

COWLES & THOMPSON
A Professional Corporation
ATTORNEYS AND COUNSELORS



FACSIMILE COVER PAGE

Date: October 22, 2001 Time: _____

Total Number of Pages (including this sheet): 4

Normal/Rush: Normal Client/Matter #: 3305/60552

TO: (1) Mike Murphy FAX: 972-450-2837
(2) FAX:
(3) FAX:
FROM: Thomas L. Mighell Direct Dial #: (214) 672-2181

MESSAGE:

**IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION,
PLEASE CALL OUR SERVICE CENTER
AT (214) 672-2508
or Barbara at (214) 672-2653
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 message to us, via the United States Postal Service,

Steve
for Mike Prop
file

D A L

901 MAIN STREET SUITE 4000 DALLAS, TEXAS 75202-3793
TEL 214.672.2000 FAX 214.672.2020
WWW.COWLESTHOMPSON.COM

CAUSE NO. 01-04552-A

TOWN OF ADDISON

V.

NILE PROPERTIES, LTD.,
ET AL.

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§
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IN THE COUNTY COURT

AT LAW NUMBER 1

DALLAS COUNTY, TEXAS

COMMISSIONERS' REPORT AND AWARD

We, the undersigned Special Commissioners in Condemnation appointed by the Judge of County Court at Law No. 1, Dallas County, Texas, are all disinterested freeholders of Dallas County, Texas, and have sworn to assess the damages in the above case fairly and impartially and in accordance with law. We submit the following report and award to the Court:

I.

In accordance with law, your Commissioners promptly set a time and place for hearing the parties, issued notices in writing to each of the parties interested, which were served and returned as prescribed by law, and thereafter, at the time and place appointed, to-wit: at 10:00 o'clock a.m. on the 24th day of August, 2001, in the courtroom of the County Court Dallas County at Law No. 1, your Commissioners proceeded to hear the testimony of the parties, all of whom appeared either in person or by attorney.

II.

On April 30, 2001, the Town of Addison filed its Plaintiff's Original Petition in Condemnation with the above-mentioned judge of County Court at Law No. 1, praying for the condemnation of those certain properties described in Plaintiff's Original Petition in Condemnation and in Exhibits A, B and C, attached hereto and incorporated herein for all purposes (the "Subject Property"), for the public purpose of construction, relocation and

extension of Arapaho Road, a public street, as well as additional construction easements for the period of one year.

The fee simple tract is described in Exhibit A.

In Exhibits B and C, the City seeks to acquire working easements that abut and are parallel to the street right-of-way, which easements are to be used during construction for work areas including the removal of improvements located within the right-of-way being acquired and for other related construction uses. All improvements will be removed from the working easements and the real estate will be returned to its pre-existing grade and condition except that no improvements will be reconstructed thereon. These working easements will be one year in duration, the year to run from the date of possession by the Plaintiff of the easements, and to expire automatically on the 365th day after initial possession thereof by Plaintiff.

III.

Evidence was presented in accordance with the rules of damages established by law, and your Commissioners having heard the same now assess the damages to Defendants, Nile Properties, Ltd.; Cleopatra, Inc.; AT&T Corporation, a New York Corporation; Select HomeCare Services, Inc.; Neighborhood Medical Center, P.C.; Bank of America Texas, N.A.; Dallas County, Texas; Dallas Independent School District, as follows:

TOTAL AWARD: \$ 1,363,737.00

IV.

Plaintiff is herein awarded fee simple title in Subject Property described in Exhibit A, said property to be used for the public purpose of construction, relocation and extension of Arapaho Road, a public street, as well as additional construction easements described in

Exhibits B and C for the period of one year with full and complete right and use of said property as herein described.

Upon depositing of this award by the Town of Addison, Defendants are hereby dispossessed of all right, title and interest in and to the right-of-way of the Subject Property as set forth and described in Plaintiff's Original Petition in Condemnation.

V.

We further adjudge that Plaintiff should pay costs of these proceedings, including the Commissioners' fees, which bill is appended hereto and it is so ordered.

On this ____ day of August, 2001, we have reduced our decision to writing and have signed this *Report and Award* on that date.

Morgan Adams

Elizabeth Margolis

SPECIAL COMMISSIONERS

The above *Commissioners' Report and Award* was filed with me, Judge of County Court at Law No. 1, Dallas County, Texas, this ____ day of _____, 2001.

Judge, County Court at Law No. 1
Dallas County, Texas

COWLES & THOMPSON
A Professional Corporation
ATTORNEYS AND COUNSELORS



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V.

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On this ____ day of August, 2001, we have reduced our decision to writing and have signed this *Report and Award* on that date.

Sharon Adams

Elizabeth Maguire

SPECIAL COMMISSIONERS

The above *Commissioners' Report and Award* was filed with me, Judge of County Court at Law No. 1, Dallas County, Texas, this ____ day of _____, 2001.

Judge, County Court at Law No. 1
Dallas County, Texas

TRANSMITTAL FORM



- Via Regular Mail
- Via Fax
- Via Courier..... Before 5 p.m. ▼
- Via ARS Personnel
- Via Client Pickup
- Via Lone Star/Fed Ex

5910 N. Central Expressway, Suite 1000
Dallas, Texas 75206
(214) 739-3152 Fax: (214) 750-8823

To Town of Addison Date May 11, 2001
16801 Westgrove ARS Ref. # 302-01-072
Addison, Texas 75001-9010 Project Arapaho Road Extension
Attn Steve Chutchian Parcel 15 Boundary Survey Plat

The following items are being transmitted for your:

- | | | | |
|--|---|--|--------------------------------------|
| <input type="checkbox"/> Review/Comments | <input checked="" type="checkbox"/> Use | <input type="checkbox"/> Files | <input type="checkbox"/> Information |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Approval | <input type="checkbox"/> Please return | copy(ies) for our files |

Qty

Description of Items

5 ea.

Signed and Sealed Parcel 15 Boundary Survey Plat

Remarks

Please call me if you need anything else.

[Handwritten mark]

[Handwritten mark]

Distribution

Master File

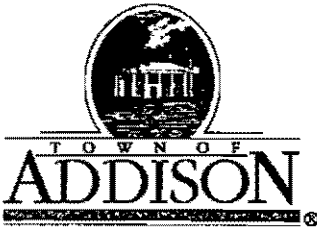
Ayub

Project File

Earnie

Jeff DeLaughter

Transmitted By



PUBLIC WORKS DEPARTMENT

Post Office Box 9010 Addison, Texas 75001-9010

(972) 450-2871

16801 Westgrove

March 21, 2000

Mr. Marlin M. Blake, SRA
Marlin M. Blake & Associates, Inc.
9304 Forest Lane, Suite 120
Dallas, TX 75243

Re: Appraisal of 15115 Surveyor Boulevard

Dear Mr. Blake:

Thank you for your response to our request for qualifications for the appraisal of 15115 Surveyor Boulevard. We are aware of, and appreciate, the time and effort that go into responding.

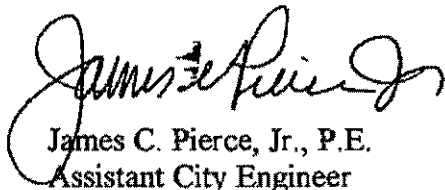
We have awarded this project to MacKenzie S. Bottums & Associates, Inc.

We have a larger project coming out in the near future for which we will ask for qualifications, and hope that you will respond.

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., Acting Director of Public Works

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
100	3/20 8:08AM	6'01"	214 248 0230	Send.....	15/15	EC 96	Completed.....

Total 6'01" Pages Sent: 15 Pages Printed: 0

TOWN OF
ADDISON

PUBLIC WORKS

To: Pat Haggerty

From: Jim Pierce, P.E.
Assistant City Engineer
Phone: 972/450-2879
FAX: 972/450-2834
jpierce@ci.addison.tx.us

Company: Campbell Co

FAX #: 972-248-0230

Date: 3-17-00

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

of pages (including cover): 15

Re: Selection of Appraiser 15115 Surveyor Blvd

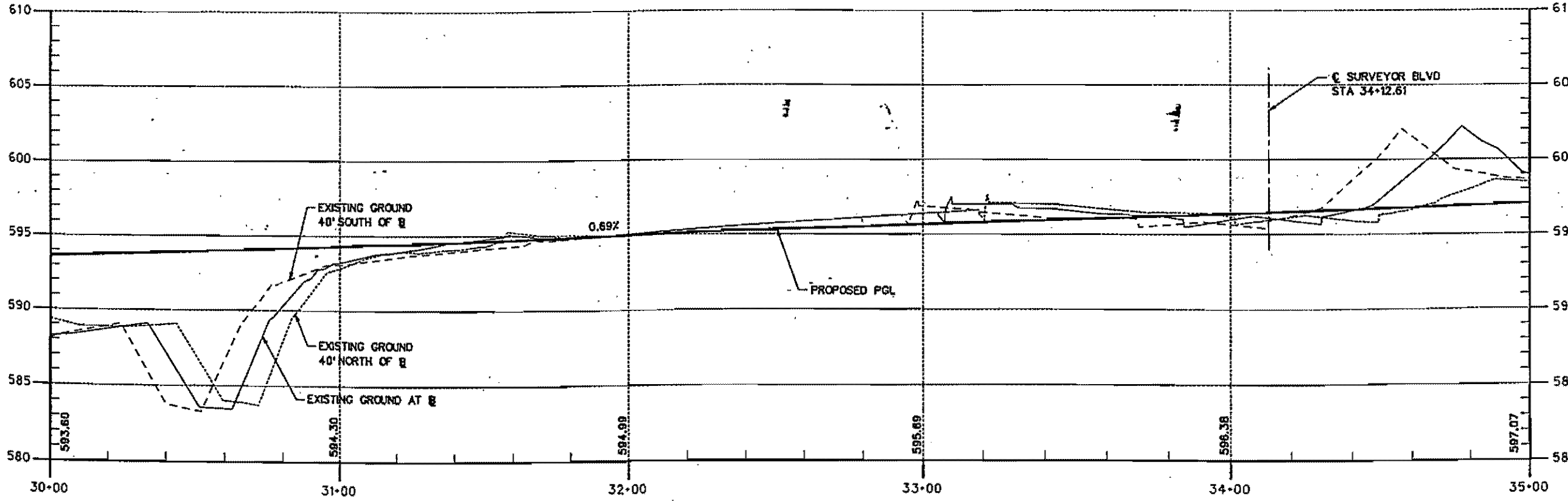
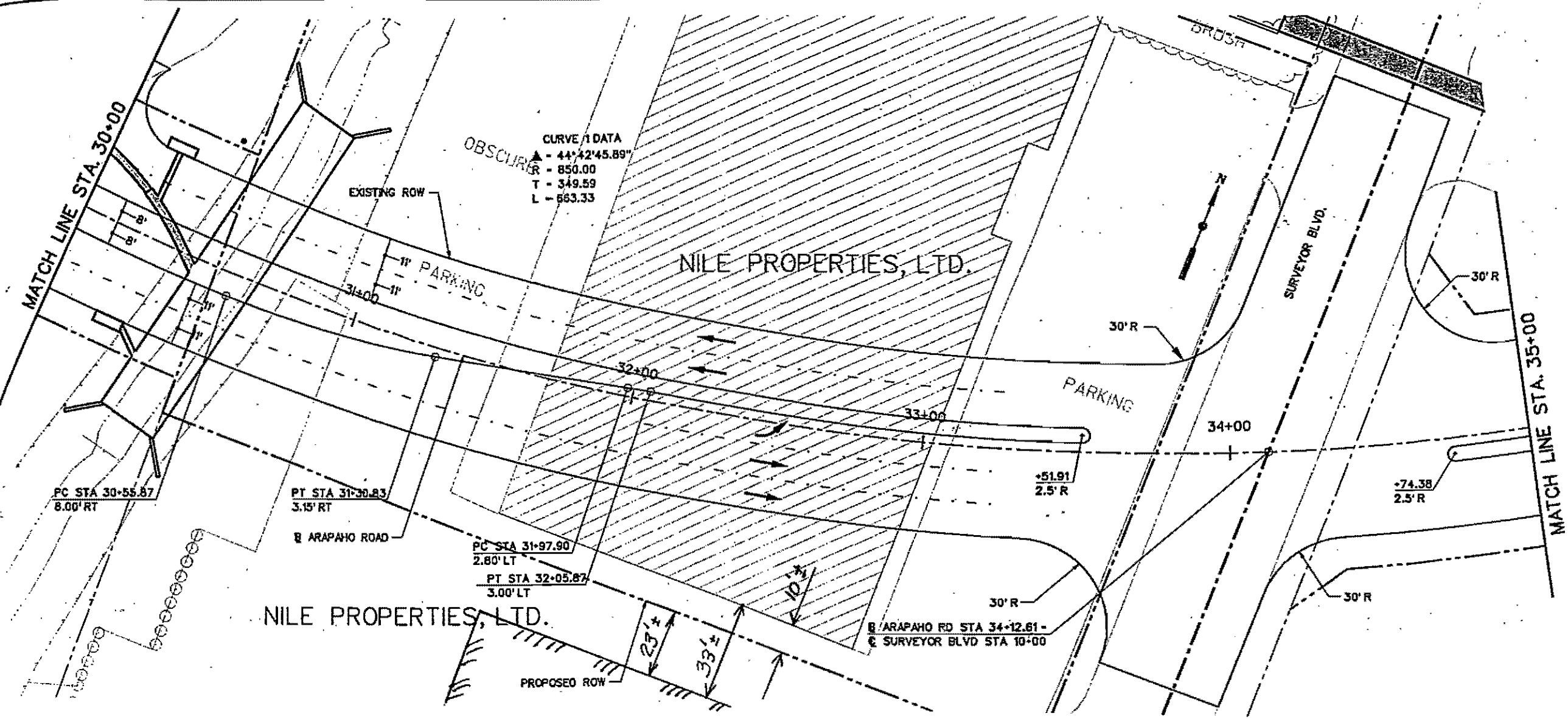
- Original in mail
- Per your request
- FYI
- Call me

Comments: Copy of qualifications for
MacKongie, Bottom of Marlin Blake
Which one would you vote for?

Jim

Pat:
either one OK
JP

To Ken Dippel
1-24-01



FOR INTERIM REVIEW ONLY

By Daniel F. Becker, P.E. # 25569

HNTB CORPORATION

Date: MAY-2000 08:38

NOT FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES

1" = 40'

NO.	DATE	REVISION	APPROV.
HNTB ARCHITECTS ENGINEERS PLANNERS The EBY Company			
PRELIMINARY ENGINEERING ALIGNMENT			
ARAPAHO ROAD EXTENSION			
MARSH LAKE TO ADDISON ROAD STA. 30+00 - STA. 35+00			
TOWN OF ADDISON, TEXAS			
Design	RAS	DATE	
Check	DFB	12/99	
Drawn	RAS	SCALE	PROJECT NO.
Check	DFB		25768 5 OF 16

Field Note Description
Arapaho Road Project
Town of Addison
Dallas County, Texas

BEING a description of a 0.2023 acre (8,811 square foot) tract of land situated in the David Myers Survey, Abstract Number 923, Town of Addison, Dallas County, Texas, and being a portion of that certain tract of land conveyed to Nile Properties, Ltd. On August 26, 1997 and recorded in Volume 97168, Page 02624 of the Deed Records of Dallas County, Texas, said Nile Properties, Ltd. tract being all of the KJA Subdivision Part 2, Addison West Industrial Park, an addition to the Town of Addison, as evidenced by the plat dated May 11, 1978 and recorded in Volume 78105, Page 1111 of said Deed Records, said 0.2023 acre tract of land being more particularly described by metes and bounds as follows;

BEGINNING at to an "X" in concrete found in the West right of way line of Surveyor Boulevard (60 feet wide) for the common Southeast corner of said Nile Properties, Ltd. Tract and Northeast corner of the KJA Subdivision, Addison West Industrial Park, an addition to the Town of Addison, as evidenced by the plat dated September 7, 1977 and recorded in Volume 77180, Page 16 of said Deed Records;

THENCE, SOUTH $89^{\circ}44'52''$ WEST, (called South $89^{\circ}55'00''$ West), departing said West Right of Way line of Surveyor Boulevard and along the common South line of said Nile Properties, Ltd. Tract and North line of said KJA Subdivision, Addison West Industrial Park, a distance of 320.07 feet (called 320.00 feet) to an "X" in concrete found for the common Southwest corner of said Nile Properties, Ltd. Tract and Northwest corner of said KJA Subdivision, Addison West Industrial Park, said point being in the East line of a called 5.65 acre tract of land conveyed to Dallas Power & Light Company on January 2, 1957, and recorded in Volume 4632, Page 398 of said Deed Records;

THENCE, NORTH $00^{\circ}15'08''$ WEST (called North $00^{\circ}05'00''$ West), departing said common line and along the common West line of said called Nile Properties, Ltd. tract and East line of said called 5.65 acre tract, a distance of 12.87 feet to an "X" in concrete set in the proposed South Right of Way line of Arapaho Road, said point being the beginning of a non tangent curve to the left;

ARAPAHO ROAD PROJECT

THENCE, EASTERLY, departing said common line and along said proposed South Right of Way line of Arapaho Road and along the arc of said curve to the left having a radius of 890.00 feet, a central angle of $19^{\circ}09'55''$, a chord bearing North $81^{\circ}27'55''$ East for 296.32 feet, for an arc distance of 297.70 feet to an "X" in concrete set for the North corner of a cutback corner located at the Southwest intersection of said proposed Arapaho Road with said Surveyor Boulevard;

THENCE, SOUTH $54^{\circ}43'10''$ EAST, departing said proposed South Right of Way line of Arapaho Road and along said cut back corner, a distance of 32.98 feet to a 5/8 inch iron rod set in the common East line of said Nile Properties, Ltd. tract and West Right of Way line of said Surveyor Boulevard;

THENCE, SOUTH $00^{\circ}15'02''$ EAST (called South $00^{\circ}05'30''$ East), departing said cut back corner and along said common line, a distance of 36.39 feet to the **POINT OF BEGINNING**;

CONTAINING an area of 0.2023 acres or 8,811 square feet of land within the metes recited.

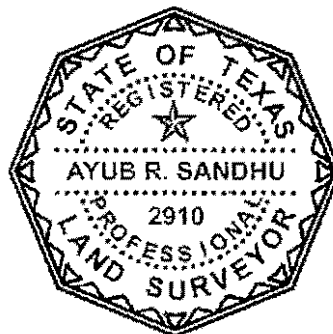
All bearings are referenced to the North Right of Way line of Centurion Way, called S $89^{\circ}51'55''$ E, according to the final plat of Lot 3, Surveyor Addition, recorded in Vol. 77173, Page 135, Deed Records of Dallas County, Texas.

A plat of even survey date herewith accompanies this description.

I, Ayub R. Sandhu, a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

Ayub R. Sandhu 9-8-00

Ayub R. Sandhu, R.P.L.S.
Texas Registration No. 2910



CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CHORD
C1	19°09'55"	890.00	297.70	N81°27'55"E - 296.32

EXHIBIT "B"

LOT 1
HOUSLEY ADDITION
AUGUST 27, 1979
VOL. 79173, PG. 0109
D.R.D.C.T.

CALLED 1.890 AC.
PRAEDIUM II LONE STAR, L.P.
DECEMBER 16, 1997
VOL. 97247, PG. 02643
D.R.D.C.T.

DAVID MYERS SURVEY
A-923

CALLLED 5.65 AC.
DALLAS POWER &
LIGHT COMPANY
JANUARY 2, 1957
VOL. 4632, PG. 398
D.R.D.C.T.

KJA SUBDIVISION PART 2,
ADDISON WEST INDUSTRIAL PARK
MAY 11, 1978
VOL. 78105, PG. 1111
D.R.D.C.T.

NILE PROPERTIES, LTD.
AUGUST 26, 1997
VOL. 97168, PG. 02624
D.R.D.C.T.

SURVEYOR BLVD.
(60' R.O.W.)

PROPOSED ARAPAHO ROAD

S 54°43'10" E
32.98'

(CALLED S00°05'30"E)
S 00°15'02" E
56.39'

(CALLED N00°05'00"W)
N 00°15'08" W
12.87'

S 89°44'52" W 320.07'
(CALLED S89°55'00"W - 320.00')

P.O.B.

KJA SUBDIVISION,
ADDISON WEST INDUSTRIAL PARK
SEPT. 7, 1977
VOL. 77180, PG. 16
D.R.D.C.T.

A PLAT OF A
0.2023 ACRE (8,811 SQ. FT.)
TRACT OF LAND
IN THE DAVID MYERS SURVEY
ABSTRACT NO. 923
TOWN OF ADDISON
DALLAS COUNTY, TEXAS

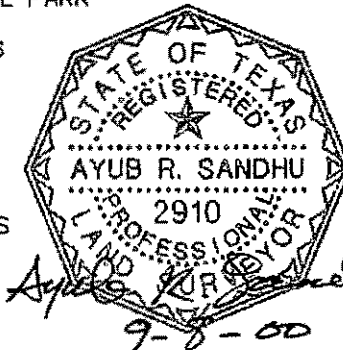
NOTES:

ALL EASEMENTS SHOWN ARE TAKEN FROM THE PLATS INDICATED
HEREON. THE SURVEYOR DID NOT ABSTRACT THE SUBJECT
PROPERTY SO ALL EASEMENTS MAY NOT BE SHOWN.

ALL BEARINGS ARE REFERENCED TO THE NORTH RIGHT OF WAY
LINE OF CENTURION WAY, CALLED S 89°51'55" E, ACCORDING TO
THE FINAL PLAT OF LOT 3, SURVEYOR ADDITION, RECORDED IN
VOL. 77173, PAGE 135, D.R.D.C.T.

A LEGAL DESCRIPTION OF EVEN SURVEY DATE HEREWITH
ACCOMPANIES THIS PLAT.

- DENOTES A FOUND POINT AS INDICATED
- DENOTES A 5/8" IRON ROD SET UNLESS OTHERWISE NOTED
- PROPOSED RIGHT OF WAY LINE



GRAPHIC SCALE
1 INCH = 60 FT.