as a result of the street expansion as planned by DART. Please contact me after you have had an opportunity to review same.

I appreciate your assistance with this matter.

Sincerely,

  
Nancy Bush

NJB:dr

T:\161\2\DIPPEL2.WPD  
NJB:dr 2/15/99

DALLAS OFFICE • 4000 FOUNTAIN PLACE • 1445 ROSS AVENUE • DALLAS, TEXAS 75202-2780 • TELEPHONE (214) 858-7300 • FACSIMILE (214) 855-7584  
AUSTIN OFFICE • FRANKLIN PLAZA • 111 CONGRESS • SUITE 2010 • AUSTIN, TEXAS 78701 • TELEPHONE (512) 381-8100 • FACSIMILE (512) 381-8148  
VIRTUAL OFFICE • WWW.MUNSCH.COM

FEB-15-99 08:15:28 FROM MUNSCH HARDT

PAGE 2 (PRINTED PAGE 2) ]

RECEIVED 02/15 09:15 1999 AT 21467222820

# GreenTech, Inc.

## Landscape Services

Feb. 11, 1999

Mr. Sun  
Susco Investments

BUDGET      ESTIMATE

Renovate Landscaped Area Beltline & Midway Rd (4151 Beltline Rd)

Beltline 3.5' x 65' } (1) 5-gal Shrub every (3) Linear ft.  
Midway 3.5' x 70' } Plus (1) 5-gal Crepe Myrtle every (8) Lin. ft

(46) Shrubs, Indian Hawthorne, D. Bradford Holly, D. Yonkers Holly  
(Your Choice) 5-gal  
Cost: \$ 1104.<sup>00</sup>

(17) Crepe Myrtle, 5-gal  
Cost: \$ 425.<sup>00</sup>

(296) Feet, Linear, Steel Landscape Edging  
Cost: \$ 592.<sup>00</sup>

(3) Cubic Yard, Composted Soil      Cost: 135.<sup>00</sup>

(2) Cubic Yard, Hardwood Mulch      Cost: 90.<sup>00</sup>

Tax: 8.25% ——— LABOR & MATERIALS INCLUDED ———  
Due Upon Completion      C. Wilmer      \$ 2346.<sup>00</sup>

1114 Puckle Dr. • Richardson, TX 75080 • (972) 233-4764



IRRIGATION ENVIRONS INC.  
TEX. LIC. # 380 PH. # 972-238-7868  
1109 PUEBLO DR. RICHARDSON, TX 75080

71725

NAME <b>SUSCO INVESTMENTS</b>		SHIP TO <b>12 FEB 99</b>
ADDRESS <b>4151 BELT LINE</b>		ADDRESS
CITY, STATE, ZIP <b>ADDISON TX</b>		CITY, STATE, ZIP
CUSTOMER NAME	TERMS	DATE
QUANTITY	DESCRIPTION	PRICE AMOUNT
	<b>RE: PASTE IRRIGATION SYSTEM TO COMPLY TO NEW SIDEWALK REMOVAL ON MIDWAY ROAD, WEST SIDE OF STREET</b>	
	<i>[Signature]</i>	<b>\$ 350.00</b>
BUYER:		

KEEP THIS SLIP FOR REFERENCE

02/28/99 P. 1

1-910 P. 04/04 P-218

+214857864

PAGE 4 (PRINTED PAGE 4) ]

RECEIVED 02/15 09:16 1999 AT 2146722020  
Feb-18-99 08:57am From-MANSCH HARDT

FINAL COPY



**PUBLIC WORKS DEPARTMENT**

Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871

16801 Westgrove

June 21, 2000

Mr. Mike Maya  
16110 Dallas Parkway Suite 101  
Dallas, Texas 75248

- 972-248-4000 - fax

Re: Site Improvements at Exxon - Midway Road and Belt Line Road

Dear Mr. Maya:

Thank you for your continued support throughout the intersection improvement project at Midway Road and Belt Line Road. It has come to our attention during the construction project that the site improvements done at your Exxon Station in 1996 were not constructed according to approved plans. According to the site plan approved by the Town of Addison, the curb of your parking lot on the southeast corner should be no closer to the right-of-way than 6.5 feet. Based on our investigation it appears that the parking lot was constructed on the new Town of Addison right-of-way. A copy of the approved site plan from 1996 is attached to this letter for your reference.

The enclosed site plan was designed to compensate for the current intersection improvements. Had the site improvements been constructed according to approved plans, only landscape restoration would be required following intersection construction. As a result of construction modifications to your site plan it is not possible to achieve the landscape improvements indicated in the approved site plan from 1996.

The Town of Addison respectfully requests that the Exxon site be modified to meet the approved design improvements indicated on the site and landscape plan. In addition, we request that you determine the actual locations of your fuel storage tanks and certify that they are not in the public right-of-way. If we can help you in any way, please feel free to call me at 972-450-2871.

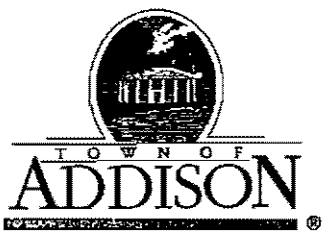
Sincerely,

Jeff Markiewicz  
Project Manager

Faxed to Mr. Maya 7-28-00

Attachment

cc: Mike Murphy



**PUBLIC WORKS DEPARTMENT**

Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871

16801 Westgrove

March 14, 2000

Mr. Shiaw Su  
SUSCO Investments  
P.O. Box 962  
Addison, Texas 75001-0962

Re: Driveway Pavement Replacement

Dear Mr. Su:

Thank you for your continued support on the intersection improvements at Midway Road and Belt Line Road. On Thursday, March 9 we had the opportunity to meet at your property to discuss our proposal to replace a section of the driveway beyond the public right-of-way. Additional pavement replacement is required beyond the right-of-way to the location marked on your driveway in order to adequately slope the change of grade from the widened street to your parking lot.

As we discussed the proposed paving of your driveway will be done in 2 pieces to maintain access to your property. The Texas Department of Transportation asked that I document our conversation last week and record that you agree to these improvements. Please sign this letter if it is acceptable and fax it back to me (972/450-2837 fax no.) at your earliest convenience. Thank you again for your continued support, and please call me if you have any questions or need additional information.

Sincerely,

Jeff Markiewicz  
Project Manager

cc: Mike Murphy

JM/amh

Accepted By:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**PUBLIC WORKS DEPARTMENT**

Post Office Box 9030 Addison, Texas 75001-9030

(972) 450-2837

16801 Westgrove

March 14, 2000

Mr. Shiaw Su  
 SUSCO Investments  
 P.O. Box 962  
 Addison, Texas 75001-0962

Re: Driveway Pavement Replacement

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Sincerely,

Jeff Markiewicz  
 Project Manager

cc: Mike Murphy

M/amb

Accepted By:

Signature

3/14/00  
 Date

Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
John M. Baker, *Commissioner*  
Jeffrey A. Saitas, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

October 30, 2001

Mr. Luke Jalbert  
City of Addison  
16801 Westgrove  
P.O. Box 9010  
Addison, Texas 75001

Re: Investigation Request at:  
Exxon #6-0275, 4191 Beltline, Addison (Dallas County), Texas  
TNRCC PST Facility ID No.: 0026232

Dear Mr. Jalbert:

The Texas Natural Resource Conservation Commission (TNRCC) DFW Region Office has completed a final investigation in response to your concern regarding the out-of-service tanks at the above-referenced facility. Enclosed is a copy of the final report indicating the results of the investigation.

Thank you for contacting the TNRCC with your concerns. If you have questions feel free to contact Ms. Michaelle Sherlock of my staff at 817/588-5800.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Reske".

Doug W. Reske  
PST/Stage II Team Leader  
DFW Region Office

DWR/mns

Enclosure

REPLY TO: REGION 4 • 2301 GRAVEL DRIVE • FORT WORTH, TEXAS 76118-6951 • 817/588-5800 • FAX 817/588-5700

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us)

printed on recycled paper using soy-based ink

10/29/2001  
1:10 pm

TNRCC Complaint Printout - Without Complainant Info  
File in Public File

Media Type: S	Complaint No: 040200498	Assigned To MNS
Date Recvd: 9/26/2001	Time Recvd: 15:00	Priority: 4
Complaint Info (confidential)		Company/Source County: 057 Dallas
First/Last Name		Title/Org:
Address		
City, State, Zip		Program Group: PT
Phone	Alt Phone:	Type Code: PT
		Effect: E

Alleged Source : FORMER EXXON

Initial Problem

Out of service tank

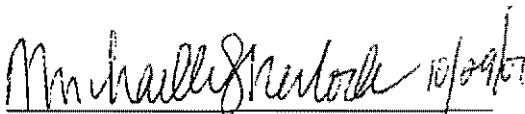
#Complaining: 1	Date Occurred:	Form T:	Nature: OO
Frequency: CURRENT	Confidential: Y	Referred By:	Referred To:

Date Complaint Notified of Commissioners Mtg/Formal Action:	Date of Formal Action:
--	---------------------------

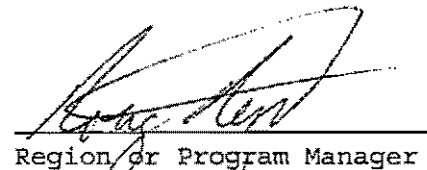
Closure Comments

TNRCC records reflect that tanks are scheduled to be removed from the ground on October 26, 2001. A visit to the facility on October 29, 2001 showed that tanks were removed. The complaint could not be substantiated.

Closure Code: NVN	Closure Date: 10/29/2001	Final Letter: 10/30/2001
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Investigator



Region/ or Program Manager

10/30/01  
Date

Attachments (s): Correspondence   P    
Samples         
Photos         
Other

10/29/2001  
1:10 pm

TNRCC Investigation Printout

Media Type: S Complaint No: 040200498  
Investigator: Michaelle Sherlock  
Investigation Date: 10/29/2001 Invest Time: 10:10  
Investigation No: 007912W  
TIN:  
Contact Date: 10/16/2001 SIC Code:  
Samples Sent: Samples Returned:  
Site Visit: Y  
Confirmed Source: DALLAS COUNTY X ACCOUNTS  
Account Num: DBXXXXU  
CSN Number: 00008172  
Permit 1: Permit 2:  
Basin: 08 Segment: 0822  
Registration#: 0026232

**Result of Investigation:**

Complainant stated on October 17, 2001 that it was no longer necessary to investigate the complaint. Tank owner, Exxon Mobil, stated that tanks would be removed soon.

TNRCC records reflect a Construction Notice with a schedule to remove tanks at this location on November 5, 2001. The 30-day requirement was waived by the TNRCC Region 4 office and appropriate 24-72 hour notice of tank removal was received on October 25, 2001 by TNRCC Region 4 office. Tanks are scheduled for removal on October 26, 2001 at 12:00 pm. Writer visited location on October 29, 2001 and tanks were removed.

It appears that all proper procedures were followed and the tanks are being removed in a timely manner. The complaint could not be substantiated. No further action will be taken on this issue at this time.

**Rule Violated:**

N/A

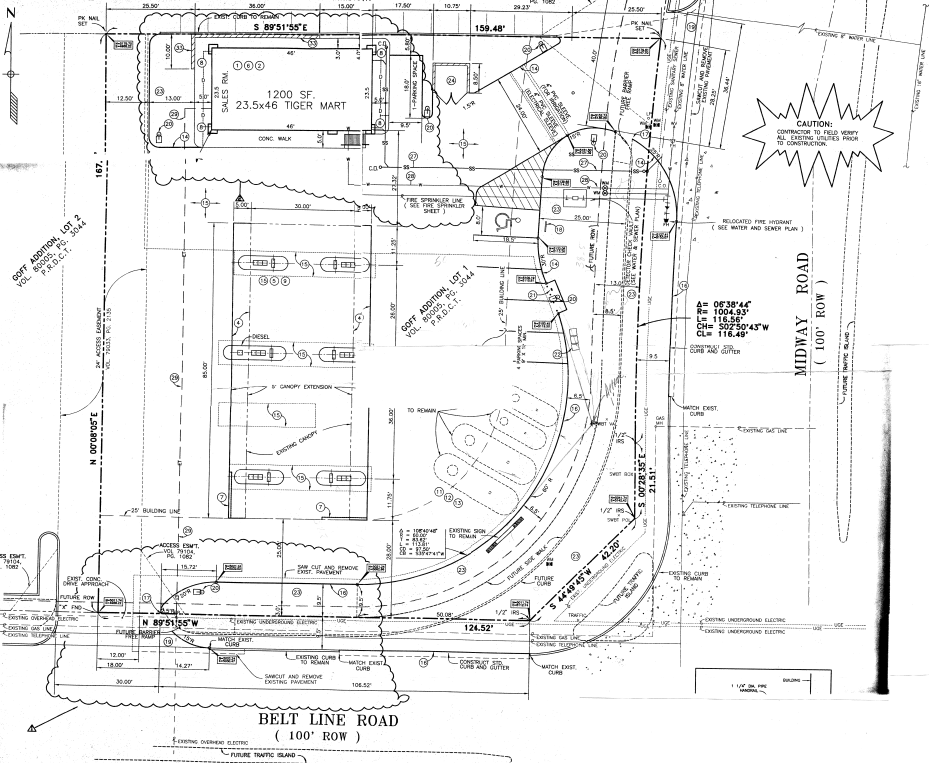
**Location:**

Former Exxon  
4191 Beltline @ Midway  
Addison, Tx 75001



GOFF ADDITION, LOT 3  
VOL. 80005, PG. 3044  
P.R.D.C.T.

ACCESS EMT.  
VOL. 79124,  
PG. 1062



**CAUTION:**  
CONTRACTOR TO FIELD VERIFY  
ALL EXISTING UTILITIES BEFORE  
CONSTRUCTION

RELOCATED FIRE HOSEANT  
(SEE WATER AND SEWER PLAN)

A= 06°38'44"  
R= 1004.93'  
L= 116.58'  
CH= 302°50'43"W  
CL= 116.49'

MIDWAY ROAD  
(100' ROW)

BELT LINE ROAD  
(100' ROW)

GOFF ADDITION, LOT 2  
VOL. 80005, PG. 3044  
P.R.D.C.T.

GOFF ADDITION, LOT 1  
VOL. 80005, PG. 3044  
P.R.D.C.T.

N 00°08'05"E

24' ACCESS EASEMENT  
VOL. 79214, PG. 1012

34' ACCESS EASEMENT  
VOL. 79214, PG. 1012

N 89°51'55"W

124.52'

15.72'

14.27'

12.00'

18.00'

30.00'

106.52'

14.27'

12.00'

18.00'

30.00'

106.52'

14.27'

12.00'

18.00'

30.00'

21.51'

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30.00'

1 1/2" DIA. PIPE