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December 16, 1997

Michael E. Schomberg, Esq.  
Thompson & Knight  
1700 Pacific Avenue, Suite 3300  
Dallas, Texas 75201

**RE: ABP Investments #III, Ltd., et al vs. The Town of Addison, et al  
Our File No. 3195/51477**

Dear Mr. Schomberg:

I need to confer with you again regarding our pending special exceptions and determine whether you will agree to replead without the need for a hearing and court order. In particular, it is our position that the law does not recognize your alleged claim of inverse condemnation resulting from delay in finalizing condemnation proceedings or a "condemnation cloud." Please let me know if you will agree to drop such claim.

On other matters, please let me know if you will amend to identify specifically what you are alleging in the way of trespass, interruptions in utility services and/or denial of zoning variance requests, and whether you allege that such actions constitute a complete taking of your clients' property or render your clients' property completely useless.

I look forward to hearing from you.

Sincerely yours,

  
Sim Israeloff

SI/dj

cc: David C. Schulze, Esq.

bcc: The Mayor of The Town of Addison  
~~Mr. John Baumgartner~~  
Ken Dippel, Esq.

Prepared for

Dallas Area Rapid Transit  
1401 Pacific Avenue  
Dallas, Texas 75202-3325

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JUN 25 1993

DART CONSTRUCTION

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FILED  
ARAPART  
Phase I  
QTB

Report of

Phase I Environmental Site Assessment  
Site-01, 02, 03 and 04  
Addison, Dallas County, Texas 75248  
Task Order 006T  
WBS No. 5.54.00.7.89  
Contract C-92000227

TMI Project Numbers  
DN93-012-006T

June 24, 1993

Prepared by

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**PHASE I  
ENVIRONMENTAL SITE ASSESSMENT**

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## EXECUTIVE SUMMARY

Terra-Mar, Inc. (TMI) completed the Phase I Environmental Site Assessment (ESA), as described in Hazardous Materials Site Assessments, Contract C-92000227, WBS No. 5.54.00.7.89, Task Order 006T, for four (4) subject sites (Site 01, 02, 03, and 04), located in Addison and Dallas, Dallas County, Texas. K. C. Moore, Environmental Specialist, conducted the site assessment for the Phase I investigations on April 22, 1993. The Phase I ESA was conducted in accordance with Exhibit H of the contract as modified by the specific Task Order requirements.

Site-01, as designated by DART Task Order 006T, was described as 15 acres located at the southwest corner of Quorum Drive and Arapaho Road in Addison, Dallas County, Texas. Access to the site was not granted, therefore a thorough survey of the property was not possible.

Site-02, as designated by DART Task Order 006T, was described as 6.7 acres located at the northwest corner of the intersection between Quorum Drive and Arapaho Road in Addison, Dallas County, Texas. Access to the site was not granted, therefore a thorough survey of the property was not possible.

Site-03, as designated by DART Task Order 006T, was described as 6.4 acres located at the northwest corner of the intersection of the DART Cottonbelt Railroad and Quorum Drive in Addison, Dallas County, Texas. Access to the site was not granted, therefore a thorough survey of the property was not possible.

Site-04, as designated by DART Task Order 006T, was described as 19.8 acres located at the northeast corner of Arapaho Road and Prestonwood Boulevard in Addison, Dallas County, Texas. Access to the site was not granted, therefore a thorough survey of the property was not possible.

Based on observations and review of available information, the following environmental issues or potential risks were discovered:

- Storage of large amounts of Chemicals and processing waste at Logic Design Metals, a sheet metal manufacturer, located on Site-02. In addition, according to the Town of Addison Fire Department, Logic Design Metals had been cited for storage of excessive amounts of chemicals.
- Underground Petroleum Storage Tanks (PSTs), located on Site-02, were present at 4851 Arapaho Road (Southwestern Bell) and 4803 Arapaho Road (7-Eleven). Of these locations, the 7-Eleven Store, was not listed in the TWC PST/LPST listings. In addition, according to the TWC PST/LPST listings, one (1) PST was

présent at Site-01 and listed as permanently abandoned in place, at 15280 Addison Road.

- Ten (10) PSTs were located within a one-half mile radius of the site. Of these one (1) was located on the western adjacent property of Site-01 (Waterworks Car Wash).
- According to the Town of Addison Fire Department and the Addison Department of Health and Safety, soil sampling and remediation activities were conducted by Ashland Chemical, prior to leaving the site. A closure report for Ashland Chemical was on file with the TWC.
- TMI identified (10) pole-mounted and two (2) pad-mounted transformers on Site-01; three (3) pole-mounted and two (2) pad-mounted transformers on Site-02; and two (2) pole-mounted transformers on Site-03. The PCB content of these transformers was unknown. TMI requested information concerning the PCB status of the transformers from TU Electric and will forward the information when it becomes available.
- Five (5) RCRA notifiers were identified within a one-half mile radius of the site. Pro's Autobody & Glass, a Limited Quantity Generator (CEG), was located adjacent to Sites-01 and 02, however the potential for impacting the sites was considered low. In addition, one (1) RCRA notifier, Brantley Cleaners, located on Site-01, is an environmental concern due to the potential for release of hazardous materials on-site.
- A petroleum pipeline which contained aviation fuel and unleaded gasoline was located along the Southern Pacific Railroad line along the northern boundaries of Site-04 and Site-02, and the southern boundary of Site-03. A fire associated with this pipeline occurred in 1985 near Dallas Parkway, approximately 2,000 feet from the subject sites, however, it was unlikely that the sites were impacted.
- According to the Federal Emergency Management Agency (FEMA) Flood Insurance Map #480171 Panel #0025C, March 16, 1983 for Dallas, Texas, the eastern half of Site-04 was located in an area designated within the 100-year flood plain. TMI identified no evidence that this area was designated as a wetlands area.
- TMI was denied access to parcels; however, structures were noted on Sites 1, 2, and 3 which may have been constructed using asbestos-containing materials (ACMs).



## 1.0 INTRODUCTION

### 1.1 Purpose and Scope

The purpose of the investigation was to characterize the environmental condition of the site by evaluating such factors as land use, site history, obvious indications of environmental contamination, and presence of adjacent or nearby properties which may adversely affect the subject properties relative to environmental conditions at the time of the site visit. Assessment of this site involved four basic elements:

1. Limited site inspection to observe conditions at the subject and adjacent properties. In accordance with instructions received from DART, TMI was not granted access to the subject property, therefore a survey of building conditions and assessment of potential environmental concerns was not possible.
2. An examination of available aerial photographs and title information, to evaluate site history and past land use.
3. An environmental agency database review to indicate the presence of regulated activities at the site and to identify, to the extent possible, adjacent or nearby properties which may pose an environmental concern.
4. An evaluation of site conditions such as geology, hydrology, topography, drainage, obvious indications of environmental contamination or potential pathways for migration of environmental contaminants.

An itemization of information sources utilized is presented in Section 9.0.

### 1.2 Involved Parties

Terra-Mar, Inc. (TMI) completed the Phase I Environmental Site Assessment of the subject sites in general accordance with Hazardous Materials Site Assessments, Contract-92000227, WBS No. 5.54.00.7.89, Task Order 006T, which specifically incorporated DART criteria for Phase I Environmental Assessments (Exhibit H is presented in Appendix A). This work was authorized by Mr. T. L. Johnson, Contracting Officer, Dallas Area Rapid Transit (DART), on April 12, 1993.

### 1.3 Limitations

Professional opinions expressed herein do not necessarily represent scientific certainties. Findings, conclusions, and recommendations were based solely on observations made

during the limited site inspection and data available to Terra-Mar, Inc. TMI makes no representation concerning hazardous or toxic substances or other latent conditions which may be discovered by means of investigation or techniques beyond the scope of work undertaken by Terra-Mar, Inc., during this Phase I Environmental Site Assessment (ESA).

## 2.0 SITE OVERVIEW

### 2.1 General Site Description

On April 22, 1993, K. C. Moore, Environmental Specialist, visited the following Sites as designated by DART Task Order 006T:

Site-01 was described as 15 acres located at the southwest corner of Quorum Drive and Arapaho Road in Addison, Dallas County, Texas. At the time of the site visit, Site 01 consisted of approximately 15 acres of land improved with eight (8) commercial structures fronting Beltline Road, Addison Road, and Arapaho Road. Access to the site was not granted, therefore a thorough survey of the property was not possible.

Site-02 was described as 6.7 acres located at the northwest corner of the intersection between Quorum Drive and Arapaho Road in Addison, Dallas County, Texas. The site was improved with five (5) commercial structures along the south side of the site fronting Arapaho Road. Access to the site was not granted, therefore a thorough survey of the property was not possible.

Site-03 was described as 6.4 acres located at the northwest corner of the intersection of the DART Cottonbelt Railroad and Quorum Drive in Addison, Dallas County, Texas. The subject site was improved with four (4) residential buildings and one (1) commercial structure. There were no apparent hazardous conditions or environmental concerns observed on-site; however, access to the site was not granted, therefore a thorough survey of the property was not possible.

Site-04 was described as 19.8 acres located at the northeast corner of Arapaho Road and Prestonwood Boulevard in Addison, Dallas County, Texas. The subject site appeared to be vacant and a branch of White Rock Creek traversed the site from northwest to southeast. Several piles of construction debris were observed during the site visit. There were no apparent hazardous conditions or environmental concerns observed on-site; however, access to the site was not granted, therefore a thorough survey of the property was not possible.

According to the United States Department of the Interior, Geologic Survey, (U.S.G.S.), 7.5 Minute Series, Topographic Map, Addison Quadrangle, the approximate geographic coordinates for the center of the sites were 33°57'25"N latitude and 96°49'37"W longitude for Site-01; 33°57'32"N latitude and 96°49'37"W longitude for Site-02; 33°57'38"N latitude and 96°49'37"W longitude for Site-03; and 33°57'44"N latitude and 96°48'42"W longitude for Site-04, respectively. The U.S.G.S. map indicated the approximate site elevation to be between 630 - 640 feet above mean sea level (AMSL) for Sites 01, 02, and 03, and 550 - 610 feet AMSL for Site-04. A copy of the relevant portion of the U.S.G.S. map is included as Figure 1.

### 3.0 SITE BACKGROUND/OPERATING HISTORY

The following discussion of site background and operating history was based on title information obtained during this assessment, interviews with persons knowledgeable in matters relating to the site, and a review of available aerial photographs. Because access to the subject property was not granted, on-site interviews were not conducted.

#### 3.1 Current Ownership

According to a 70 year title search conducted by Research by Spencer, Dallas, Texas, Site-01 was owned by the International Guaranty Corporation. Site-02-Tract 1 was owned Anderson Realty Company and leased by Logic Design Metals. Site-02-Tracts 4, 5, 6, and 7 were owned by ABP Investments III, Ltd. and leased in part by Logic Design Metals and MCM Company. Site-02-Tract 2 was owned by Kondos Children's Trust. Site-02-Tracts 11, 12, 24, and 26 were owned by MCM Company. Site-03 was owned by Opubco Resources, Inc. Site-04 was owned by the Federal Deposit Insurance Corporation (FDIC).

#### 3.2 Prior Ownership

Based on the above referenced 70-year title search, ownership of the site was apparently held by a variety of individuals, investment groups, and financial institutions the past seventy years. . A copy of the title research is presented in Appendix B.

#### 3.3 Review of Sanborn Maps

Sanborn Maps typically contain information pertaining to industrial and urban development, primarily in central business districts, for fire insurance purposes. The maps show improvements and structures built upon properties. Utilization designations, as well as a structural designations indicating types of construction materials used on improvements, are included.

Sanborn Maps, reviewed by Research by Spencer, Dallas, Texas, revealed the following:

- There were no environmental concerns revealed from the Sanborn Map research.

### 3.4 Cole City Directories

Cole City Directories lists names of businesses and residents according to street addresses; this 70-year search was done by Research by Spencer, Dallas, Texas, and revealed the following:

- No environmental concerns were revealed by the Cole City Directories research.

### 3.5 Aerial Photograph Review

Remote sensing imagery (aerial photographs) from flights in 1971, 1975, 1980, 1984, and 1990 were reviewed to assist in assessing site history. These photographs were on file with North Central Texas Council of Governments, Arlington, Texas, and copies of relevant portions are presented in Appendix C. In addition a copy of a 1985 aerial photograph showing a petroleum pipeline fire near the sites is also included in Appendix C. The scale of these photographs ranged from one inch equals 800 feet to one inch equals 1,000 feet. Discussions of the aerial photographs follows:

#### **SITE-01**

##### 1971 Aerial Photograph

Site-01 in this photograph, appeared to be developed with a light industrial structure (Ashland Chemicals) located in the center of the site. The remainder of the site was undeveloped. The areas in the vicinity of the site and surrounding area appeared to be developed with residential, commercial and light industrial structures.

##### 1975 and 1980 Aerial Photograph

In these photographs, commercial development around Ashland Chemicals appeared throughout the site.

### 1986 and 1990 Aerial Photograph

In these photographs, the area previously developed by Ashland Chemicals was vacant with only the foundations remaining. Commercial development appeared on an area of the site fronting Beltline Road, Addison Road, Arapaho Road and Quorum Road.

### SITE-02

### 1971, 1975, 1980, 1986, and 1990 Aerial Photographs

Site-02 in these photographs was consistent with observations made during the site visit. The site appeared to be developed with commercial/light industrial structures.

### SITE-03

### 1971, 1975, 1980, 1986, and 1990 Aerial Photographs

Site-03 in these aerial photographs, appeared to be consistent with observations made during the site visit. The western one-third of the site was developed with residential structures while the remainder of the site was vacant.

### SITE-04

### 1971 and 1975 Aerial Photographs

Site-04 in these aerial photographs appeared to be vacant with undeveloped roads present on the site.

### 1980, 1986 and 1990 Aerial Photographs

Site-04 in these aerial photographs appeared to be developed with a golf course on the eastern two-thirds of the site. The remainder of the site appeared vacant.

Review of aerial photographs did not reveal obvious visual evidence of use, storage or deposition of hazardous materials/wastes on the subject property. However, due to the scale and resolution of the aerial photographs, small and/or under-roof features were unlikely to be detected on the photographs. Therefore, this review does not preclude the possibility of the use, storage or deposition of hazardous materials/wastes on the site.

## 4.0 ENVIRONMENTAL SETTING

### 4.1 Surface Water Characteristics

Based on site observations and review of area topography, movement of surface water from the subject site would be as follows:

#### SITES-01, 02, 03

Surface water would apparently flow in a northeasterly direction toward an intermittent stream that flows into White Rock Creek, which is located approximately 1,000 feet northeast of the Sites.

#### SITE-04

Surface water would apparently flow in a southeasterly direction toward White Rock Creek located on the eastern boundary of the site, and a tributary of White Rock Creek that bisects the site from northwest to southeast.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Map #481089, Panel #0005A, July 1980, for Addison, Texas, Sites 01, 02, and 03 were not located within the 100-year flood plain. However according to the Federal Emergency Management Agency (FEMA) Flood Insurance Map #480171 Panel #0025C, March 16, 1983 for Dallas, Texas, the eastern half of Site-04 was located in an area designated within the 100-year flood plain.

### 4.2 Groundwater Characteristics

According to the University of Texas at Austin, Bureau of Economic Geology, Geologic Atlas of Texas, Dallas Sheet, the soils at the site were underlain by the Austin Chalk Formation (Kau), which consists of limestone in the upper and lower parts, mostly microgranular calcite, massive, with some interbeds of calcareous clay, thin bentonic beds locally in lower part, thin bedded marl with interbeds of massive chalk, in the middle part, and approximately 400 feet thick.

This formation is not known to yield appreciable quantities of groundwater from rock fractures, but small quantities of locally perched (near surface) groundwater may be produced from the contact between the unweathered top of the Austin Chalk and the overlying residual soils. The amount of groundwater available within this water bearing zone is site specific and dependent on such factors as unit thickness, proximity to local recharge/discharge zones, ground cover, and season.

The shallowest major aquifer underlying the site, was the Twin Mountain aquifer, usually encountered at a depth of approximately 2,600 feet. The Paluxy aquifer is the first-encountered minor aquifer at an estimated depth of 1,800 feet.

According to the Occurrence, Availability, and Chemical Quality of Groundwater in the Cretaceous Aquifers of North-Central Texas, Report 269, as published by the Texas Department of Water Resources, one (1) water well was cited approximately one-half mile northeast of the subject properties. The following data are an excerpt from page 39 of the cited reference:

Well Number:	201
Status:	Not in Use
Depth of Well:	2,778 Feet
Aquifer:	Twin Mountains Formation (Kctm)

#### 4.3 Soil Characteristics

According to the Soil Survey of Dallas County, as published by the United States Department of Agriculture, Soil Conservation Service, the soil type present at the sites were classified as follows:

##### SITE-01

- **Stephen-Urban land complex**, 1 to 4 percent slopes. This soil type is mostly silty clay. Permeability is moderately slow, the available water capacity is very low. Runoff is medium, and the hazard of erosion is moderate. This soil type covers approximately one-third of Site-01 in the southeast corner of the site. Limitations of this soil type include shallowness to bedrock, corrosivity, and clayey texture.
- **Dalco-Urban land complex**, 0 to 3 percent slopes. This soil type is a moderately alkaline clay. Permeability is very slow, the available water capacity is low. Runoff is medium, and the hazard of erosion is moderate. This soil type covers the northwestern one-third of Site-01. Limitations of this soil type include very high shrink-swell potential, corrosivity, and low strength.
- **Austin-Urban land complex**, 0 to 2 percent slopes. This soil type is a moderately alkaline silty clay. Permeability is moderately slow, the available water capacity is low. Runoff is medium, and the hazard of erosion is moderate. This soil type covers approximately one-third of Site-01, bisecting the site from the northeast to the southwest. Limitations of

this soil type include very high shrink-swell potential, corrosivity, low strength, and moderate depth of the soil are limitations.

#### SITE-02

- **Dalco-Urban land complex, 0 to 3 percent slopes.** This soil type is a moderately alkaline clay. Permeability is very slow, the available water capacity is low. Runoff is medium, and the hazard of erosion is moderate. This soil type covers all but the southeast corner of Site-01. Limitations of this soil type include very high shrink-swell potential, corrosivity, and low strength.
- **Austin-Urban land complex, 0 to 2 percent slopes.** This soil type is a moderately alkaline silty clay. Permeability is moderately slow, the available water capacity is low. Runoff is medium, and the hazard of erosion is moderate. This soil type is present in the southeast corner of Site-02. Limitations of this soil type include very high shrink-swell potential, corrosivity, low strength, and moderate depth of the soil are limitations.

#### SITE-03

- **Stephen-Urban land complex, 1 to 4 percent slopes.** This soil type is mostly silty clay. Permeability is moderately slow, the available water capacity is very low. Runoff is medium, and the hazard of erosion is moderate. This soil type covers approximately the northwestern one-third of Site-03. Limitations of this soil type include shallowness to rock, corrosivity, and clayey texture.
- **Dalco-Urban land complex, 0 to 3 percent slopes.** This soil type is a moderately alkaline clay. Permeability is very slow, the available water capacity is low. Runoff is medium, and the hazard of erosion is moderate. This soil type covers all but the northwest corner of Site-03. Limitations of this soil type include very high shrink-swell potential, corrosivity, and low strength.



## SITE-04

- **Stephen-Urban land complex**, 1 to 4 percent slopes. This soil type is mostly silty clay. Permeability is moderately slow, the available water capacity is very low. Runoff is medium, and the hazard of erosion is moderate. This soil type covers a small area located on the southwest corner of Site-04. Limitations of this soil type include shallowness to rock, corrosivity, and clayey texture.
- **Eddy-Urban land complex**, 4 to 8 percent slopes. This soil type is a moderately alkaline clay loam. Permeability is moderately slow, the available water capacity is very low. Runoff is rapid, and the hazard of erosion is severe. This soil type covers the western one-third of Site-04. Limitations of this soil type include shallowness to rock, corrosivity, and erosion.
- **Lewisville-Urban land complex**, 0 to 4 percent slopes. This soil type consists of moderately alkaline silty clays. Permeability is moderate, the available water capacity is high. Runoff is medium, and the hazard of erosion is moderate. This soil type covers the northern one-third of Site-04. Limitations of this soil type include high shrink-swell, corrosivity, and low strength.
- **Frio-Urban land complex**, deep, nearly level well drained soils and area of Urban land on the flood plains of small streams. This soil type consists of moderately alkaline silty clays and clay loam. Permeability is moderately slow, the available water capacity is high. Runoff is slow, and the hazard of erosion is slight. This soil type covers eastern one-third of Site-04. Limitations of this soil type include flooding, corrosivity, and low strength.
- **Austin-Urban land complex**, 2 to 5 percent slopes. This soil type is a moderately alkaline silty clay. Permeability is moderately slow, the available water capacity is low. Runoff is medium, and the hazard of erosion is moderate. This soil type is present in the southeast corner of Site-04. Limitations of this soil type include very high shrink-swell potential, corrosivity, low strength, hazard of erosion, and moderate depth of the soil are limitations.

## 5.0 RESULTS OF THE ON-SITE SURVEY

### 5.1 Site Observations

The subject sites and surrounding properties were surveyed for environmental conditions relative to the subject sites. K. C. Moore, Environmental Specialist, conducted the site surveys on March 23, 1992. Photographs exposed during the site visit are included in Appendix D.

Site-01 was described as 15 acres located at the southwest corner of Quorum Drive and Arapaho Road in Addison, Dallas County, Texas. At the time of the site visit, Site 01 consisted of approximately 15 acres of land improved with eight (8) commercial structures fronting Beltline Road, Addison Road, and Arapaho Road. Access to the site was not granted, therefore a thorough survey of the property was not possible.

Site-02 was described as 6.7 acres located at the northwest corner of the intersection between Quorum Drive and Arapaho Road in Addison, Dallas County, Texas. The site was improved with five (5) commercial structures along the south side of the site fronting Arapaho Road. Access to the site was not granted, therefore a thorough survey of the property was not possible.

Site-03 was described as 6.4 acres located at the northwest corner of the intersection of the DART Cottonbelt Railroad and Quorum Drive in Addison, Dallas County, Texas. The subject site was improved with four (4) residential buildings and one (1) commercial structure. There were no apparent hazardous conditions or environmental concerns observed on-site; however, access to the site was not granted, therefore a thorough survey of the property was not possible.

Site-04 was described as 19.8 acres located at the northeast corner of Arapaho Road and Prestonwood Boulevard in Addison, Dallas County, Texas. The subject site appeared to be vacant with a branch of White Rock Creek running from the northwest to the southeast across the site. Some construction debris was noted during the site visit. There were no apparent hazardous conditions or environmental concerns observed on-site; however, access to the site was not granted, therefore a thorough survey of the property was not possible.

### Above Ground/Underground Storage Tanks

According to TWC published databases, PSTs were located or previously operated on Site-01 and Site-02. A 3,000 gallon PST was reportedly located in the northwest corner of Site-01 and abandoned in place. Another 550 gallon, steel, gasoline PST, was reported to be located at the Southwestern Bell building on the south side of Site-02, and was in

use. In addition, PSTs were also observed at a 7-Eleven store located in the southwest corner of Site-02. This facility was not listed in the TWC's PST/LPST Listing. See Section 6.1 for a listing of PSTs located within one-half mile of the sites.

### Petroleum Pipelines

A petroleum pipeline was located along the Southern Pacific Railroad line along the northern boundaries of Site-04 and Site-02, and the southern boundary of Site-03. According to Bruce Mueller of the Town of Addison Fire Department, there was a fire associated with this pipeline in 1985 near Dallas Parkway, approximately 2,000 feet from the subject sites. Mr. Mueller stated that the pipeline contained unleaded aviation fuel.

### Storage of Hazardous Materials

On-site storage of drums or other containers of hazardous materials was noted during the inspection. Approximately six (6) 55-gallon drums were observed on the north side of Logic Design Metals, located on the south side of Site-02. The drums appeared to be in good condition. According to Mike Taylor, maintenance supervisor at Logic Design Metals, four (4) of the drums contained waste hydraulic oil and two (2) contained phosphoric acid. In addition, aboveground tanks of oxygen and nitrogen were observed outside of the Logic Design Metals building. According to Mr. Neal Gayden of the Town of Addison Department of Health and Safety, the only violations cited to Logic Design Metals were for excessive storage of hazardous chemicals. In addition, Mr. Gayden stated that Ashland Chemical Company formerly occupied most of Site-01. See Appendix E for complete listing of chemicals stored or formerly stored on-site.

### Landfills

No evidence of landfill activities were apparent at the sites. However, numerous piles of construction debris (concrete and lumber) was noted on Site-04.

### Surface Impoundments

No evidence of standing water or surface impoundments were found on-site.

### Air Emissions

No on-site activities serving to generate emissions regulated by city, state, or federal authorities were observed during the inspection.

### Waste Waters

Potable water and sewage services were provided to the sites by the City of Dallas and the Town of Addison. Wastewater effluent from the site was discharged into the municipal sewer systems.

### Electrical Power Transformers/Electrical Equipment

The site was surveyed for the presence of power transformers and other potential polychlorinated biphenyls (PCB) containing electrical equipment. TMI field personnel identified ten (10) pole-mounted and two (2) pad-mounted transformers on Site-01; three (3) pole-mounted and two (2) pad-mounted transformers on Site-02; and two (2) pole-mounted transformers on Site-03. No electrical power transformers were located on Site-04. The utility company for the area was TU Electric.

Potential PCB-containing electrical equipment is regulated under the Toxic Substance Control Act (TSCA) of 1976. Three regulatory categories of equipment are defined in 40 CFR Part 761, based on PCB content in parts per million (ppm). These are: "Non-PCB Units" (less than 50 ppm), "PCB Contaminated Units" (50-500 ppm), and "PCB Units" (greater than 500 ppm). Owners of transformers are responsible for the operation, maintenance, and spill remediation of the units they own.

A statement concerning the PCB-status of the transformers observed on site was requested from the utility, the response indicated that none of the transformers noted on-site are PCB units. Copies of correspondence is included in Appendix F.

### Solid Waste Disposal

Solid waste generated from Site-01 and Site-02 was removed by BFI, Waste Systems Management and the Town of Addison.

### Soil and Groundwater or Surface Water Contamination

No evidence of soil, groundwater or surface water contamination was noted relative to the sites. However, according to Mr. Neal Gayden of the Department of Health and Safety for the Town of Addison, Ashland Chemicals, which occupied most of Site-01 until 1981, did conduct some soil sampling under direction of the TWC, in areas near their rail spur, where drums were stored. Mr. Gayden stated that the TWC had issued a closure statement for the site. The TWC file for Ashland Chemical indicated that a clean closure of an oil and water separator was performed on June 6, 1983. See Appendix E for copies of the closure report.

## Hazardous Substance Identification and Inventory

Regulated quantities of hazardous materials or substances were present at Site-02; however, TMI was not granted access to the site and therefore a complete listing is not available. TMI did contact the office of Health and Safety for the Town of Addison, which had on file the types of chemicals present at Logic Design Metals and those formerly present at Ashland Chemical Company. A Summary of these chemicals is included in Appendix E.

### 5.2 Adjacent Properties

Adjacent properties to the subject sites were as follows:

#### Site-01

- North - Site-02
- South - Commercial and retail
- West - Commercial, including one (1) RCRA Facility (Pro's Autobody and Paint) and one (1) PST facility (Waterworks Car Wash).
- East - Mostly vacant with one (1) office building on the South side.

#### Site-02

- North - Site-03
- South - Site-01
- East - Commercial Structures
- West - Vacant Land

#### Site-03

- North - Vacant Land
- South - Site-02
- West - Vacant Land

East -	Single-family residences
Site-04	
North -	Multi-family residences
South -	Commercial development and Prestonwood Country Club
East -	Prestonwood Country Club
West -	Toys R' Us and Vacant Land

None of the adjacent properties were suspected of causing potential environmental impacts relative to the subject sites other than those previously mentioned as being on-site and the following:

- Pro's Autobody and Paint
- Waterworks Car Wash

### 5.3 Area Reconnaissance

One (1) nearby property, other than those identified, which represented environmental concerns relative to the subject sites, was Addison Airport, located approximately 700 feet northwest and parallel gradient from Site-03. According to Mr. Cruz of the Town of Addison Fire Department, a few minor leaks, one major leak, and one fire have been reported from this facility. The major leak was reported in 1986. Ms. Martha Britian of the TWC was contacted to determine if the major leak had been reported to her office. Ms. Britian indicated that the TWC files do not go back to 1986, but she would contact the TWC response team to determine if they were notified of the major leak. Ms. Britian was still researching this matter at the writing of this report.

### 5.4 Radon

According to Areas with Potentially High Radon Levels, as supplied by the Environmental Protection Agency (EPA), TMI determined that the site was not located in an area generally recognized as having a high potential for elevated levels of radon in

structures. Therefore, radon was not considered to be an environmental concern for the property.

A second source of radon data was reviewed. According to the Preliminary Report of The Texas Indoor Radon Survey, as supplied by the Texas Department of Health, Bureau of Radiation Control, April 20, 1992, the residential Radon measurement for Dallas County had a maximum value of 6.8 pico-curies per liter (pCi/l) of air, however the mean value was 1.2 pCi/l. Four (4) pCi/l is the threshold of concern according to EPA guidelines.

Therefore, radon was not considered to be an environmental concern for the property. However, the Texas Department of Health, Bureau of Radiation Control data indicates that levels of concern may occur in the area, with a mean concentration less than established threshold values.

## 6.0 REGULATORY/GOVERNMENTAL AGENCY INQUIRIES

A review was made of the following databases to obtain information about potential environmental concerns for the subject site:

- National Priorities List (NPL)
- State Superfund Sites
- Spill Prevention Control and Countermeasures (SPCC)
- Comprehensive Environmental Response, Compensation, and Liability Information Service (CERCLIS)
- Resource Conservation and Recovery Act (RCRA)
- Texas Water Commission (TWC) listings
  - Petroleum Storage Tanks (PST)
  - Leaking Petroleum Storage Tanks (LPST)
  - Municipal Solid Waste Facilities
  - Industrial Solid Waste Facilities
- Texas Parks and Wildlife Department (TPWD).

Table I presents a Summary of Regulatory Agency Review.

### 6.1 Federal and State Regulatory Agency Inquiries

#### NPL Sites

The National Priority List (NPL) identifies those sites which were involved in CERCLA (Superfund) actions related to abandoned or inactive hazardous waste sites.

- No NPL sites were identified within a one-half mile radius of the site.

### CERCLIS Sites

The CERCLIS is an EPA database listing those sites identified by federal, state, or local regulatory agencies as being of potential environmental concern due to past or ongoing activities. The status of CERCLIS sites range from those which have never been investigated, to those which have been investigated and have proven to be of lower priority, to those that are in the process of gaining NPL status.

- No CERCLIS site was identified within a one-half mile radius of the site.

### RCRA Notifiers

The RCRA notifiers list identifies those facilities which were indicated to generate, transport, treat, store, or dispose of hazardous waste regulated under RCRA. The extent to which these facilities actually handle such wastes varies greatly from small-quantity generators to large-scale treatment, storage and disposal facilities. The presence of a RCRA facility adjacent to or near the project site is not in itself of significant environmental concern; however, a RCRA facility can be of concern if past (or future) discharges, spills, or releases of hazardous or toxic materials occurred.

- Five (5) RCRA notifiers were identified within a one-half mile radius of the site. Pro's Autobody & Glass, a Limited Quantity Generator (CEG), was located adjacent to Sites-01 and 02, however the potential for impacting the sites was considered low. In addition, one (1) RCRA Notifier, Brantley Cleaners, was located on Site-01, serves as an environmental concern due to the potential for release of hazardous materials on-site. For a complete listing see TABLE I.

TMI did not identify information that indicated that these facilities have or would likely serve to impact the site. Additional information regarding these RCRA regulated facilities would require a Freedom of Information Act request.

- According to the RCRA violators database maintained by the EPA, none were identified within a one-half mile radius of the sites.

### State Superfund Sites

The Texas Water Commission (TWC) also identifies sites of environmental concern. These, generally, include sites similar to those identified on the NPL and CERCLIS lists.

- A review of the TWC State Superfund List indicated that state sites were not located within one-half of the subject property.



### Petroleum Storage Tank Facilities

Owners and operators of petroleum storage tanks (PSTs) and leaking petroleum storage tanks (LPSTs) were required to register facilities with the Texas Water Commission (TWC) and report unauthorized releases.

- A review of the TWC PST list indicated that eleven (11) facilities were reported to have PSTs within a one-half mile radius of the project site. PSTs were identified at businesses present on Site-01 (Beltway Development Company located at the northwest corner of Site-01) and Site-02 (Southwestern Bell Station located at the southeast corner of Site-02). In addition, one (1) PST facility (Waterworks Car Wash) was located approximately 100 feet west and parallel-gradient from Site-01. See Table I for a complete listing.
- A review of the TWC LPST list indicated that no facilities with leaking tanks were within one half mile from the site.

TMI did not identify information that indicated that these facilities have or would likely serve to impact the site.

### Texas Department of Health

The Texas Department of Health (TDH) maintains a listing of permitted solid waste management facilities (landfills) throughout the state.

- Review of this database (municipal and industrial) indicated no such facilities within a one mile radius of the site.

## 6.2 Special Resources

### Sole Source Aquifers

No sole source aquifer, as defined by Section 1424(e) of the Safe Drinking Water Act, 42 U.S.C. 300f et seq., has been identified at, or in the vicinity of, the project site. A sole source aquifer is the sole or principal drinking water source for an area, as identified by the EPA.

### Wetlands

A "wetlands" designation investigation, as prescribed by Section 404 of the Clean Water Act, The Water Quality Act of 1987, 33 U.S.C. 1251 et seq., is a rigorous protocol of data collection to characterize hydrology, soils, vegetation, wildlife, climatology, and other disciplines -- with studies often continuing over many seasons. The investigations are a prerequisite to the placement of dredge or fill materials for development purposes and the construction of buildings on a site designated as "wetlands". Investigations of this type were beyond the scope of this Phase I ESA; however, based on the site inspection, TMI did not consider the site to be "wetlands", as defined by regulation and case law under the Clean Water Act.

#### Threatened and Endangered Species (T&E)

Numerous species of plants and animals -- with potential habitats overlapping the project site -- are afforded various levels of protection by federal and state statutes, including the Endangered Species Act, 16 U.S.C. 1531 et seq. Investigations necessary to demonstrate the level of utilization, if any, of the project site as an active habitat for one, or all, of these flora and fauna species were beyond the scope of this Phase I ESA. However, TMI did not identify information during this assessment that the site or vicinity served as a habitat for threatened or endangered species.

#### Wild and Scenic Rivers

Lacking proximity to a water course regulated by the Wild and Scenic Rivers Act, the project site was not considered by TMI to be subject to provisions of that statute.

#### Coastal Dunes and Beaches

The project site was not located near a sea coast; therefore, TMI did not consider provisions of the Coastal Zone Management Act, 16 U.S.C. 1451, et seq., 15 CFR Part 923, to be applicable.

#### Critical and Unique Habitat

The Endangered Species Act, 16 U.S.C. 1531 et seq., and its regulations, define "critical and unique habitat", and impacts thereto, for purposes of significant federal actions. Detailed investigations, beyond the scope of this Phase I ESA, would be required to demonstrate whether the site would be "critical and unique habitat". TMI did not observe characteristics associated with this designation during the research and site inspection.

## Historic Buildings, Structures and Sites, and Designated Natural Landmarks

Numerous federal and state statutes protect historic buildings, structures sites, and natural landmarks. An inventory of these resources was provided by the Texas Historical Commission. A search of this publication revealed no historic buildings, structures, sites, and natural landmarks associated with this site.

## Vegetation

According to the Texas Parks and Wildlife Department "Vegetation Types of Texas Including Cropland", the vegetation in the vicinity of the site was characterized as Urban area with no indigenous vegetation.

## 6.3 Local Government Inquiries

### Fire Department

The Fire Marshal for the Town of Addison was contacted regarding reported fires and incidents of hazardous materials spills or leaks, or other SPCC circumstances recorded at the site. According to Mr. Bruce Mueller of the Fire Prevention Division, there have not been any reported fires, hazardous material spills or leaks reported at the sites. However, Mr. Mueller did state that a petroleum pipeline caught fire in 1985 between Sites-01-03 and Site-04. However, impact to the sites was unlikely. In addition, Addison Airport, reported a fire in 1984 and minor spills in 1986 and 1992 at its fuel tank farm. Mr. Mueller also stated that Ashland Chemical Company, which occupied most of Site-01 until 1983 stored and used chemicals in their day to day operations. Copies of correspondence are presented in Appendix F. In addition, a copy of the last inventory of chemical stored at Ashland Chemicals, on file with the Fire Department, is included in Appendix E.

### Department of Health and Safety

Inquiries with the Town of Addison, Department of Health and Safety, were made regarding the subject sites. According to Mr. Neal Gayden, R.S., of Environmental Services, Logic Design Metals, located on Site-02, had been in violation by storing excessive amounts of chemicals on their property. According to Mr. Gayden, soil samples were collected and some soils removed from the site, prior to the issuance of a closure report from the TWC. In addition, Mr. Gayden confirmed information provided to TMI concerning Ashland Chemicals, by the Fire Department. Mr. Gayden also provided copies of MSDS documentation on file for Logic Design Metals. Copies of

correspondence are presented in Appendix F. In addition, a copy of the MSDS sheets are included in Appendix E.

### Zoning

According to Ms. Carmen Morgan, with the Town of Addison, Zoning Department, Zoning for the sites were as follows: Site-01 - Planned Development; Site-02 and Site-03 - Commercial; Site-04 - Planned Development.

## 7.0 CONCLUSIONS

Based on observations and review of available information, the following environmental issues or potential risks were discovered:

- Storage of large amounts of Chemicals and processing waste at Logic Design Metals, a sheet metal manufacturer, located on Site-02. In addition, according to the Town of Addison Fire Department, Logic Design Metals had been cited for storage of excessive amounts of chemicals.
- Underground Petroleum Storage Tanks (PSTs), were present at 4851 Arapaho Road (Southwestern Bell) and 4803 Arapaho Road (7-Eleven). Of these locations, the 7-Eleven Store, was not listed in the TWC PST/LPST listings. In addition, according to the TWC PST/LPST listings, one (1) PST was present on Site-01 and listed as permanently abandoned in place, at 15280 Addison Road.
- Ten (10) PSTs were located within a one-half mile radius of the site. Of these one (1) was located on the western adjacent property of Site-01 (Waterworks Car Wash).
- According to the Town of Addison Fire Department and the Addison Department of Health and Safety, soil sampling and remediation activities were conducted by Ashland Chemical, prior to leaving the site. A closure report for Ashland Chemical was on file with the TWC.
- TMI identified (10) pole-mounted and two (2) pad-mounted transformers on Site-01; three (3) pole-mounted and two (2) pad-mounted transformers on Site-02; and two (2) pole-mounted transformers on Site-03. The PCB content of these transformers was unknown. TMI requested information concerning the PCB

two (2) pole-mounted transformers on Site-03. The PCB content of these transformers was unknown. TMI requested information concerning the PCB status of the transformers from TU Electric and will forward the information when it becomes available.

Five (5) RCRA notifiers were identified within a one-half mile radius of the site. Pro's Autobody & Glass, a Limited Quantity Generator (CEG), was located adjacent to Sites-01 and 02, however the potential for impacting the sites was considered low. In addition, one (1) RCRA notifier, Brantley Cleaners, located on Site-01, is an environmental concern due to the potential for release of hazardous materials on-site.

- A petroleum pipeline which contained aviation fuel and unleaded gasoline was located along the Southern Pacific Railroad line along the northern boundaries of Site-04 and Site-02, and the southern boundary of Site-03. A fire associated with this pipeline occurred in 1985 near Dallas Parkway, approximately 2,000 feet from the subject sites, however, it was unlikely that the sites were impacted.
- According to the Federal Emergency Management Agency (FEMA) Flood Insurance Map #480171 Panel #0025C, March 16, 1983 for Dallas, Texas, the eastern half of Site-04 was located in an area designated within the 100-year flood plain. TMI identified no evidence that this area was designated as a wetlands area.
- TMI was denied access to parcels; however, structures were noted on Sites 1, 2, and 3 which may have been constructed using asbestos-containing materials (ACMs).

## 8.0 RECOMMENDATIONS

Based on results, observations and data evaluation of this ESA, TMI makes the following recommendations:

- Conduct further research and investigation through the TWC, to determine if limited soil sampling at the former Ashland Chemical site is necessary.
- Obtain copy of Tank Closure report from the TWC issued for the PST reported to be permanently abandoned in place at Site-01, and determine what impact if any, the PST had on-site and if limited soil sampling is necessary and remove the PST from the site.

## 9.0 REFERENCES

### DATABASES

Comprehensive Environmental Response, Compensation, and Liability Information System List, United States Environmental Protection Agency, Region 6, December 1992.

National Priority List (Final and Proposed Sites), United States Environmental Protection Agency, Region 6, December 1992.

Resource Conservation and Recovery Act Notifiers Listing; United States Environmental Protection Agency, Region 6, December 1992.

Resource Conservation and Recovery Act Violators Listing, United States Environmental Protection Agency, Region 6, December 1992.

Petroleum Storage Tank and Leaking Petroleum Storage Tank Lists, Texas Water Commission, December 1992.

Solid Waste Management Facilities Listing, Texas Water Commission, December 1992.

State Superfund Registry, Texas Water Commission, Fall 1992.

Preliminary Report of The Texas Indoor Radon Survey 1992, Texas Department of Health, Bureau of Radiation Control, April 20, 1992.

### MAPS

Areas with Potentially High Radon Levels, United States Environmental Protection Agency, 1987.

Addison Quadrangle, United States Department of the Interior, Geological Survey, 7.5 Minute Series, Topographic Map, 1959 (Photorevised 1981).

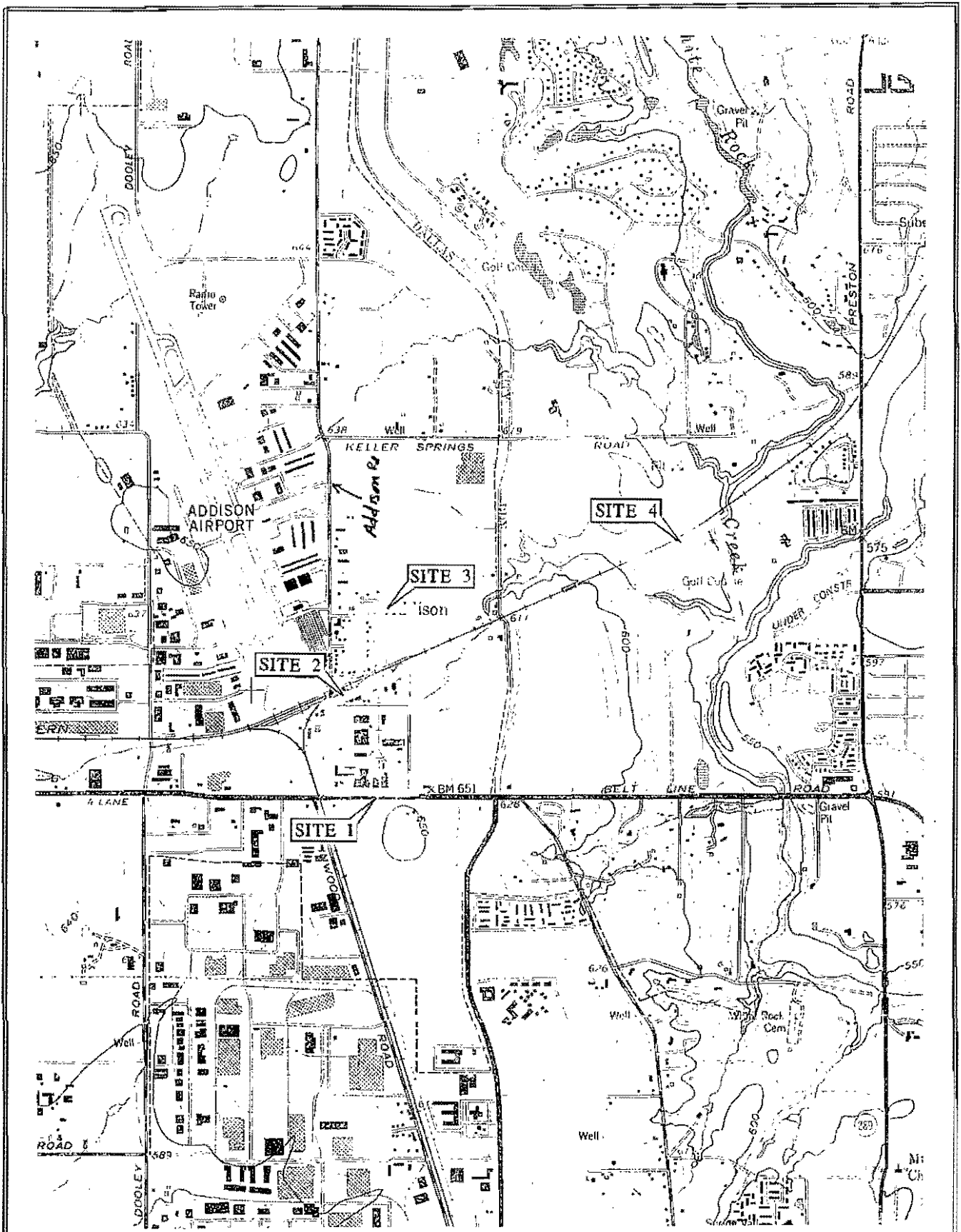
Geologic Atlas of Texas, Dallas Sheet, University of Texas, Bureau of Economic Geology, 1987.

Occurrence, Availability, and Chemical Quality of Groundwater in the Cretaceous Aquifers of North-Central Texas, Report 269, Texas Department of Water Resources, 1982.

Soil Survey of Dallas County, Texas, United States Department of Agriculture, Soil Conservation Service, 1979.

### AERIAL PHOTOGRAPHS

North Central Texas Council of Governments, Flights from 1971,1975,1980, 1986, and 1990.



Modified from U.S.G.S. 7.5 minute  
 Series Topographic Map  
 Addison Quadrangle  
 Photorevised 1981  
 Contour Interval 10'

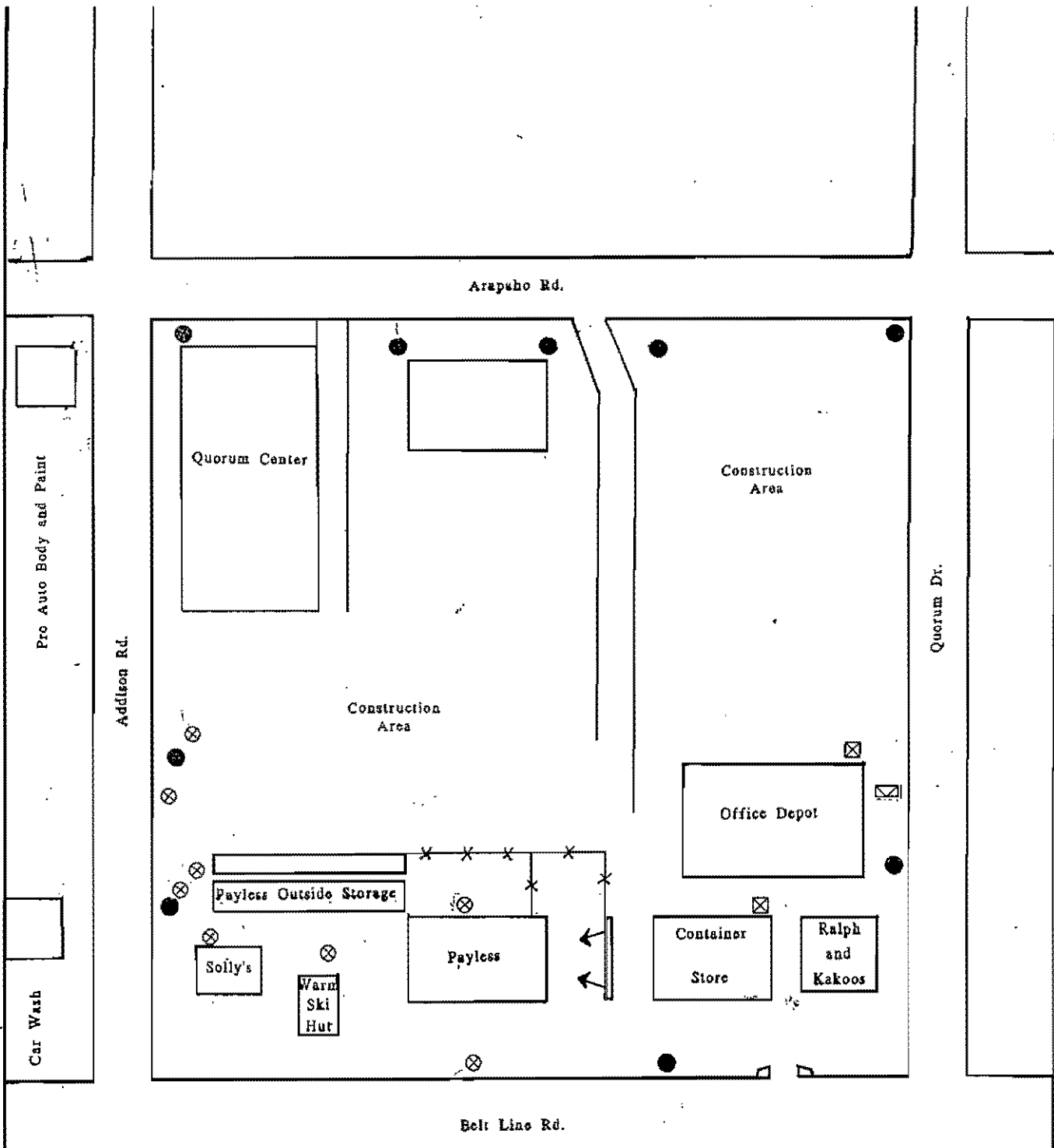


DN93-012-006  
 SITE LOCATION



TERRA-MAR, INC.  
 FIGURE 1






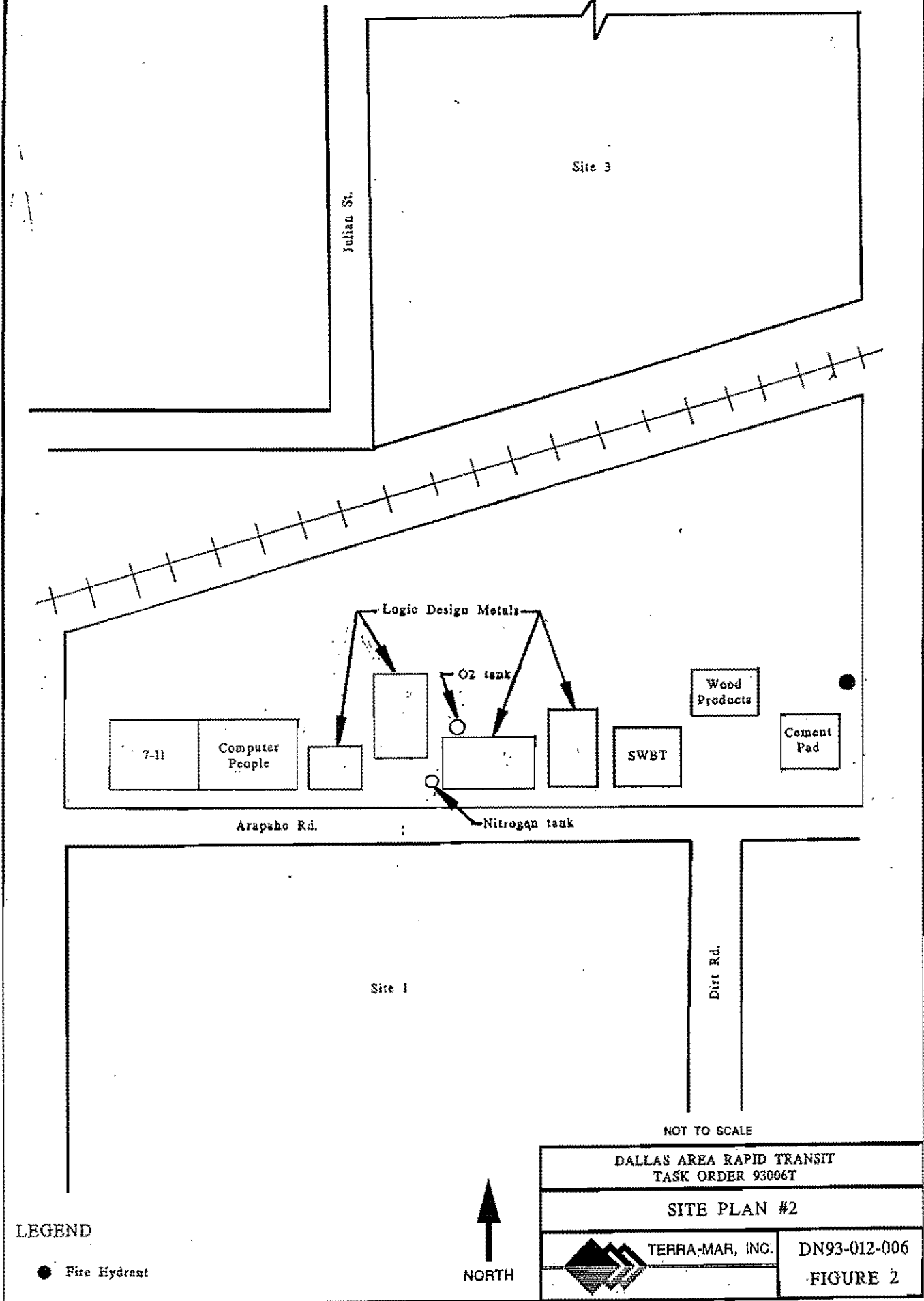
**LEGEND**

- ☒ Pad-Mounted Transformer
- ⊗ Pole-Mounted Transformer
- Fire Hydrant
- ☒ Storm Drain



NOT TO SCALE

DALLAS AREA RAPID TRANSIT TASK ORDER 93006T	
SITE PLAN #1	
 TERRA-MAR, INC.	DN93-012-006
<b>FIGURE 2</b>	



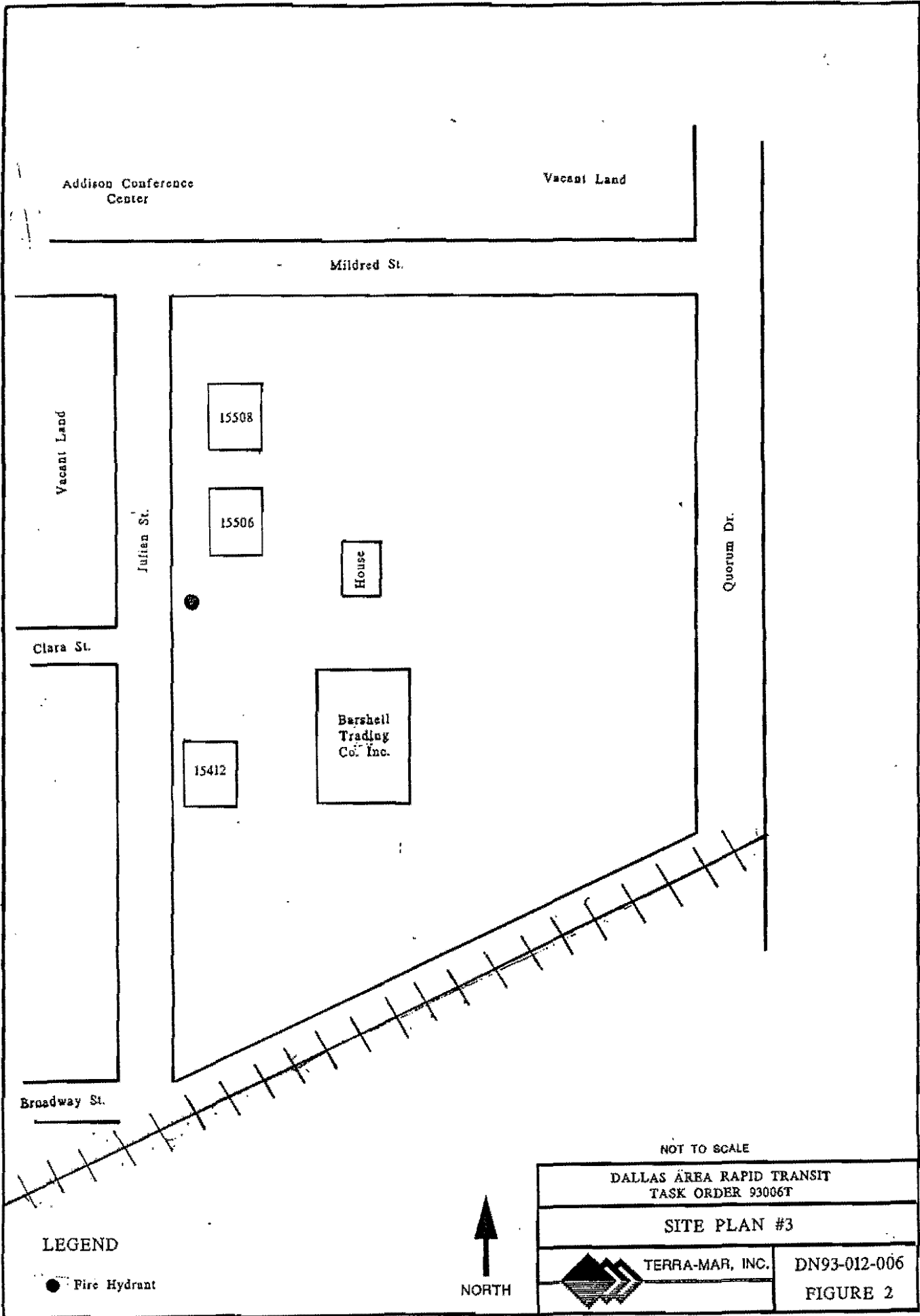
LEGEND

● Fire Hydrant



NOT TO SCALE

DALLAS AREA RAPID TRANSIT TASK ORDER 93006T	
SITE PLAN #2	
TERRA-MAR, INC.	DN93-012-006
FIGURE 2	



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**TABLE I - continued**

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3. FACILITY NAME: Payless Cashways Inc.  
ADDRESS: 4803 Beltline Road  
Addison, Texas 75240  
CLASS: Limited Quantity Generator (CEG)  
FACILITY I.D. NO.: TXD988078697  
LOCATION: Located on the south side of Site-01.
4. FACILITY NAME: Shell Service Station  
ADDRESS: 5304 Arapaho Road  
Dallas, Texas 75248  
CLASS: Limited Quantity Generator (CEG)  
FACILITY I.D. NO.: TXD980748784  
LOCATION: Approximately 700 feet southwest and up gradient  
from the Site-04.
5. FACILITY NAME: Pro's Autobody & Glass  
ADDRESS: 15293 Addison Road  
Addison, Texas 75248  
CLASS: Limited Quantity Generator (CEG)  
FACILITY I.D. NO.: TXD988071098  
LOCATION: Approximately 100 feet west and parallel gradient  
from the Site-01.

**RCRA VIOLATORS**

- According to the RCRA violators database maintained by the EPA, there were no RCRA violators identified within a one-half mile radius of the site.

**CERCLIS**

The CERCLIS is an EPA database listing those sites identified by federal, state, or local regulatory agencies as being of potential environmental concern due to past or ongoing activities. The status of CERCLIS sites range from those which have never been investigated, to those which have been investigated and have proven to be of lower priority, to those that are in the process of gaining NPL status.

- According to the CERCLIS database maintained by the EPA, there were no CERCLA sites identified within a one-half mile radius of the site.

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TABLE I - continued

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PETROLEUM STORAGE TANKS

- A review of the TWC PST/LPST list indicated that ten (10) facility within a one-half mile radius of the project sites had reported PSTs. Two (2) of these facilities were located on the subject sites (nos. 1 and 2). None of these facilities was listed as an LPST site according to TWC records.

The following PST facility was identified during database research and site reconnaissance:

1. FACILITY NAME: Beltway Development  
ADDRESS: 15280 Addison Road #300  
Addison, Texas 75248  
FACILITY I.D.#: 0031999  
LOCATION: Located in the northwest corner of Site-01.  
PSTs: 1. Material unknown, 3,000 gallon, empty,  
installed 1976, PERMANENTLY  
ABANDONED IN PLACE 1/30/84.
2. FACILITY NAME: Southwestern Bell Station #235  
ADDRESS: 4851 Arapaho Road  
Addison, Texas 75248  
FACILITY I.D.#: 0062633  
LOCATION: Located on the south side of Site-02.  
PSTs: 1. Steel, 550 gallon, gasoline, installed 1987,  
CURRENTLY IN USE.
3. FACILITY NAME: Marriott Hotel  
ADDRESS: 14901 Dallas Parkway  
Dallas, Texas 75240  
FACILITY I.D.#: 0044218  
LOCATION: Approximately 1,300 feet southeast and parallel-  
gradient from Site-01.  
PSTs: 1. FRP, 1,000 gallon, diesel, installed 1982,  
CURRENTLY IN USE.

"FRP" denotes Fiberglass Reinforced Plastic.

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TABLE I - continued

4. FACILITY NAME:	J.C. Penny Store No.208
ADDRESS:	5301 Beltline Road Dallas, Texas 75240
FACILITY I.D.#:	0058752
LOCATION:	Approximately 1,500 feet southwest and up- gradient from Site-04.
PSTs:	<ol style="list-style-type: none"><li>1. Unknown tank type, 280 gallon, diesel, installed 1979, CURRENTLY IN USE.</li><li>2. Unknown tank type, 550 gallon, diesel, installed 1979, TEMPORARILY OUT OF SERVICE.</li></ol>
5. FACILITY NAME:	Mobil Oil Corporation
ADDRESS:	5012 Beltline Road Dallas, Texas 75240
FACILITY I.D.#:	0044719
LOCATION:	Approximately 1,200 feet southeast and parallel gradient from Site-01.
PSTs:	<ol style="list-style-type: none"><li>1. FRP, 10,000 gallon, gasoline, installed 1987, CURRENTLY IN USE.</li><li>2. FRP, 10,000 gallon, gasoline, installed 1987, CURRENTLY IN USE.</li><li>3. FRP, 10,000 gallon, gasoline, installed 1987, CURRENTLY IN USE.</li><li>4. FRP, 10,000 gallon, gasoline, installed 1987, CURRENTLY IN USE.</li><li>5. FRP, 9728 gallon, gasoline, installed 1974, PERMANENTLY REMOVED FROM THE GROUND, 1987.</li><li>6. FRP, 9728 gallon, gasoline, installed 1974, PERMANENTLY REMOVED FROM THE GROUND, 1987.</li><li>7. FRP, 9728 gallon, gasoline, installed 1974, PERMANENTLY REMOVED FROM THE GROUND, 1987.</li><li>8. FRP, 9728 gallon, gasoline, installed 1974, PERMANENTLY REMOVED FROM THE GROUND, 1987.</li></ol>

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TABLE I - continued

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6. FACILITY NAME: First Gibraltar Building  
ADDRESS: 14951 Dallas Parkway  
Dallas, Texas 75240  
FACILITY I.D.#: 0063481  
LOCATION: Approximately 1,500 feet southeast and parallel-  
gradient from Site-01.  
PSTs: 1. FRP, 10,000 gallon, diesel, installed 1981,  
CURRENTLY IN USE.
7. FACILITY NAME: Addison Airport  
ADDRESS: 4788 Roscoe Turner  
Dallas, Texas 75248  
FACILITY I.D.#: 0000022  
LOCATION: Approximately 700 feet northwest and parallel  
gradient from Site-03.  
PSTs: 1. Steel, 11,696 gallon, gasoline, installed 1957,  
TEMPORARILY OUT OF SERVICE.  
2. Steel, 11,696 gallon, gasoline, installed 1957,  
TEMPORARILY OUT OF SERVICE.  
3. Steel, 11,696 gallon, gasoline, installed 1957,  
TEMPORARILY OUT OF SERVICE.  
4. Steel, 11,696 gallon, gasoline, installed 1957,  
TEMPORARILY OUT OF SERVICE.  
5. Steel, 11,098 gallon, gasoline, installed 1979,  
TEMPORARILY OUT OF SERVICE.  
6. Steel, 11,098 gallon, gasoline, installed 1979,  
TEMPORARILY OUT OF SERVICE.  
7. Steel, 11,098 gallon, gasoline, installed 1979,  
TEMPORARILY OUT OF SERVICE.  
8. Steel, 2,000 gallon, gasoline, installed 1967,  
TEMPORARILY OUT OF SERVICE.  
9. Steel, 2,000 gallon, gasoline, installed 1967,  
TEMPORARILY OUT OF SERVICE.
-

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TABLE I - continued

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8. FACILITY NAME: Waterworks Car Wash  
ADDRESS: 15209 Addison Road  
Addison, Texas 75248  
FACILITY I.D.#: 0060186  
LOCATION: Approximately 100 feet west and parallel gradient  
from Site-01.  
PSTs: 1. Composite tank, 8,000 gallon, gasoline,  
installed 1988, CURRENTLY IN USE.  
PSTs: 1. Composite tank, 8,000 gallon, gasoline,  
installed 1988, CURRENTLY IN USE.  
3. Composite tank, 5,000 gallon, diesel, installed  
1988, CURRENTLY IN USE.
9. FACILITY NAME: 7-Eleven Store 1602-22948  
ADDRESS: 5403 Knoll Trail #101  
Dallas, Texas 75248  
FACILITY I.D.#: 0007394  
LOCATION: Approximately 1,600 feet southeast and up gradient  
from Site-04.  
PSTs: 1. FRP, 12,000 gallon, gasoline, installed 1981,  
CURRENTLY IN USE.  
2. FRP, 12,000 gallon, gasoline, installed 1981,  
CURRENTLY IN USE.  
3. FRP, 12,000 gallon, gasoline, installed 1981,  
CURRENTLY IN USE.
-



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TABLE I - continued

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10.	FACILITY NAME:	Montgomery Ward
	ADDRESS:	5402 Arapaho Road Dallas, Texas 75248
	FACILITY I.D.#:	0019048
	LOCATION:	Approximately 2,500 feet southwest and up- gradient from Site-04.
	PSTs:	<ol style="list-style-type: none"><li>1. FRP, capacity unknown, gasoline, installation date unknown, CURRENTLY IN USE.</li><li>2. FRP, capacity unknown, gasoline, installation date unknown, CURRENTLY IN USE.</li><li>3. FRP, capacity unknown, gasoline, installation date unknown, CURRENTLY IN USE.</li><li>4. FRP, capacity unknown, diesel, installation date unknown, CURRENTLY IN USE.</li></ol>

"FRP" denotes Fiberglass Reinforced Plastic.

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**APPENDIX A**

**EXHIBIT H - SCOPE OF SERVICES**

## HAZARDOUS MATERIALS SITE ASSESSMENTS

### SCOPE OF SERVICES

The Authority requires hazardous material site assessments for real estate proposed for acquisition or already owned by the Authority. The information developed will be used to evaluate individual sites for the presence of hazardous material(s) and to provide budget estimates for acquisition and construction activities. In addition, the information will be used to insure compliance with current environmental regulations is maintained for Authority owned real estate.

More than 90 task orders for investigations on over 200 parcels have been issued under three previous contracts since January 1991.

#### GENERAL DIRECTION

1. Individual phases of a hazardous materials site assessment will be done on a "task order" basis for a given site. Maps will be provided to the Contractor which show the location of each particular site.
2. The Authority will provide any applicable Right-of-Entry.
3. The Contractor will obtain any necessary permits.
4. At a given site, the Authority reserves the right to request additional testing at the price negotiated and agreed upon and included in the contract.
5. All data and laboratory results are the property of the Authority. No data may be used in any manner or for any purpose by the Contractor, any Subcontractor, and/or their employees without express written permission of the Authority.
6. The written report be submitted in draft form for Authority review before delivery of a final written report to the Authority. Costs involved with submittal of the draft report will be based on a previously agreed upon price schedule.
7. The Contractor will cooperate with all other Authority Contractors.
8. Whenever the work takes place in a construction area, the Contractor and applicable Subcontractors will notify the construction field office on arrival and when leaving. All safety requirements for the construction area are to be adhered to by all Contractor and/or Subcontractor personnel working in the construction area.

9. written reports are to be sent to the Authority's Transportation Planning Division - Environmental Planning Section, P.O. Box 660163, Dallas, Texas 75266-7214 (Fax no. 214/658-6331).

#### PHASE I

1. A literature and records search is to be conducted to determine past land use on and adjacent to the site. This search is to include a review of existing historical aerial photographs and applicable records of regulatory bodies. Any pending, issued, denied, or revoked permit from a regulatory agency is to be identified as part to the procedure to establish land usage. All past or current regulatory agency investigations and violations of permit conditions/restrictions are also to be reported. This search is to extend back to 1920 wherever feasible.

2. The site and properties with a 0.25 mile radius are to be visually inspected to identify any visible adverse environmental conditions possibly impacting the site. These conditions will include information about each of the following conditions:

- a. Presence of any possible asbestos or PCB containing materials/equipment,
- b. building permits for asbestos abatement during renovation or remodeling of any structure(s),
- c. evidence of hazardous material storage,
- d. presence of an active or abandoned underground storage tank system,
- e. presence of waste material storage (including hazardous waste),
- f. evidence of the site located in a floodplain,
- g. condition and general type of vegetation for evidence of soil contamination from toxic materials(s),
- h. evidence of hydrocarbon and/or other chemical spillage, and
- i. presence of current or former RCRA regulated facilities within 0.5 mile radius of the site.

3. An oral report outlining hazardous material conditions impacting the site is due to the Authority's Project Manager (214/658-6256) within 15 working days after receipt of the Notice to Proceed by the Contractor.

4. The written report for each site is due 20 working days after receipt by the Contractor of the Notice to Proceed. This report is to include observations, findings and conclusions as to conditions at the particular site.

5. Upon completion of review by DART of the draft report, the Contractor will address any comments from DART in the final

Copies of the final report are due to the Authority's Project Manager within 10 working days of receipt of comments by the Contractor.

6. The Contractor conducting the Phase I investigation will not conduct any further investigation on the site(s) covered under the task order regardless of the recommendations in the Phase I report.

#### PHASE IIA: SOIL AND SUBSURFACE CONDITIONS

1. Based on information from the Phase I investigation, the Authority will specify the number and general location of bore holes and any monitoring wells to be drilled at a given site.

2. Each bore hole shall extend to a maximum depth of 35 feet. The bore holes are to be filled completely with a grout material at the conclusion of testing. All bore holes shall be covered until the grout mixture has hardened.

3. The Authority may request that additional samples from shallow depths be obtained by hand augering. Hand augering locations will also be filled in by the use of grout or other appropriate method.

4. Laboratory analysis for petroleum hydrocarbons of a given soil sample will be needed ONLY if initial readings for total petroleum hydrocarbons (TPH) exceed 70 ppm (parts per million). In addition to TPH, samples are to be analyzed for BTEX (benzene, toluene, ethyl benzene, and xylene isomers) concentration. The Authority reserves the right to request TCLP (toxicity characteristic leaching procedure) testing for benzene on specified samples.

5. Soil samples shall be taken at a maximum of every 2.0 feet of depth during drilling operations. Complete records will be maintained by the Contractor showing origin and soil depth of each sample.

6. When designated, soil and/or groundwater samples will be analyzed for the presence of total metal concentration of specific heavy metals. The Authority reserves the right to request TCLP (toxicity characteristic leaching procedure) testing on specified samples. The Contractor will be notified if analysis for heavy metals is required.

7. The Contractor may be requested to analyze designated soil and/or groundwater samples for the presence of polynuclear aromatic hydrocarbons (PAHs). The Authority reserves the right to request TCLP testing on specified samples. Analysis of samples for PAHs will occur only at the express request of the Authority.

8. An oral report giving the groundwater depth, soil and groundwater conditions, and available laboratory results for the site is due to the Authority's Project Manager (214/658-6256) within 15 working days after receipt of the Notice to Proceed by the Contractor.

9. The draft written report for each site is due 20 working days after receipt by the Contractor of the Notice to Proceed. This report is to include all information in the oral report plus a least one map showing bore hold/monitor well locations and all drilling logs. Data and laboratory results are to be submitted as part of the draft report.

10. Upon completion of review by DART of the draft report, the Contractor will address any comments from DART in the final report. Three (3) copies of the final report are due to the Authority's Project Manager within 10 working days of receipt of comments by the Contractor.

#### PHASE IIB: ASBESTOS CONTAINING MATERIAL INVESTIGATIONS

1. Perform a detailed, non-destructive asbestos survey by obtaining bulk samples from suspected asbestos containing material (ACM). The number of bulk samples taken will be based on information from a PHASE I investigation of the site. A minimum of 10 bulk samples will be required.

2. The asbestos survey must only be performed by individuals licensed under provisions of the *Texas Asbestos Health Protection Act* (Texas Civil Statutes, Article 4477-3a) administered by the Texas Department of Health (TDH) or any successor agency.

3. The analytical work will be performed according to methods approved by the US Environmental Protection Agency (EPA) and/or the National Institute of Occupational Safety and Health (NIOSH). In the event of a conflict between the methods, the Authority will stipulate whether the EPA or the NIOSH method is to be used. Usually bulk samples, excluding floor tile and/or mastic, will be analyzed by polarized light microscopy (PLM). Floor tile and/or mastic will be analyzed by scanning electron microscopy (SEM).

4. Any laboratory performing analysis of samples for asbestos must be licensed under provisions of the *Texas Asbestos Health Protection Act* (Texas Civil Statutes, Article 4477-3a) administered by the Texas Department of Health (TDH) or any successor agency.

5. The oral report giving the location, material type, amount and condition of any ACM at the site is due to the Authority's Project Manager (214/658-6256) within 15 working days after receipt of the Notice to Proceed by the Contractor.

SITE-01

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April 22, 1993

DART Task Order 006T

## OWNERSHIP SUMMARY

Site 01: Being a 15 acre tract of land, more or less, situated in the G.W. Fisher Survey, Abstract No. 482, also being part of the Quorum Centre Addition, Town of Addison, Dallas County, TX., according to Volume 84067 pg 5718, Map Records, Dallas County, TX.

Instrument Date: 5-4-1900  
File Date: 5-5-1900  
Instrument: Warranty Deed  
Grantor: William Myers  
Grantee: J.I. Dennis  
Comments:  
Volume/Page: 244/271

Instrument Date: 10-23-53  
File Date: 10-26-53  
Instrument: Warranty Deed  
Grantor: The Estate of J.I. Dennis, deceased  
Grantee: Louis E. Dennis, et al  
Comments: Right of way easement to the County of Dallas, Volume 3495 pg 546, filed for record 5-2-51.

Volume/Page: 3937/401

Instrument Date: 12-26-53  
File Date: 12-31-53  
Instrument: Warranty Deed  
Grantor: Louis E. Dennis, et al  
Grantee: Harold Starr, Trustee  
Comments:  
Volume/Page: 3967/356

Instrument Date: 12-30-53  
File Date: 12-31-53  
Instrument: Special Warranty Deed  
Grantor: Harold Starr, Trustee

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(Continued)

Grantee: St. Louis Southwestern Railway Company  
Comments:  
Volume/Page: 3967/367

Instrument Date: 12-9-83  
File Date: 12-22-83  
Instrument: Warranty Deed  
Grantor: St. Louis Southwestern Railway Company  
Grantee: Daryl N. Snadon, Trustee  
Comments: Right of way easement to the City of Addison; Volume 63092 pg 844, filed for record 6-24-63.

Quit Claim Deed to the City of Addison for right of way purposes, Volume 64298 pg 825, filed for record 4-21-64.

Easement for street purposes to Ashland Oil, Inc., Volume 73243 pg 2029, filed record 12-13-73.

Utility easement to Texas Power and Light Company, Volume 82054 pg 630, filed for record 3-17-82.

Volume/Page: 83249/75

Instrument Date: 10-5-88  
File Date: 10-11-88  
Instrument: Special Warranty Deed  
Grantor: Daryl N. Snadon  
Grantee: Texas N.R.C. Corporation  
Comments: Right of way easement to the City of Addison, Volume 84075 pg 4955, filed for record 4-13-84.

Volume/Page: 88198/2198

Instrument Date: 11-1-88

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DART Task Order 006T

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File Date: 11-1-88  
Instrument: Trustee's Deed  
Grantor: Texas N.R.C. Corporation  
Grantee: First Interstate Bank of Texas, N.A.  
Comments:  
Volume/Page: 88213/594

Instrument Date: 6-22-89  
File Date: 7-3-89  
Instrument: Warranty Deed  
Grantor: First Interstate Bank of Texas, N.A.  
Grantee: FIMSA, Inc.  
Comments:  
Volume/Page: 89129/367

Instrument Date: 12-30-91  
File Date: 12-31-91  
Instrument: Special Warranty Deed  
Grantor: FIMSA, Inc.  
Grantee: International Guaranty Corporation  
Comments: Easement Agreement between Hunt Petroleum, et al, Volume 91197 pg 872, filed for record 2-23-91.

Access easement between Hunt Petroleum Company, et al, Volume 91169 pg 1406, filed for record 8-29-91.

Water line easement to the City of Addison, Volume 93078 pg 2540, filed for record 4-22-93.

Volume/Page: 92001/617

Dallas County, TX Deed Records updated/certified through 4-8-93.

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SITE-02

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DART Task Order 006T

## OWNERSHIP SUMMARY

Site 02: Being Tracts 1, 4, 5, 6, 7, 11, 12, 24 and 26, the G.W. Fisher Survey, Abstract No. 482, Town of Addison, Dallas County, TX., containing 6.7 acres of land, more or less.

Instrument Date: 3-23-25  
File Date: 3-23-25  
Instrument: Warranty Deed  
Grantor: M.D. Kelly and wife, Carrie Kelly  
Grantee: Fields Noell  
Comments: Tract 1

Volume/Page: 1188/136

Instrument Date: 7-11-47  
File Date: 7-28-47  
Instrument: Warranty Deed  
Grantor: Bertie E. Noell, a widow  
Grantee: L.J. N. Keliher  
Comments: Tract 1

Volume/Page: 2854/270

Instrument Date: 1-5-53  
File Date: 3-30-53  
Instrument: Warranty Deed  
Grantor: L.J.N. Keliher and wife, Hilda Keliher  
Grantee: J.G. Bartholomew  
Comments: Tract 1

Volume/Page: 3825/113

Instrument Date: 8-25-55  
File Date: 8-30-55  
Instrument: Warranty Deed  
Grantor: J.G. Bartholomew  
Grantee: E.W. McConnell and R.P. Hamilton  
Comments: Tract 1

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Volume/Page: 4332/601

Instrument Date: 11-20-58  
File Date: 12-8-58  
Instrument: Quit Claim Deed  
Grantor: R.P. Hamilton and E.W. McConnell  
Grantee: Arnold Darrow and Marshall H. Greenberg  
Comments: Tract 1

Volume/Page: 5015/419

Instrument Date: 9-22-61  
File Date: 9-25-61  
Instrument: Warranty Deed  
Grantor: Arnold Darrow  
Grantee: Marshall H. Greenberg  
Comments: Part of Tract 1

Volume/Page: 5629/291

Instrument Date: 6-3-63  
File Date: 8-21-63  
Instrument: Warranty Deed  
Grantor: Arnold Darrow  
Grantee: Marshall H. Greenberg  
Comments: Part of Tract 1

Volume/Page: 63133/2196

Instrument Date: 8-2-67  
File Date: 8-7-67  
Instrument: Warranty Deed with Vendor's Lien  
Grantor: Marshall H. Greenberg  
Grantee: Ernest T. Anderson  
Comments: Tract 1; Right of Way Deed to the  
Town of Addison, Volume 64334 pg  
106, filed for record 6-10-64.

Volume/Page: 67153/2179

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Instrument Date: 3-16-69  
File Date: 1-10-72  
Instrument: Warranty Deed  
Grantor: Ernest T. Anderson  
Grantee: Anderson Realty Company  
Comments: Tract 1

Volume/Page: 72006/1232

Instrument Date: 6-1-82  
File Date: 6-2-82  
Instrument: General Warranty Deed  
Grantor: Anderson Realty Company  
Grantee: A.B.P. Investments III, Ltd.  
Comments: Tract 1; Five (5) year Lease Agreement  
between Anderson Realty Company (Lessor)  
and Logic Design Metals, Inc. (Lessee),  
Volume 77109 pg 370, filed for record  
6-6-77.

Right of way easement to the Town of  
Addison, Volume 84075 pg 4958, filed  
for record 4-13-84.

Volume/Page: 82108/2694

Instrument Date: 9-8-03  
File Date: 10-4-04  
Instrument: Deed  
Grantor: W.H. Julian and wife, A.M. Julian  
Grantee: James Atkins  
Comments: Tracts 4, 5, 6 and 7

Volume/Page: 398/298

Instrument Date: 11-12-27  
File Date: 11-23-27

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Instrument: Warranty Deed  
Grantor: J.A. Atkins and wife, Nancy Atkins  
Grantee: W.H. Sims and wife, Maggie Sims  
Comments: Part of Tracts 4, 5, 6 and 7

Volume/Page: 1443/201

Instrument Date: 11-17-28  
File Date: 11-19-28  
Instrument: Warranty Deed with Vendor's Lien  
Grantor: J.A. Atkins and wife, Nancy Atkins  
Grantee: W.H. Sims  
Comments: Part of Tracts 4, 5, 6 and 7

Volume/Page: 1517/455

Instrument Date: 7-6-49  
File Date: 8-20-49  
Instrument: Warranty Deed with Vendor's Lien  
Grantor: Mrs. Maggie Sims Hudgins and husband,  
J.H. Hudgins  
Grantee: Mrs. Ernest Melton  
Comments: Part of Tracts 4, 5, 6 and 7

Volume/Page: 3176/264

Instrument Date: 6-7-55  
File Date: 6-7-55  
Instrument: Warranty Deed  
Grantor: Maggie S. Hudgins, a widow  
Grantee: Mrs. Ernest Melton  
Comments: Part of Tracts 4, 5, 6 and 7

Volume/Page: 4276/547

Instrument Date: 5-25-66  
File Date: 5-31-66  
Instrument: Warranty Deed with Vendor's Lien  
Grantor: Maggie S. Hudgins, a widow

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Grantee: Ernest Guy Melton and wife,  
Grace M. Melton  
Comments: Part of Tracts 4, 5, 6 and 7  
Volume/Page: 66832/2497  
Instrument Date: 8-16-79  
File Date: 3-25-88  
Instrument: Affidavit of Heirship  
Grantor: The Estate of Ernest G. Melton, deceased  
Grantee: Grace M. Melton, Eloise S. Ryan and  
Gloria Melton Tinsley  
Comments: Part of Tracts 4, 5, 6 and 7  
Volume/Page: 88079/1616  
Instrument Date: 8-16-79  
File Date: 8-20-79  
Instrument: Quit Claim Deed  
Grantor: Gloria Melton Tinsley  
Grantee: Grace Myrtle Melton  
Comments: Part of Tracts 4, 5, 6 and 7  
Volume/Page: 79163/2799  
Instrument Date: 8-16-79  
File Date: 8-20-79  
Instrument: Quit Claim Deed  
Grantor: Eloise S. Ryan  
Grantee: Grace Myrtle Melton  
Comments: Part of Tracts 4, 5, 6 and 7  
Volume/Page: 79163/2803  
Instrument Date: 8-16-79  
File Date: 8-20-79  
Instrument: Warranty Deed  
Grantor: Grace Myrtle Melton  
Grantee: A. Ben Pinnell, Jr., Trustee

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Comments: Part of Tracts 4, 5, 6 and 7

Volume/Page: 79163/2807

Instrument Date: 10-3-79

File Date: 10-18-79

Instrument: Warranty Deed

Grantor: A. Ben Pinnell, Jr., Trustee

Grantee: ABP Investments III, Ltd.

Comments: Tracts 4, 5, 6 and 7; Memorandum to Lease between ABP Investments III, Ltd. (Lessor) and Logic Design Metals, Inc. (Lessee), Volume 79205 pg 300, filed for record 10-18-79.

Assignment of Lease between Logic Design Metals, Inc. (Lessor) and ABP Investments III, Ltd. (Lessee), Volume 79205 pg 304, filed for record 10-18-79.

General Warranty Deed, ABP Investments III, Ltd. (Grantor) to MCM Company (Grantee) for .4668 acre tract, more or less, Volume 84133 pg 532, filed for record 2-5-84.

Volume/Page: 79205/335

Instrument Date: 9-4-02

File Date: 9-11-02

Instrument: Deed

Grantor: W.W. Julian and wife, Annie Julian

Grantee: St. Louis Southwestern Railway Company

Comments: Part of Tract 2

Volume/Page: 287/7

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Instrument Date: 11-5-91  
File Date: 11-14-91  
Instrument: Special Warranty Deed  
Grantor: St. Louis Southwestern Railway Company  
Grantee: George P. Kondos and Daniel P. Kondos  
Comments: Part of Tract 2

Volume/Page: 91223/1730

Instrument Date: 11-12-91  
File Date: 11-25-91  
Instrument: Quit Claim Deed  
Grantor: George P. Kondos, et al  
Grantee: Kondos Children's Trust  
Comments: Part of Tract 2

Volume/Page: 91230/1808

Instrument Date: 9-8-03  
File Date: 10-4-04  
Instrument: Deed  
Grantor: W.H. Julian and wife, A.M. Julian  
Grantee: James Atkins  
Comments: Tracts 11 and 12

Volume/Page: 358/298

Instrument Date: 5-17-37  
File Date: 7-30-37  
Instrument: Deed  
Grantor: A.R. Arkins, et al  
Grantee: Commo Atkins  
Comments: Tracts 11 and 12

Volume/Page: 2026/303

Instrument Date: 8-4-54

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File Date: 8-4-54  
Instrument: Warranty Deed  
Grantor: Commo Atkins  
Grantee: Mack Needham  
Comments: Tracts 11 and 12

Volume/Page: 4084/272

Instrument Date: 3-13-61  
File Date: 3-15-61  
Instrument: Warranty Deed  
Grantor: Mack Needham  
Grantee: Bertha E. Battley, et al  
Comments: Tracts 11 and 12

Volume/Page: 5011/155

Instrument Date: 5-25-62  
File Date: 6-1-62  
Instrument: General Warranty Deed  
Grantor: Bertha E. Battley  
Grantee: W. Arthur Vaughn  
Comments: Tracts 11 and 12

Volume/Page: 5786/326

Instrument Date: 1-9-52  
File Date: 8-3-67  
Instrument: Will  
Grantor: The Estate of W. Arthur Vaughn, deceased  
Grantee: Irene Vaughn  
Comments: Tracts 11 and 12

Volume/Page: 67151/802

Instrument Date: 7-5-66  
File Date: 12-8-75  
Instrument: Deed  
Grantor: Irene Vaughn, a widow

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Grantee: Robert L. Vaughn, et al  
Comments: Tracts 11 and 12

Volume/Page: 75238/2487

Instrument Date: 9-13-82  
File Date: 9-13-82  
Instrument: General Warranty Deed  
Grantor: Robert L. Vaughn  
Grantee: Southern Pacific Land Company  
Comments: Tracts 11 and 12

Volume/Page: 82179/1541

Instrument Date: 9-13-82  
File Date: 9-13-82  
Instrument: Special Warranty Deed  
Grantor: Southern Pacific Land Company  
Grantee: MCM Company  
Comments: Tracts 11 and 12; Right of way  
easement to the Town of Addison,  
Volume 84075 pg 4952, filed for  
record 4-13-84.

Volume/Page: 82179/1559

Instrument Date: 8-22-1887  
File Date: 12-27-1887  
Instrument: Deed  
Grantor: J.M.F. Work and F.V. Work  
Grantee: W.W. Julian  
Comments: Tracts 24 and 26

Volume/Page: 92/17

Instrument Date: 3-26-54  
File Date: 3-31-54  
Instrument: Warranty Deed

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Grantor: J.E. Julian and wife, Rose Julian  
Grantee: Southwestern Transportation Company  
Comments: Tracts 24 and 26

Volume/Page: 4012/588

Instrument Date: 10-26-54  
File Date: 11-30-54  
Instrument: Warranty Deed  
Grantor: Southwestern Transportation Company  
Grantee: St. Louis Southwestern Railway Company  
Comments: Tracts 24 and 26

Volume/Page: 4160/59

Instrument Date: 12-2-81  
File Date: 2-26-82  
Instrument: Quit Claim Deed  
Grantor: St. Louis Southwestern Railway Company  
Grantee: Southern Pacific Land Company  
Comments: Tract 24

Volume/Page: 82061/1374

Instrument Date: 8-3-78  
File Date: 10-31-78  
Instrument: Warranty Deed  
Grantor: St. Louis Southwestern Railway Company  
Grantee: MCM Company and Gerald G. McCreary  
Comments: Tract 26

Volume/Page: 78212/3704

Instrument Date: 9-5-79  
File Date: 9-21-79  
Instrument: Quit Claim Deed  
Grantor: Gerald G. McCreary  
Grantee: MCM Company  
Comments: Tract 26

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NAME SEARCHES / CIVIL SEARCHES  
PROBATE SEARCHES / BANKRUPTCY SEARCHES  
DELINQUENT TAX SEARCHES / LIEN SEARCHES

# Research by Spencer

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April 23, 1993

DART Task Order 006T

(Continued)

Instrument Date: 9-13-82  
File Date: 9-13-82  
Instrument: Special Warranty Deed  
Grantor: Southern Pacific Land Company  
Grantee: MCM Company  
Comments: Tract 24; Right of Way Dedication to  
the Town of Addison, Volume 82019 pg  
3346, filed for record 1-27-82.

Right of Way Dedication of the Town  
of Addison, Volume 82117 pg 1657,  
filed for record 6-15-82.

Volume/Page: 82179/1554

Dallas County, TX Deed Records updated/certified through  
4-9-93.

(Page 11 of 11) ENVIRONMENTAL / LAND USE SEARCHES  
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PROBATE SEARCHES / BANKRUPTCY SEARCHES  
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**SITE-03**

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April 26, 1993

DART Task Order 006T

## OWNERSHIP SUMMARY

Site 03: Being a 6.4 acre tract of land, more or less, situated in the G.W. Fisher Survey, Abstract No. 482, also being a part of Blocks B and D, W.W. Julian Addition, Town of Addison, Dallas County, TX., according to Volume 1 pg 538, Map Records, Dallas County, TX.

Instrument Date: 9-5-03  
File Date: 10-4-04  
Instrument: Deed  
Grantor: W.W. Wodell  
Grantee: W.W. Julian  
Comments:  
Volume/Page: 359/319

Instrument Date: 1-31-44  
File Date: 3-17-44  
Instrument: Warranty Deed  
Grantor: The Estate of W.W. Julian, deceased  
Grantee: John E. Julian  
Comments:  
Volume/Page: 2470/394

Instrument Date: 1-6-69  
File Date: 4-4-69  
Instrument: Warranty Deed  
Grantor: John E. Julian  
Grantee: Mildred J. Christie, et al  
Comments:  
Volume/Page: 69067/511

Instrument Date: 2-3-77  
File Date: 2-4-77  
Instrument: Warranty Deed  
Grantor: Mildred J. Christie, et al  
Grantee: Oklahoma Publishing Company  
Comments:  
Volume/Page: 77024/1061

(Page 1 of 2) ENVIRONMENTAL / LAND USE SEARCHES  
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DELINQUENT TAX SEARCHES / LIEN SEARCHES



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April 26, 1993

DART Task Order 006T

(Continued)

Instrument Date: 2-3-77  
File Date: 2-4-77  
Instrument: Warranty Deed  
Grantor: Oklahoma Publishing Company  
Grantee: Opubco Resources, Inc.  
Comments:  
Volume/Page: 77024/1057

Instrument Date: 6-18-84  
File Date: 8-1-84  
Instrument: Warranty Deed  
Grantor: Opubco Resources, Inc.  
Grantee: Opubco Properties, Inc.  
Comments: Gift Deed for right of way purposes  
to the Town of Addison, Volume 82093  
pg 1073, filed for record 5-10-82.

Volume/Page: 84151/3619

Dallas County, TX Deed Records updated/certified through  
4-12-93.

(Page 2 of 2) ENVIRONMENTAL / LAND USE SEARCHES  
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DELINQUENT TAX SEARCHES / LIEN SEARCHES

**SITE-04**

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April 27, 1993

DART Task Order 006T

## OWNERSHIP SUMMARY

Site 04: Being a 19.8 acre tract of land, more or less, situated in the Robert Wilburn Survey, Abstract No. 1580, also known as Lots 2, 3 and 4, Block D/8222, Prestonwood Oaks Addition, City of Dallas, Dallas County, TX., according to Volume 82135 pg 1831, Map Records, Dallas County, TX.

Instrument Date: 9-1-1883  
File Date: 9-20-1883  
Instrument: Deed  
Grantor: Dallas and Wichita Railroad Company  
Grantee: W.W. Julian  
Comments:  
Volume/Page: 62/467

Instrument Date: 1-31-44  
File Date: 3-17-44  
Instrument: Warranty Deed  
Grantor: The Estate of W.W. Julian, deceased  
Grantee: John E. Julian  
Comments:  
Volume/Page: 2470/394

Instrument Date: 2-15-45  
File Date: 11-20-45  
Instrument: Warranty Deed  
Grantor: John E. Julian and wife, Rose U. Julian  
Grantee: The Hockaday School, Inc.  
Comments:  
Volume/Page: 2607/152

Instrument Date: 1-9-59  
File Date: 2-18-59  
Instrument: Warranty Deed  
Grantor: The Hockaday School, Inc.  
Grantee: J.A. Humphrey and A. Pollard Simons  
Comments:

(Page 1 of 5) ENVIRONMENTAL / LAND USE SEARCHES  
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DELINQUENT TAX SEARCHES / LIEN SEARCHES

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April 27, 1993.

DART Task Order 006T

(Continued)

Volume/Page: 5056/91

Instrument Date: 7-10-65  
File Date: 7-14-65  
Instrument: Warranty Deed with Vendor's Lien  
Grantor: A. Pollard Simons  
Grantee: Vannie E. Cook, Jr., Trustee  
Comments: Part of Lots 2, 3 and 4; Right of easement to Liberty Pipe Line Company, Volume 5757 pg 114, filed for record 4-19-62.

Volume/Page: 65610/1764

Instrument Date: 7-10-65  
File Date: 7-14-65  
Instrument: Warranty Deed with Vendor's Lien  
Grantor: J.A. Humphrey  
Grantee: Vannie E. Cook, Jr., Trustee  
Comments: Part of Lots 2, 3 and 4; Right of Way Agreement between St. Louis Southwestern Railway Company of Texas (Lessor) and American Liberty Pipe Line Company, (Lessee), Volume 5862 pg 155, filed for record 9-21-62.

Volume/Page: 65610/1761

Instrument Date: 7-14-66  
File Date: 8-30-66  
Instrument: Warranty Deed  
Grantor: Vannie E. Cook, Jr., et al  
Grantee: Shadywood Country Club Corporation  
Comments: All of Lots 2, 3 and 4; Sanitary sewer main easement to the City of Dallas, Volume 66788 pg 970, filed for record 3-29-66.

Volume/Page: 66876/51

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April 27, 1993

DART Task Order 006T

(Continued)

Instrument Date: 7-14-66  
File Date: 7-21-66  
Instrument: Warranty Deed  
Grantor: Shadywood Country Club Corporation  
Grantee: Prestonwood Country Club, Inc.  
Comments:  
Volume/Page: 66868/1640

Instrument Date: 10-31-73  
File Date: 10-31-73  
Instrument: Warranty Deed  
Grantor: Prestonwood Country Club, Inc.  
Grantee: Simons Land Company  
Comments: Right of Way Deed to the County of  
Dallas, Volume 67032 pg 1049, filed  
for record 2-14-67.

Utility easement to Dallas Power and  
Light Company, Volume 67123 pg 1629,  
filed for record 6-22-67.

Sanitary sewer easement to the City of  
Dallas, Volume 67204 pg 828, filed  
for record 10-18-67.

Right of Way Deed to Prestonwood  
Country Club, Inc., Volume 73171 pg  
1192, filed for record 8-29-73.

Volume/Page: 73214/1237

Instrument Date: 8-31-76  
File Date: 9-24-76  
Instrument: Warranty Deed with Vendor's Lien  
Grantor: Simons Land Company  
Grantee: Vance C. Miller  
Comments: Right of Way Deed to County of Dallas,  
Volume 74070 pg 2535, filed for record  
4-9-74.

(Page 3 of 5) ENVIRONMENTAL / LAND USE SEARCHES  
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DART Task Order 006T

(Continued)

Right of way easement to the City  
of Dallas, Volume 74111 pg 1151,  
filed for record 6-5-74.

Volume/Page: 76187/2253

Instrument Date: 12-5-89

File Date: 12-5-89

Instrument: Trustee's Deed

Grantor: Vance Miller doing business as Preston-  
wood Country Clubs, Inc.

Grantee: NCNB Texas National Bank

Comments: Memorandum of Lease between Caroline  
Hunt Trust Estate (Lessor) and Shell  
Oil Company (Lessee), Volume 78227 pg  
654, filed for record 11-22-78.  
(Fifteen (15) years and 180 days Lease)

Sanitary sewer main easement to the City  
of Dallas, Volume 79116 pg 1167, filed  
for record 6-13-79.

Sanitary sewer easement to the City of  
Dallas, Volume 82138 pg 1775, filed for  
record 7-15-82.

Lease Agreement between The Diocese of  
the Protestant Episcopal Church in the  
U.S.A. (Lessor) and American Petrofina  
Pipe Line Company, Volume 83049 pg 407,  
filed for record 83049 pg 407, filed  
for record 3-8-83.

Volume/Page: 89235/3068

Instrument Date: 11-30-91

File Date: 12-4-91

Instrument: Special Warranty Deed

Grantor: NCNB Texas National Bank

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FAX # 214/376-4474

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DART Task Order 006T

(Continued)

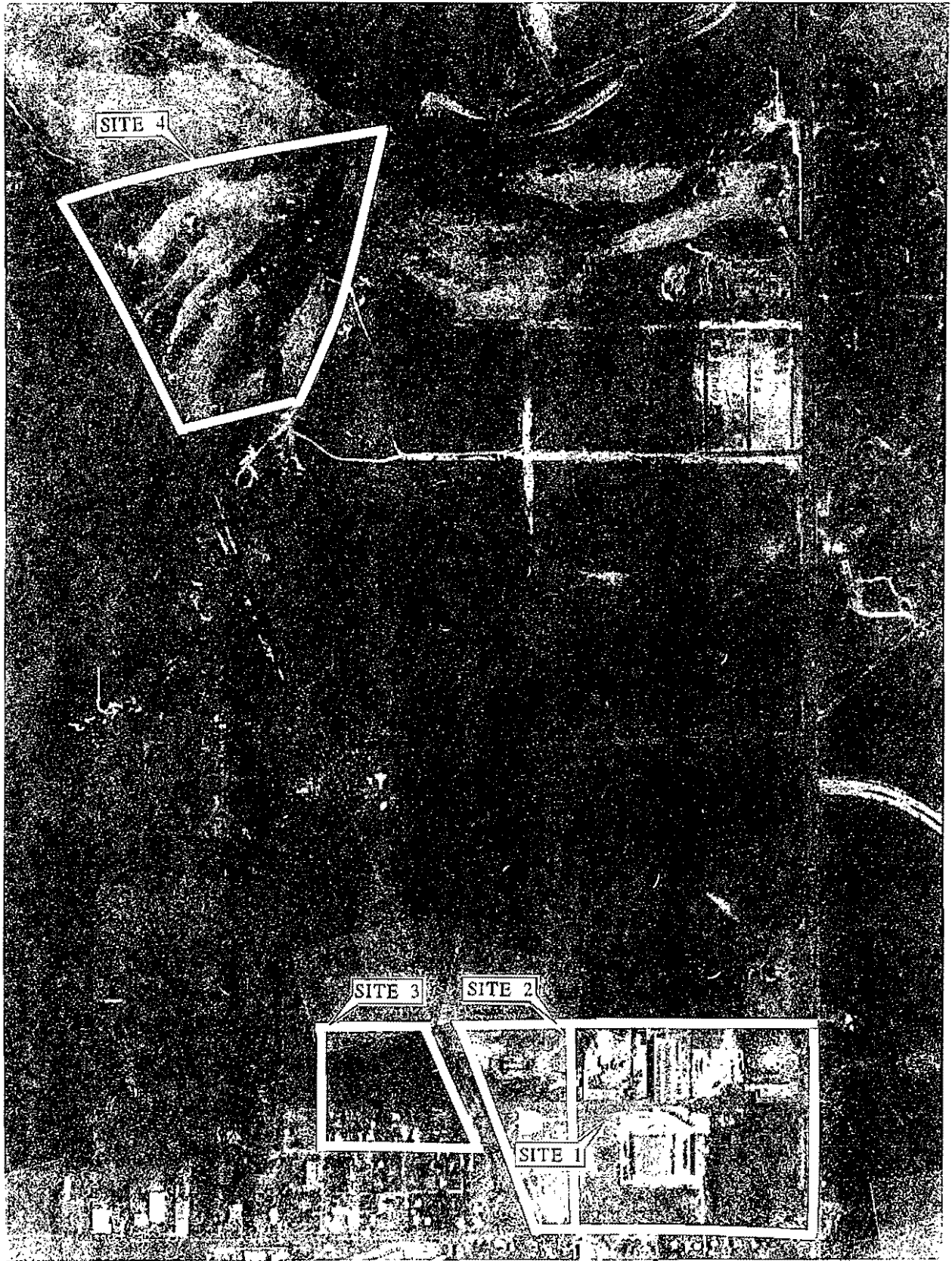
Grantee: Federal Deposit Insurance Corporation  
Comments:  
Volume/Page: 91235/3005

Dallas County, TX Deed Records updated/certified through  
4-13-93.

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DELINQUENT TAX SEARCHES / LIEN SEARCHES

**APPENDIX C**  
**AERIAL PHOTOGRAPHS**



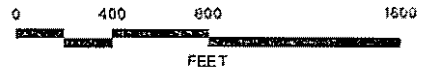


SITE 4

SITE 3

SITE 2

SITE 1



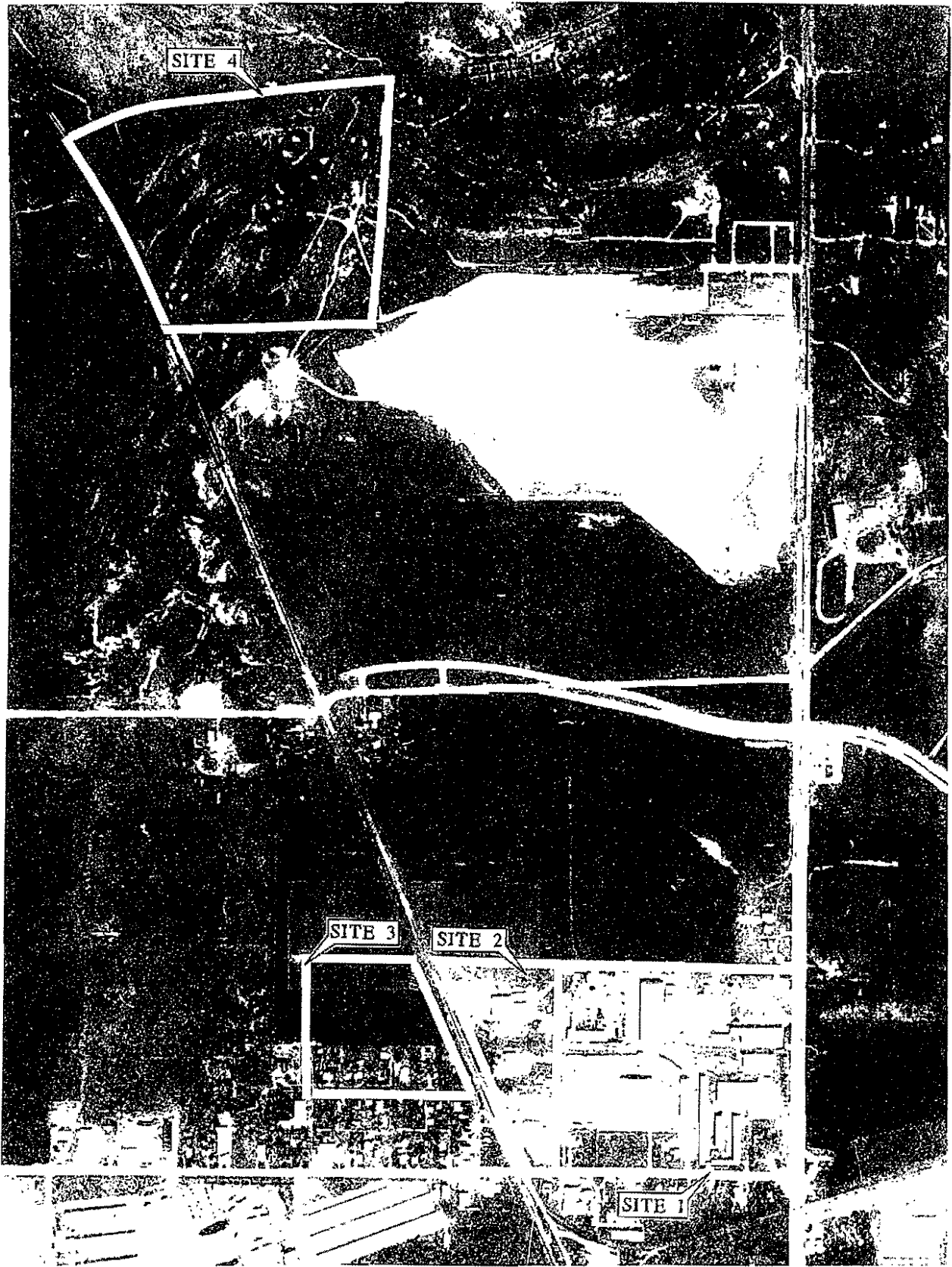
Modified from N.C.T.C.O.G.  
1971 AERIAL PHOTOGRAPH  
SHEET 204 464



DN93-012-006  
SITE LOCATION



TERRA-MAR, INC.  
APPENDIX



Modified from N.C.T.C.O.G.  
1975 AERIAL PHOTOGRAPH  
SHEET 204 464



DN93-012-006  
SITE LOCATION



TERRA-MAR, INC.  
APPENDIX



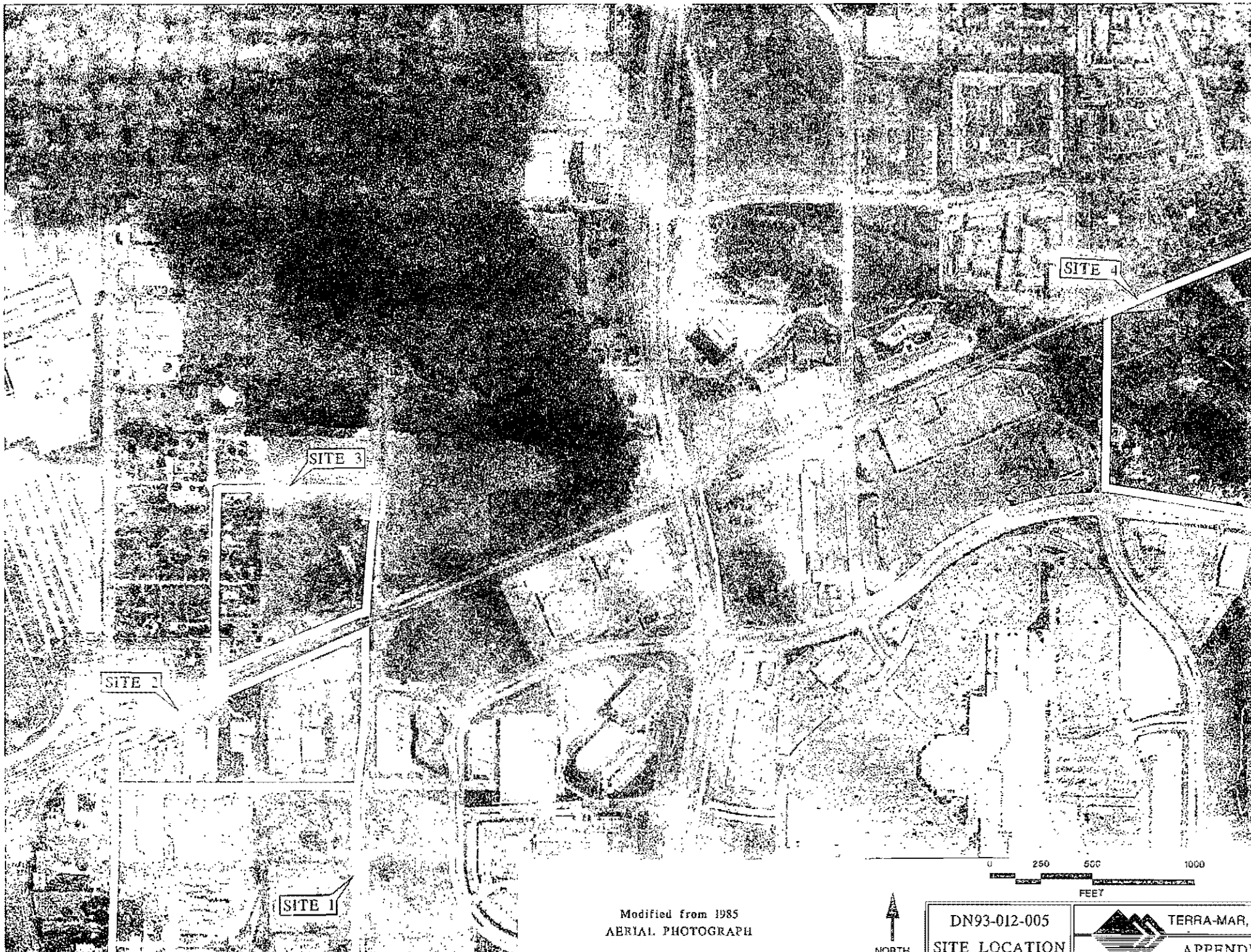
Modified from N.C.T.C.O.G.  
1980 AERIAL PHOTOGRAPH  
SHEET 204 464



DN93-012-006  
SITE LOCATION



TERRA-MAR, INC.  
APPENDIX

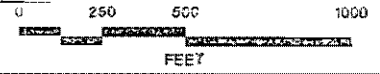


SITE 2

SITE 3

SITE 4

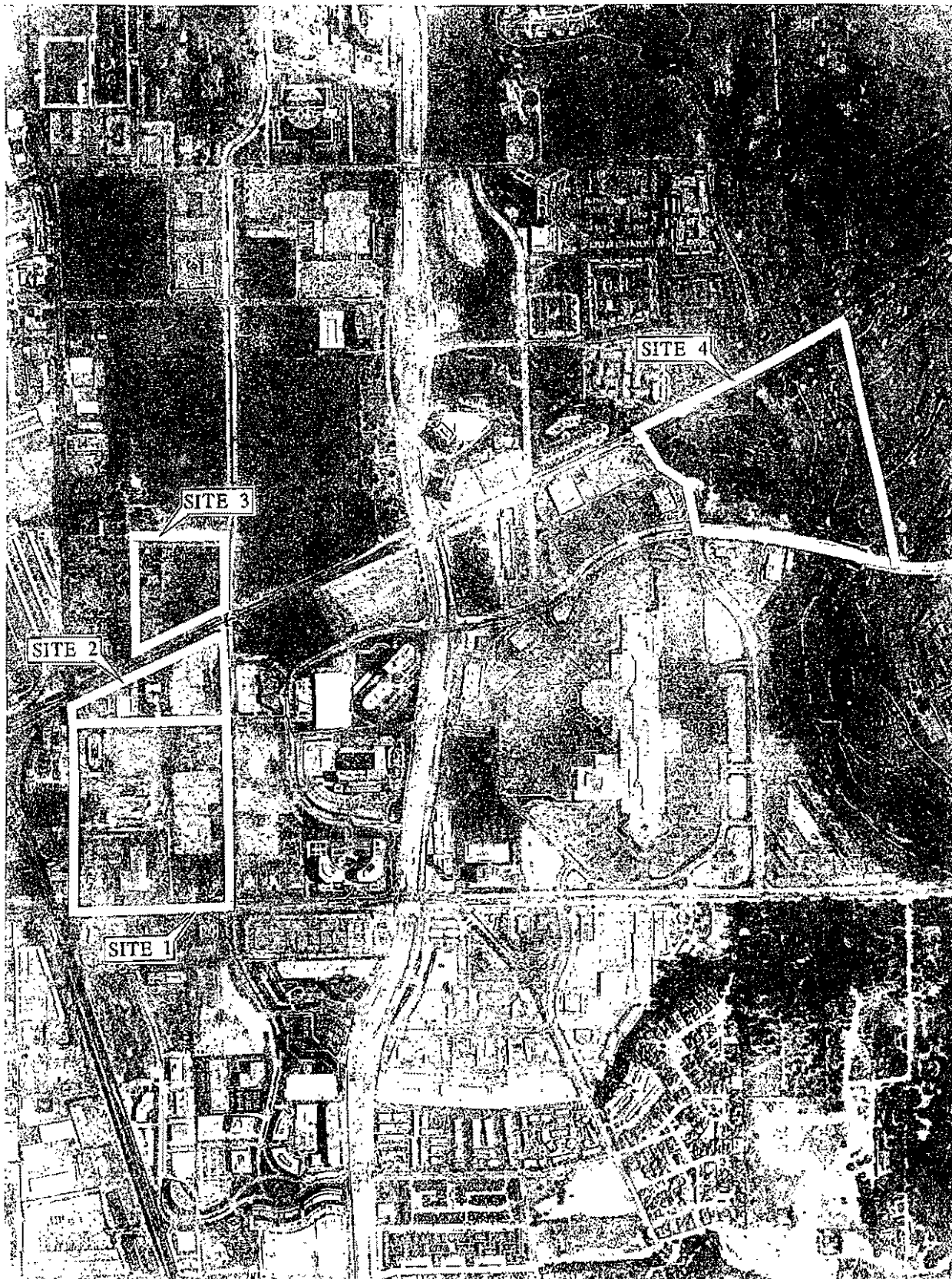
SITE 1



Modified from 1985  
AERIAL PHOTOGRAPH

DN93-012-005  
SITE LOCATION





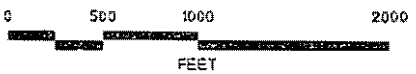
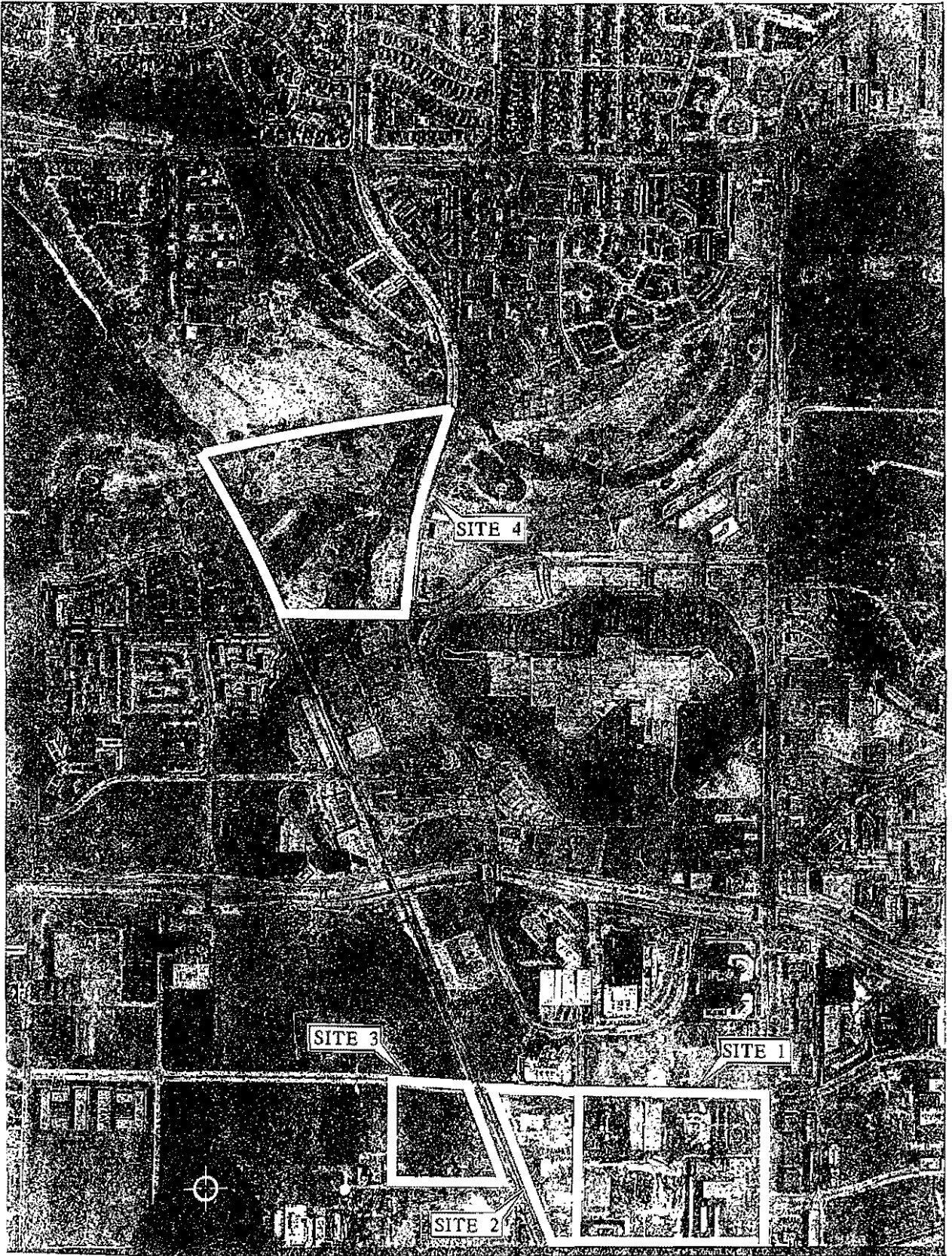
Modified from N.C.T.C.O.G  
1986 AERIAL PHOTOGRAPH  
SHEET 2 of 548



DN93-012-006  
SITE LOCATION



TERRA-MAR, INC.  
APPENDIX



Modified from N.C.T.C.O.G  
1990 AERIAL PHOTOGRAPH  
SHEET 2 12 534

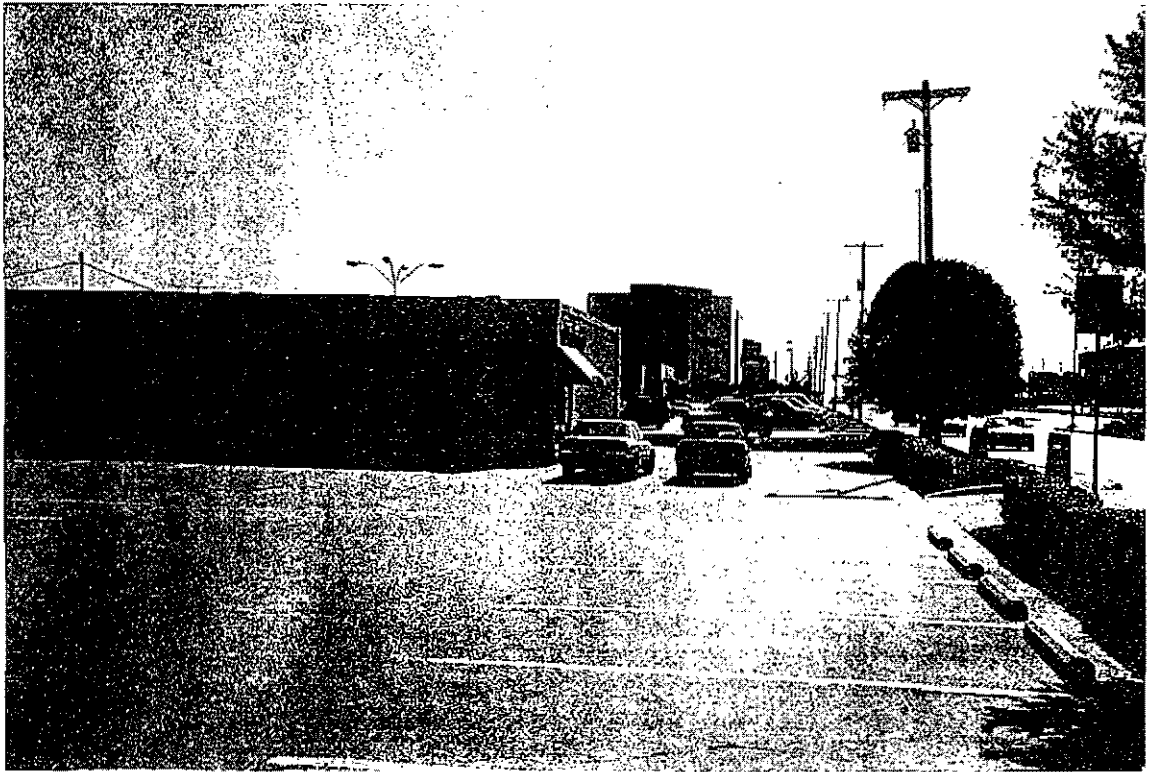


DN93-012-006  
SITE LOCATION

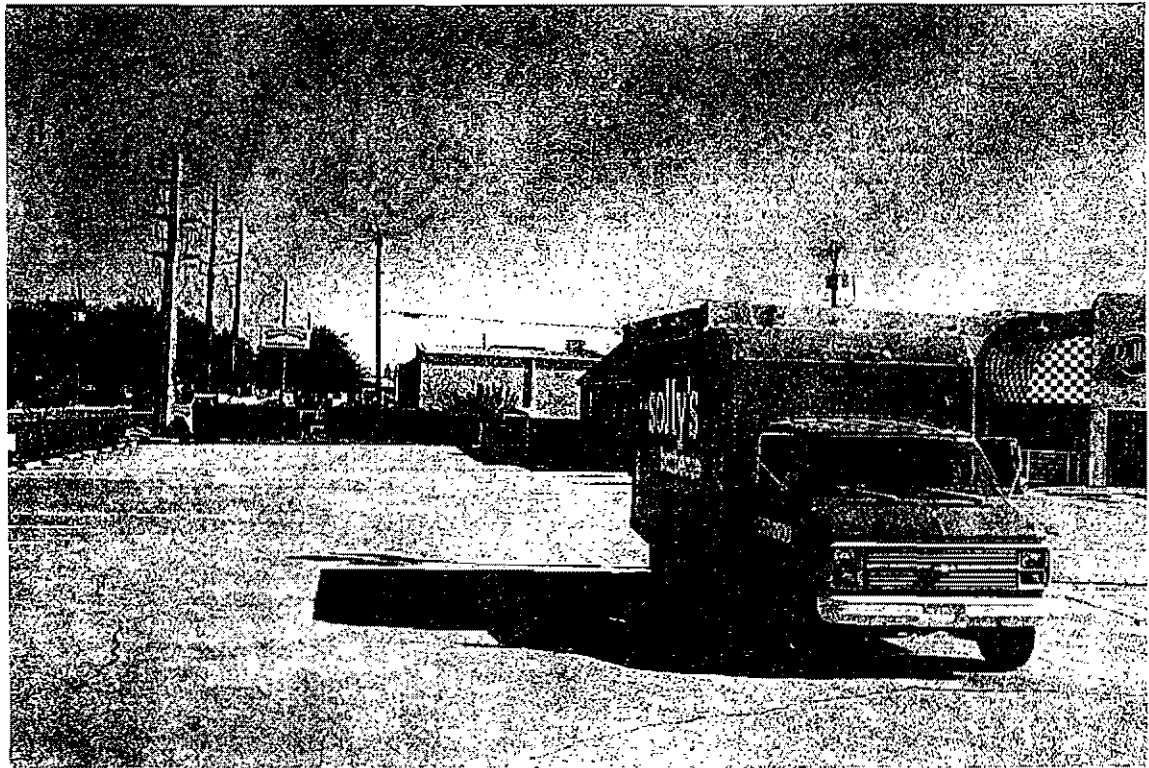


TERRA-MAR, INC.  
APPENDIX

**APPENDIX D**  
**SITE PHOTOGRAPHS**

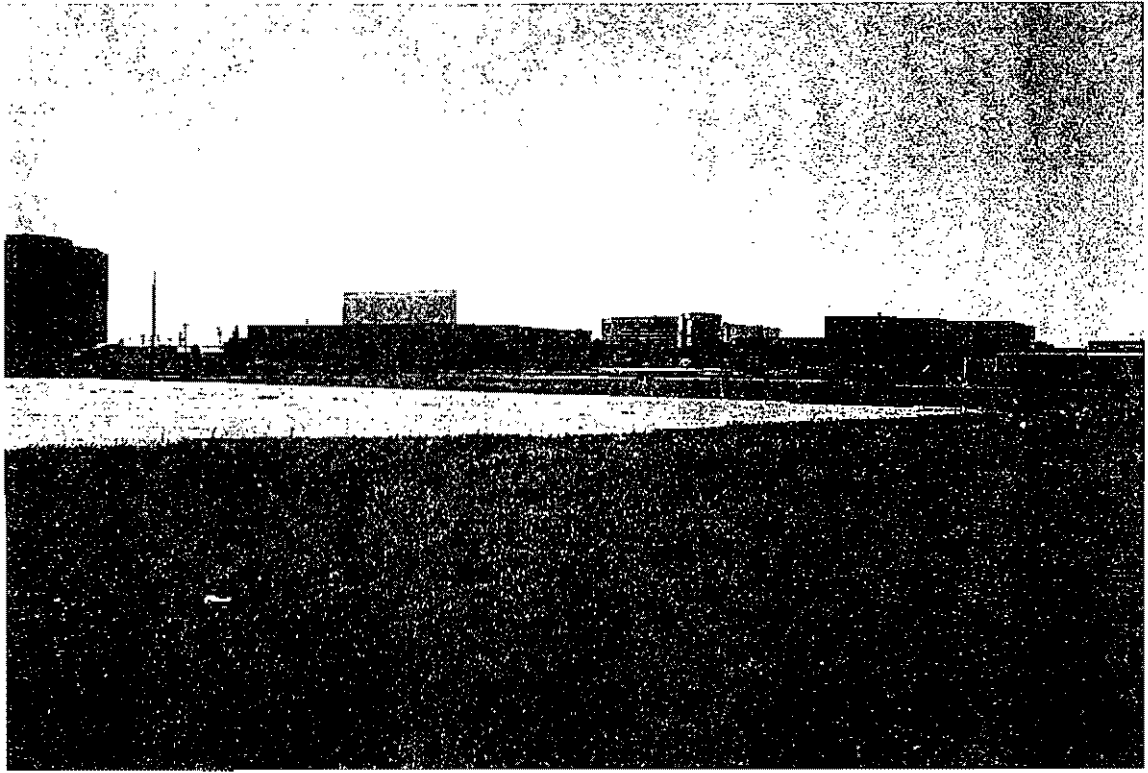


Site Photo No. 1 - Looking east from the southwest corner of Site-01.

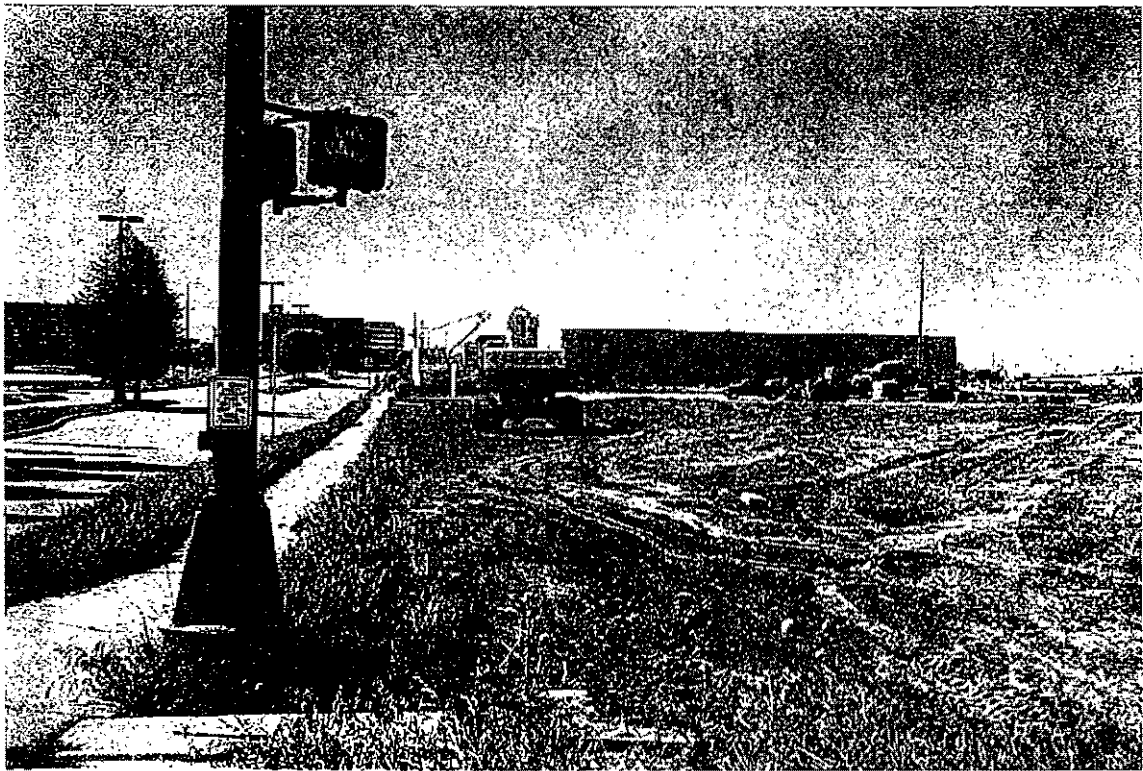


Site Photo No. 2 - Facing north from the southwest corner of Site-01.





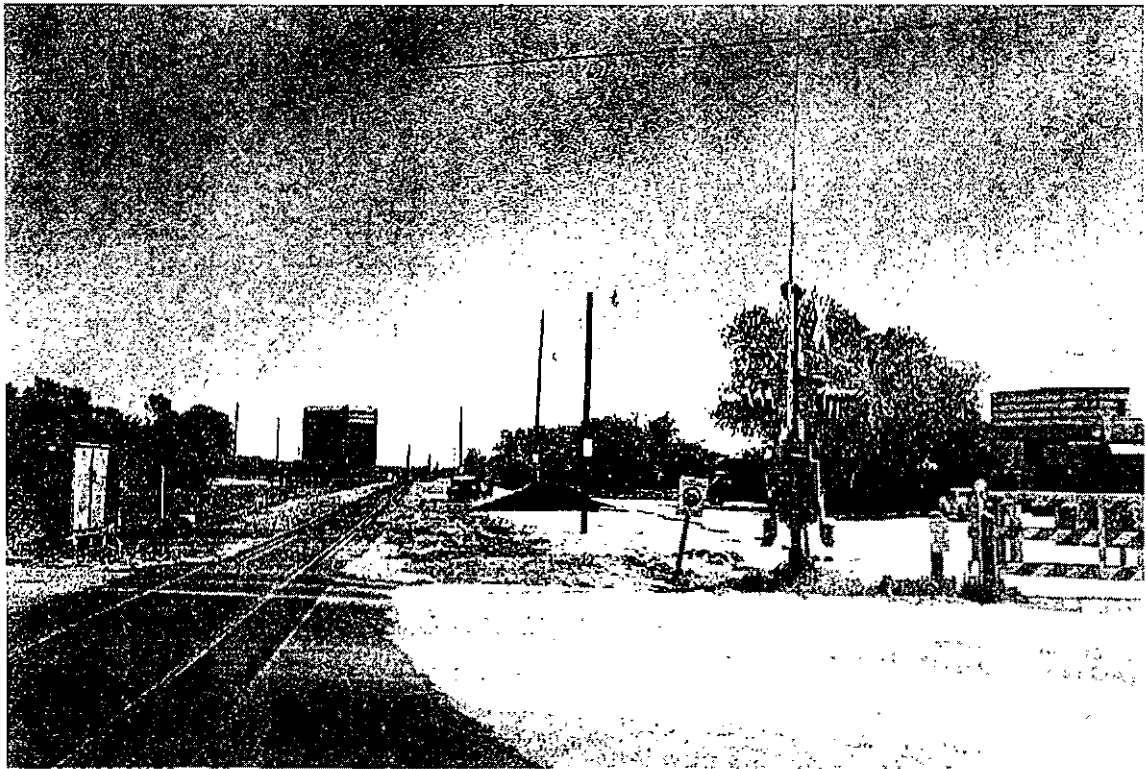
Site Photo No. 3 - Facing south from the northern boundary of the Site-01 at area formerly occupied by Ashland Chemical Co.



Site Photo No. 4 - Facing south, From the northeast corner of Site-01.



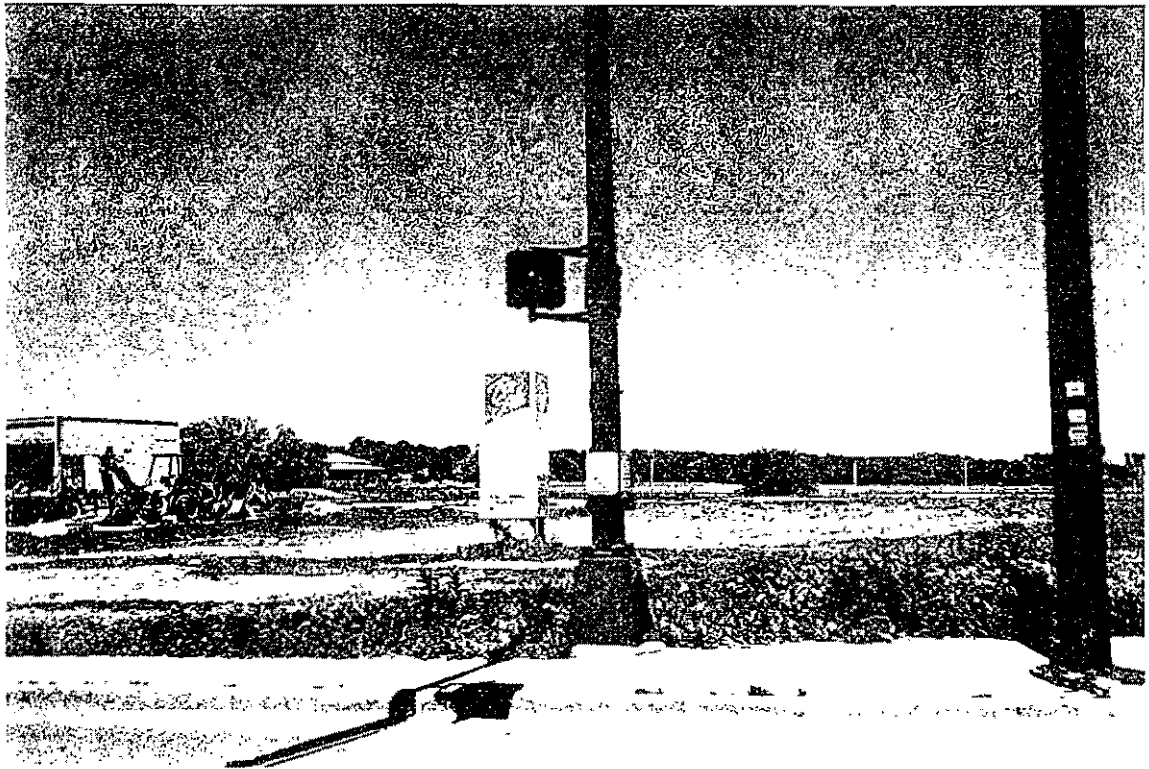
Site Photo No. 5 - Looking east from the southwest corner of Site-01. Note 7-11 where PSTs are located.



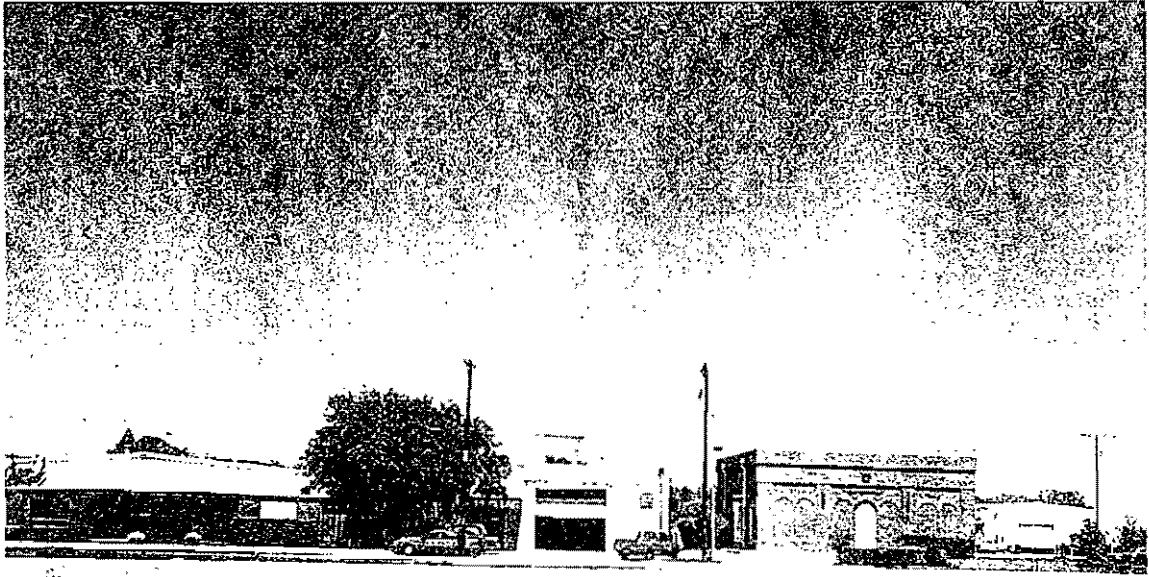
Site Photo No. 6 - Facing east from the northwest corner of Site-02.



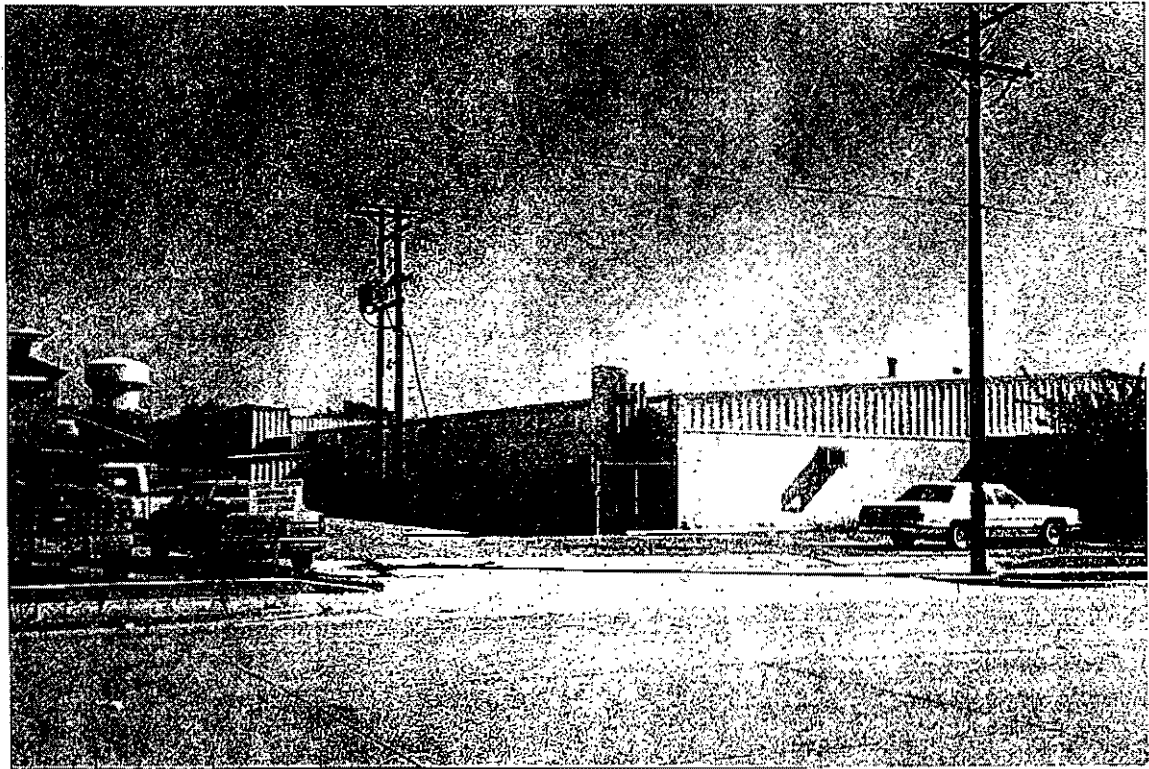
Site Photo No. 7 - Facing south from the northeast corner of Site-02.



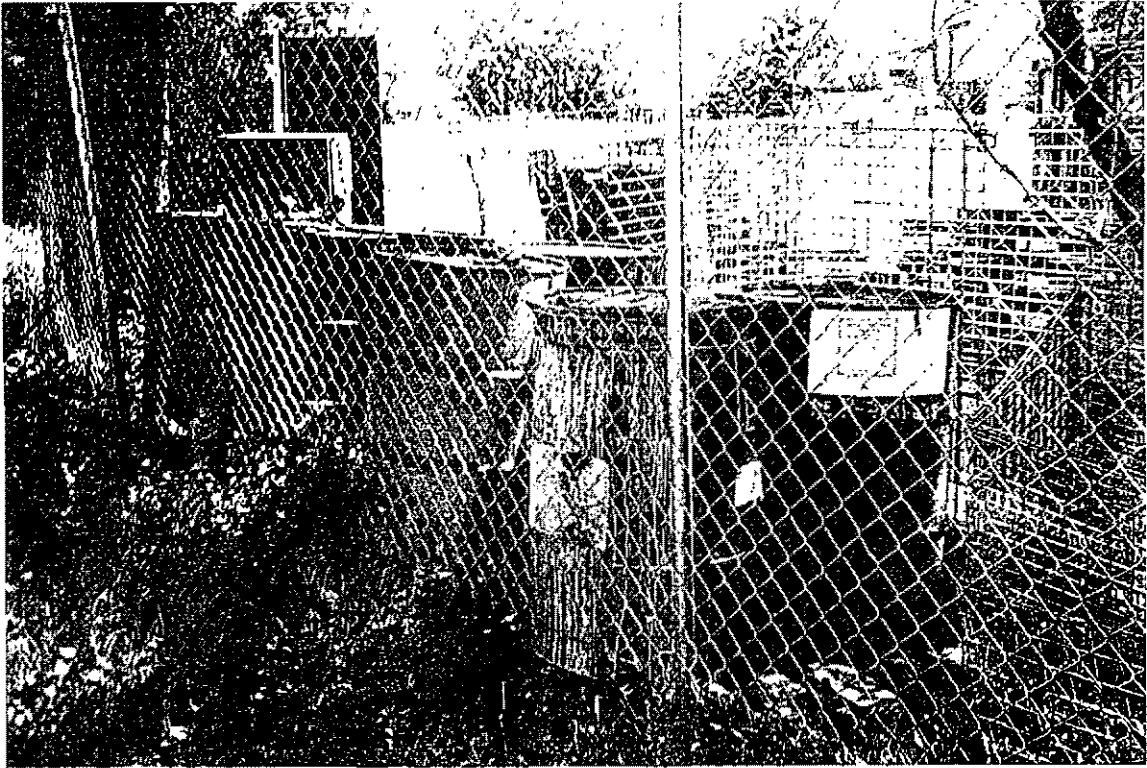
Site Photo No. 8 - Facing west from the southeast corner of Site-02.



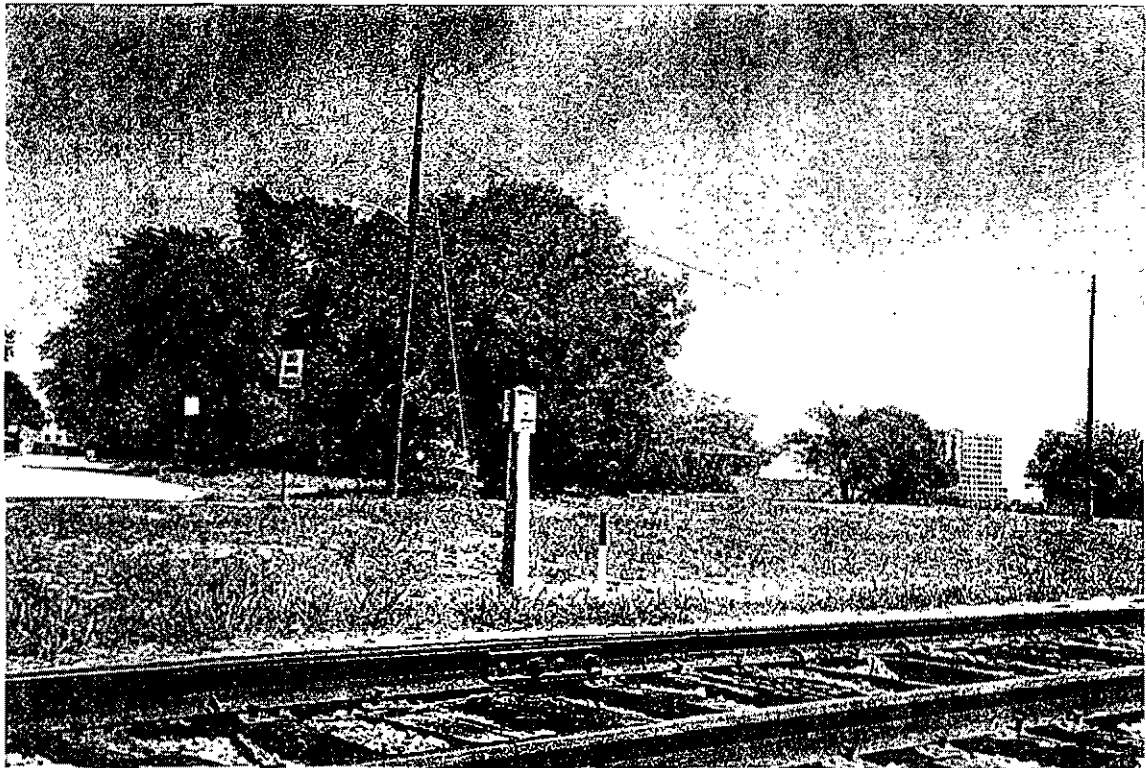
**Site Photo No.9** Facing north looking across Arapaho Road from Site-01 to Site-02.  
Note: Brown brick building on right as a reported PST location (Southwestern Bell).



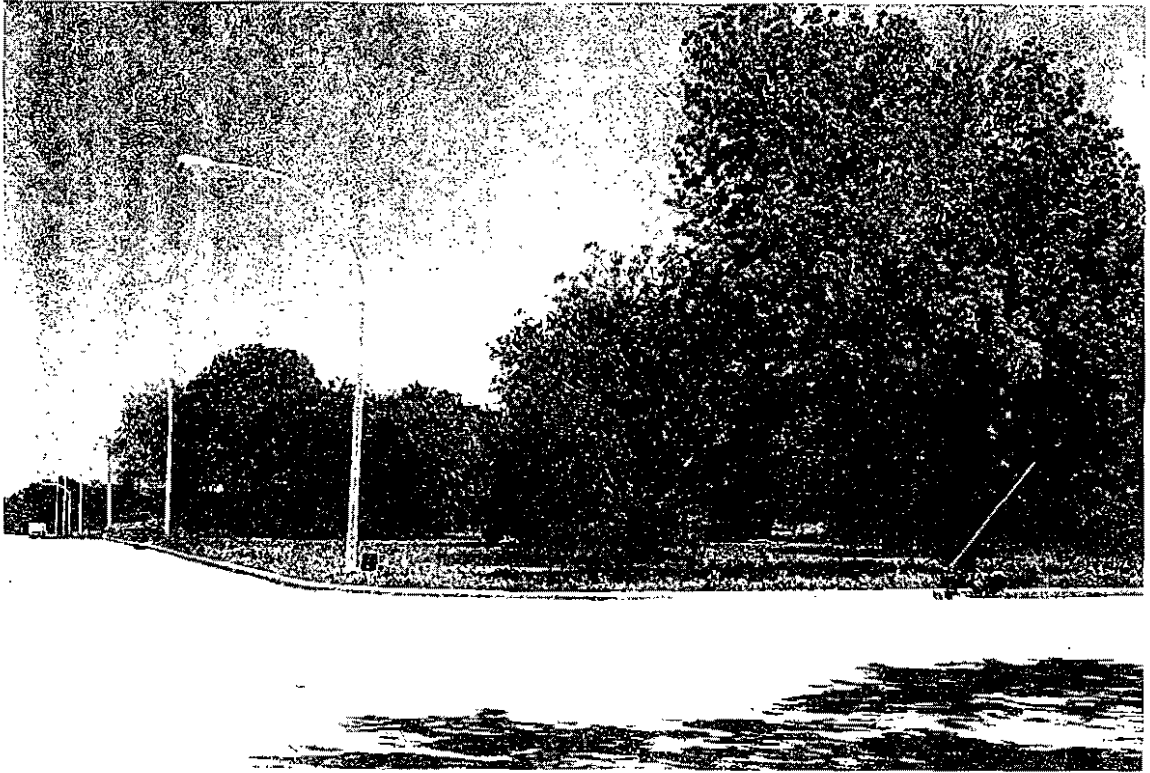
**Site Photo No.10** Facing north from Arapaho Road, looking at the front of Logic Design Metals. Note: Nitrogen tank on side of building.



Site Photo No. 11 - 55-gallon drums containing Hydraulic waste oil and Phosphoric Acid, located at the rear of Logic Design Metals.



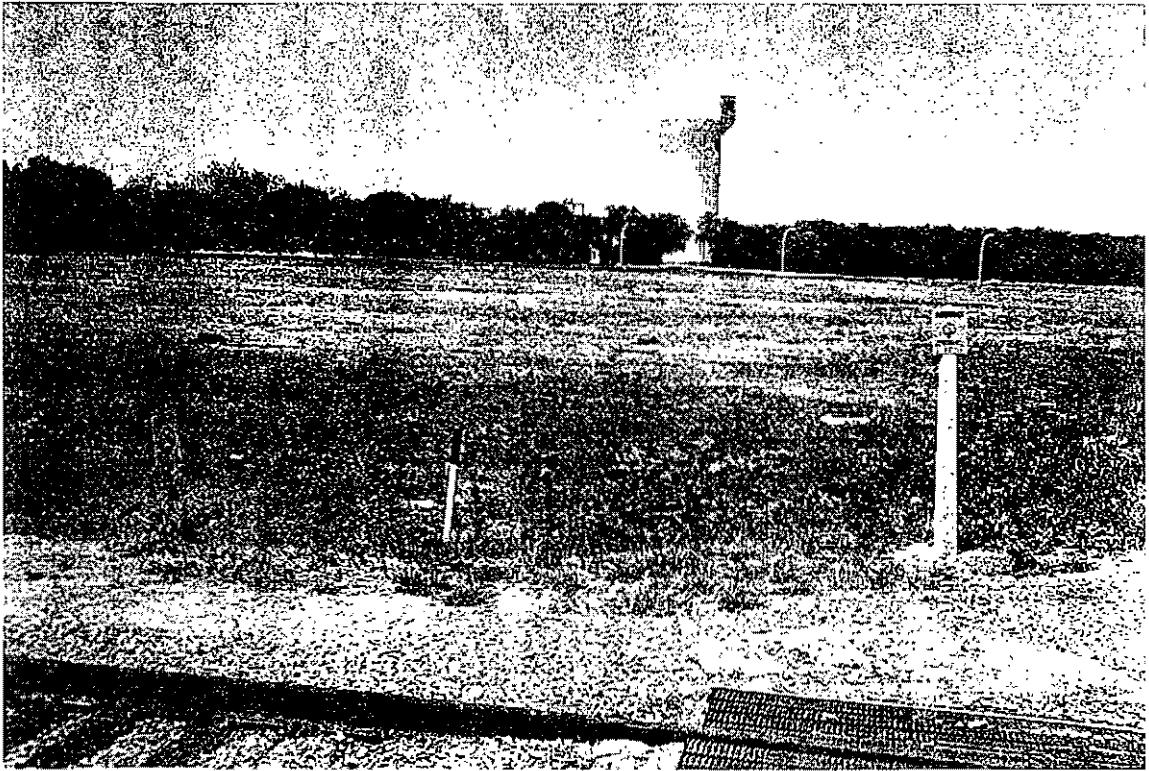
Site Photo No. 12 - Facing north from the southwest corner of Site-03.



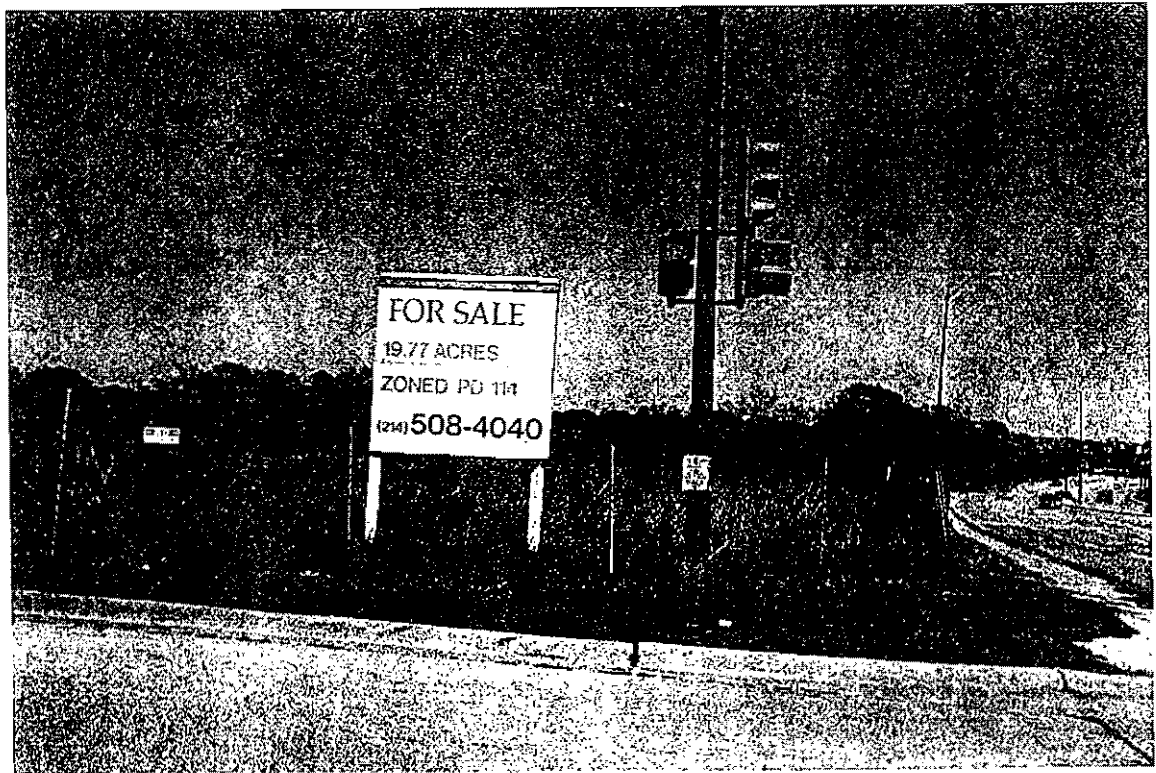
Site Photo No. 13 - Facing east from the northwest corner of Site-03.



Site Photo No. 14 - Facing southwest from the northeast corner of Site-03.



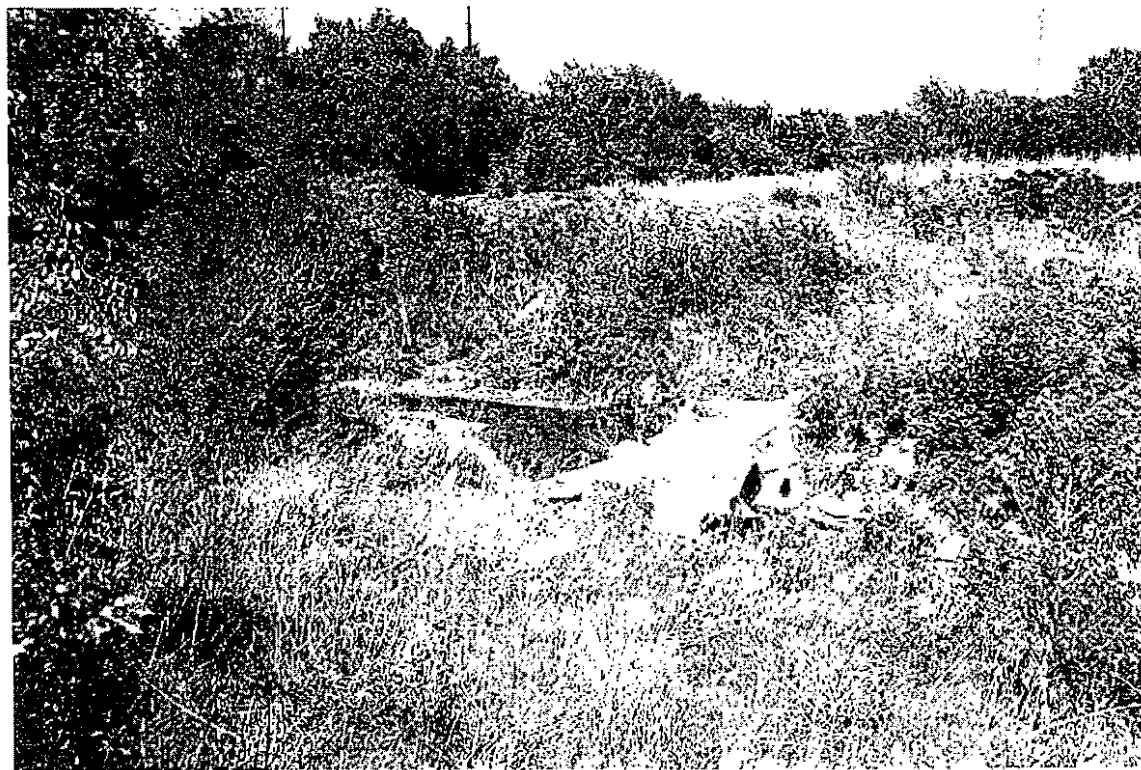
Site Photo No. 15 - Facing northwest from the southeast corner of Site-03.



Site Photo No. 16 - Facing east from the southwest corner of Site-04.



Site Photo No. 19 - Facing east along the northwest boundary, and looking across of Site-04.

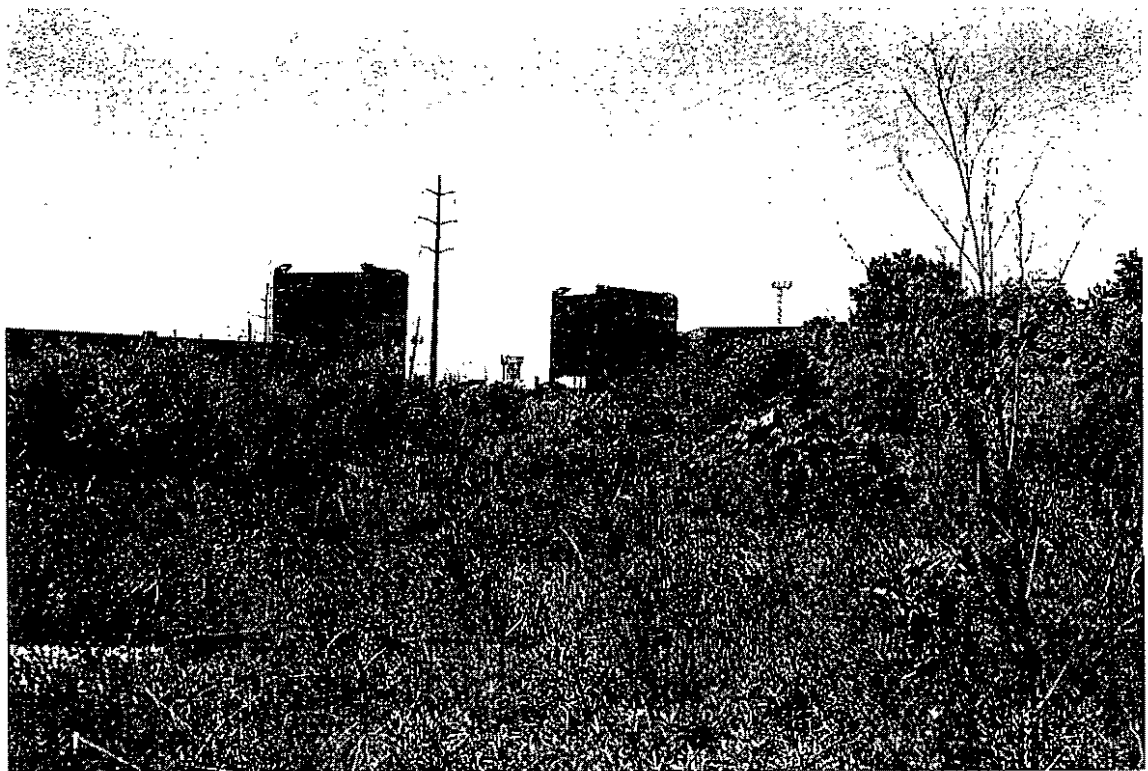


Site Photo No. 20 - Facing east from along the northwest boundary, looking across a stream that traverses Site-04.





Site Photo No. 21 - Facing south from the north center of Site-04.



Site Photo No. 22 - Facing east looking at concrete debris pile located on the north-central area of Site-04.

**APPENDIX E**

**HAZARDOUS MATERIAL INVENTORY AND CLOSURE REPORT**

**LOGIC DESIGN METALS**  
**HAZARDOUS MATERIAL INVENTORY**



MECHANICAL

DATA

PENNWALT

**BULLETIN**

**NO. 14-D**

TURCO PRODUCTS, INC. • 7300 BOLSA AVENUE, WESTMINSTER, CALIFORNIA 92684-3600 • 714/890-3600

## **TURCO® LIQUID ALKALINE RUST REMOVER NF**

### **HEAVY DUTY LIQUID ALKALINE RUST REMOVER FOR SPRAY AND DIP APPLICATIONS**

#### **DESCRIPTION:**

TURCO® LIQUID ALKALINE RUST REMOVER NF is a hazy, amber, liquid compound formulated to remove rust, paints, lube oils, drawing pastes, cutting oils and protective oils from ferrous alloys by spray or dip methods.

TURCO LIQUID ALKALINE RUST REMOVER NF does not contain cyanides, phenolics or chromates and is not recommended for use on nonferrous alloys, such as aluminum and copper.

#### **FEATURES:**

TURCO LIQUID ALKALINE RUST REMOVER NF offers these features:

1. Supplied in liquid form.
2. Can be dispensed by automatic equipment.
3. Readily soluble in tap water at recommended concentrations.
4. Concentration is controlled by simple titration.
5. Readily rinses from metal with tap water.
6. Nonflammable in liquid concentrate or solution form.
7. Does not require post neutralization rinse.
8. Nonfoaming in spray equipment.

#### **USE INSTRUCTIONS:**

**Tanks:** Tanks and associated equipment must be fabricated from stainless steel. Dip tanks should be equipped with mechanical agitation.

**Charging Tanks:** Fill tank to  $\frac{3}{4}$  of operating level with cold or room temperature clean water. Start mechanical agitation and slowly add TURCO LIQUID ALKALINE RUST REMOVER NF, in required amount, to agitated tank. Add remainder of cold water.

**Spray Systems:** Add TURCO LIQUID ALKALINE RUST REMOVER NF @ 12% to 72% by volume from 175 °F to 195 °F for 1 to 2 minutes at a spray pressure of 20 to 30 psi. Rinse with warm to hot water.

**Dip Systems:** Add TURCO LIQUID ALKALINE RUST REMOVER NF @ 18% by volume to 100% by volume, for 3 to 15 minutes at 170 °F to 195 °F, with mechanical agitation. Rinse with warm to hot water, overflowing rinse is preferred.

**NOTE:** Higher concentrations are recommended for rust and paint removal.

**CONTROL:**

Your TURCO Territory Manager will supply you with a TURCO Test Kit and instruct your personnel in its use. A laboratory test procedure is available upon request.

**DISPOSAL INFORMATION:**

Dispose of spent solution per local, state and regional regulations. Refer to your local TURCO Territory Manager, Region Sales Office or TURCO MATERIAL SAFETY DATA SHEET for additional disposal information.

**DANGER! Contact may cause burns to skin and eyes.**

TURCO® LIQUID ALKALINE RUST REMOVER NF contains sodium hydroxide. Avoid contact with eyes, skin and clothing. Do not take internally. Use with adequate (equivalent to outdoor) ventilation.

Protective clothing, such as a chemical face shield or goggles, gloves, boots and apron made from alkali resistant materials should be worn when handling and using this product. A NIOSH-approved respirator should be worn for mist conditions.

Add product to cold water with care to prevent local pockets of steam. Keep containers sealed when not in use. Transport and store in closed containers below 130 °F.

Hazardous carbon monoxide gas can form upon contact with food and beverage products in enclosed spaces and can be fatal. Follow appropriate tank entry procedures (see ANSI Z117.1-1977).

Before using this product refer to container label and TURCO MATERIAL SAFETY DATA SHEET for additional precautionary, handling and first aid information.

**NOTICE:**

The above information and recommendations concerning this product are based upon our laboratory tests and field use experience. However, since conditions of actual use are beyond our control, any recommendations or suggestions are made without warranty, express or implied. Manufacturer's and seller's sole obligation shall be to replace that portion of the product shown to be defective. Neither shall be liable for any loss, damage or injury, direct or consequential, arising out of the use of this product.



**TURCO PRODUCTS, INC.**  
**MATERIAL SAFETY DATA SHEET**



02136  
4181-47

**SECTION I — PRODUCT NAME:** Turco Liquid Alkaline Rust Remover NF

Manufacturer's Name:	TURCO PRODUCTS, INC.
Address:	7300 Bolsa Ave., Westminster, CA 92684-3800
Emergency Telephone No.:	(614) 387-8200 Info. Tel. No. (714) 890-3800

**SECTION II — HAZARDOUS INFORMATION:**

COMPONENTS	C.A.S. Number	CERCLA RQ SPILL lbs.	RCRA Waste No.	ACGIH TLV	OSHA TWA	% WT.
Sodium hydroxide	1310-73-2	1000	D002	C 2 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>	20
Triethanolamine	102-71-6	Nt.Lstd.	NtLstd.	Nt. Estab.	Nt. Estab.	5
The following non-hazardous ingredients are listed in accordance with the Worker and Community Right-to-Know Act of certain states, including Pennsylvania and New Jersey: Water (7732-18-5), Sodium gluconate (527-07-1).						

CARCINOGENS (As defined in 29CFR 1910-1200)	NTP	IARC	OSHA
Contains no components defined to be carcinogens	Not listed	Not listed	Not regulated
PROPER SHIPPING NAME:	HAZARD CLASS:		HAZARD I.D. No.:
Alkaline Liquid NOS	Corrosive material		NA 1719

**SECTION III — PHYSICAL DATA:**

BOILING POINT, °F:	Approx. 220°F	SPECIFIC GRAVITY:	1.23
VAPOR PRESSURE (mmHg):	Approx. 20mmHg	VOLATILE, % BY VOL:	75%
VAPOR DENSITY (AIR=1):	Less than 1	EVAPORATION RATE (Bu. Ac. # 1):	Less than 1
APPEARANCE AND ODOR:	Hazy amber liquid; low odor		
	SOLUBILITY IN WATER: Complete pH 3.1% in H <sub>2</sub> O:12-14		

**SECTION IV — FIRE AND EXPLOSION HAZARDS:**

FLASH POINT AND METHOD USED:	Nonflammable - Not applicable
EXTINGUISHING MEDIA:	Not applicable
SPECIAL FIRE FIGHTING PROCEDURE AND PRECAUTIONS:	Use self-contained respiratory protection.
UNUSUAL FIRE AND EXPLOSION HAZARDS:	Contact with reactive metals, such as aluminum, zinc, tin, etc., may lead to generation of hydrogen gas in explosive amounts.

**SECTION V — HEALTH, EMERGENCY AND FIRST AID INFORMATION:**

EFFECTS OF OVER EXPOSURE: EYES:	Contact with product or product solution will cause severe burns; possible permanent tissue damage and possible blindness.
SKIN:	Contact with product or product solution will cause severe irritation, possible chemical burns and possible permanent tissue damage.
INHALATION:	Inhalation of mist will cause severe irritation and possible permanent damage to upper respiratory tract.
INGESTION:	Severe irritation, possible permanent damage to gastrointestinal tract.
MEDICAL CONDITIONS WHICH MAY BE AGGRAVATED:	None known

**FIRST AID: EYES:** Speed is essential. Immediately begin flushing eyes with large volumes of water. Continue for at least 15 minutes. Hold lids apart to assure contact with all surfaces. Obtain medical attention.

**SKIN:** Flush affected area with large volumes of water. Continue flushing until "slippery" feel is completely gone, at least 15 minutes. If irritation is evident or blistering occurs, obtain medical attention.

**INHALATION:** Remove to fresh air. Administer oxygen if breathing is difficult. Obtain medical attention if irritation persists.

**INGESTION:** Do not induce vomiting. If victim is conscious, dilute by giving large volumes of milk or water. Obtain immediate medical attention. Never attempt to give anything by mouth to an unconscious person.

**PRIMARY ROUTES OF ENTRY:** INHALATION  SKIN CONTACT  OTHER \_\_\_\_\_

**SECTION VI — REACTIVITY DATE:**

**STABILITY:** STABLE  UNSTABLE \_\_\_\_\_ HAZARDOUS POLYMERIZATION WILL NOT OCCUR

**CONDITIONS TO AVOID:**  
Contact with strong acids, reactive metals, organic materials

**HAZARDOUS DECOMPOSITION PRODUCTS:**  
None

**SECTION VII — SPILL, LEAK AND DISPOSAL PROCEDURE:**

**SPILL OR RELEASE PROCEDURE: CONCENTRATE:** Confine spill. Stop leak at source if this can be done safely. Ventilate area. Evacuate nonessential personnel. Pump liquid into DOT-approved drums for disposal. Absorb remaining liquid onto inert absorbent and place in DOT-approved drums for disposal. Wash area with water. Waste water containing only residual amounts of product may be sent to sewer if local regulations permit.

**USE SOLUTION:**  
As for concentrate

**DISPOSAL INFORMATION: CONCENTRATE:** (1) Transfer to reclaiming center for recycling or reuse, if possible. (2) Transfer to licensed waste treatment or disposal site for disposition under applicable local, state and regional regulations.

**SPENT SOLUTION AND RINSES:**  
Dispose per (1) or (2) above, or spent solution and rinses can be neutralized and floatable soil separated. Residual organic matter may be removed by oxidation and/or carbon treatment. Clarified water may be released to sewer if local regulations permit.

**SECTION VIII — SPECIAL PROTECTION INFORMATION:**

**RESPIRATORY PROTECTION:** For mist conditions, a NIOSH-approved respirator for mists is advised. If respirator are used, a formal training and screening program must be initiated. See 29 CFR 1910-134.

**VENTILATION:** Maintain sufficient mechanical ventilation to keep concentration below TLV.

**PROTECTIVE EQUIPMENT: CHEMICAL FACE SHIELD OR GOGGLES:**  **GLOVES:**  **BOOTS:**  **APRON:**  **PROTECTIVE SUIT:**  Not normally required  
GLOVES, BOOTS, APRON AND SUIT MADE FROM: Alkali resistant neoprene

**RECOMMENDED PERSONAL HYGIENE:** Wash hands and face with soap and water before smoking or eating. Immediately remove all contaminated clothing. Launder before reuse. Discard contaminated shoes.

**SECTION IX — OTHER INFORMATION:**

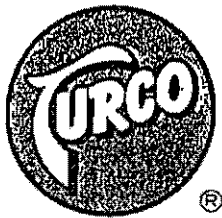
**SPECIAL PRECAUTIONS — STORAGE AND HANDLING:** Store in dry protected area. **CAUTION:** Hazardous carbon monoxide gas can form upon contact with food and beverage products. This can collect in enclosed spaces and can be fatal. Follow appropriate tank entry procedures (See ANSI Z117-1-1977). Personnel entering such areas must be provided with respiratory protection and a safety line. They should be kept under observation while in the area by another man at a safe distance.

**MIXING:** Add slowly to luke warm water while mixing. Never dump large amounts into water - violent steam eruption may occur. Make additions to in-use tank slowly and cautiously.

**REPAIR AND MAINTENANCE OF CONTAMINATED EQUIPMENT:** Relieve any pressure. Cover openings to avoid splashing. Clean exterior and interior by flushing with water. Collect flushings for disposal. Use protective equipment for eyes, skin and inhalation.

**DATE PREPARED:** \_\_\_\_\_ **DATE REVIEWED:** \_\_\_\_\_

**APPROVED:** JD 8/88    Q.C. DEPT./ JJC    R & D DEPT./ JJC    SAFETY & ENVIRON. EET



**LUBRICANTS**

**DATA**



**BULLETIN**

**NO. 475**

TURCO PRODUCTS, INC. • 7300 BOLSA AVENUE, WESTMINSTER, CALIFORNIA 92684-3600 • 714/890-3600

## **TURCOAT® 6449**

### **LIQUID DETERGENT-IRON PHOSPHATE FOR SPRAY AND DIP APPLICATIONS**

#### **DESCRIPTION:**

TURCOAT® 6449 is a clear, colorless light yellow-blue liquid iron phosphate compound with a built-in cleaning system. TURCOAT 6449 cleans and phosphates ferrous metals, aluminum alloys and galvanized parts at temperatures ranging from 80° to 170°F, with an average coating weight of 30-40 mg./sq. ft. at 80°F on steel.

#### **FEATURES:**

TURCOAT 6449 offers these features:

1. Multi-temperature compound; solution can be operated from 80°F to 170°F.
2. Readily soluble in cold water at recommended dilutions.
3. Used at low concentrations; 4 to 6% by volume for spray, 6 to 8% by volume for dip applications.
4. Easy to control and maintain solutions.

#### **RECOMMENDED USE:**

Three Stage Spray System:

**STAGE 1:** Cleaning-Phosphating: TURCOAT 6449, 4 to 6% by volume at 80° to 170°F, 120°F preferred, with a pH range of 3.5 to 5.0, for 30 seconds to 2 minutes.

**STAGE 2:** Cold water overflowing rinse, for 30 seconds minimum.

**STAGE 3:** Inhibitive Rinse: TURCOAT HIBI-RINSE or HIBI-SEAL, at ½ lb. per 100 gallons of water from room temperature to 120°F.

Three Stage Dip System:

**STAGE 1:** Cleaning-Phosphating: TURCOAT 6449, 6 to 8% by volume at 80° to 170°F, 120°F preferred, with a pH range of 3.5 to 5.0, for 2 to 6 minutes. Use with air or mechanical agitation.

**STAGE 2:** Cold water overflowing rinse, for 2 minutes minimum.

**STAGE 3:** Inhibitive Rinse: TURCOAT HIBI-RINSE or HIBI-SEAL, at ½ lb. per 100 gallons of water from room temperature to 120°F.

**NOTE:** Optimum pH ranges have been established for the following general classifications of metals. Minor adjustments may be required for specific alloys.

Steel:	pH 3.5 to 4.5
Aluminum:	pH 4.3 to 5.0
Galvanized:	pH 4.0 to 5.0



**EQUIPMENT:**

Tanks and associated equipment can be fabricated from mild steel or stainless steel. Stainless steel equipment is preferred.

**CONTROL:**

TURCOAT® 6449 is designed to operate at a pH of 3.5 to 5.0, at 14 to 16 points. The pH can be adjusted with sodium hydroxide. To determine the concentration of TURCOAT 6449, place 10 mls of solution in a flask and titrate with .1 N NaOH, using phenolphthalein as an indicator. Solution turns from clear to pink end point. One ml of .1 N NaOH equals 1 point. One quart of TURCOAT 6449 concentrate per 100 gallons will raise the solution 1 point. TURCOAT 6449 contains sufficient accelerator. Do not add additional accelerators.

**DISPOSAL INFORMATION:**

Dispose of spent solution per local, state, and regional regulations. Refer to your TURCO MATERIAL SAFETY DATA SHEET for additional disposal information.

**WARNING! Contact may cause burns to skin and eyes. Harmful if swallowed.**

TURCOAT 6449 contains phosphoric acid and hydrofluoric acid constituents. Avoid prolonged breathing of vapors. Avoid contact with eyes, skin and clothing. Do not take internally. Use with adequate (equivalent to outdoor) ventilation.

Protective clothing, such as a chemical face shield or goggles and gloves, made from acid resistant materials should be worn when handling this product.

Keep containers closed when not in use. Transport and store at temperatures between 32°F and 130°F.

Before using this product refer to container label and TURCO MATERIAL SAFETY DATA SHEET for additional handling, precautionary and first aid information.

**NOTICE:**

The above information and recommendations concerning this product are based upon our laboratory tests and field use experience. However, since conditions of actual use are beyond our control, any recommendations or suggestions are made without warranty, express or implied. Manufacturer's and seller's sole obligation shall be to replace that portion of the product shown to be defective. Neither shall be liable for any loss, damage, or injury, direct or consequential, arising out of the use of this product.



TURCO PRODUCTS, INC.  
MATERIAL SAFETY DATA SHEET



03040  
6449-3

SECTION I — PRODUCT NAME: Turcoat 6449

Manufacturer's Name:	TURCO PRODUCTS, INC.
Address:	7300 Bolsa Ave., Westminster, CA 92684-3600
Emergency Telephone No.:	(614) 387-6200 Info. Tel. No. (714) 890-3600

SECTION II — HAZARDOUS INFORMATION:

COMPONENTS	C.A.S. Number	CERCLA RQ SPILL lbs.	RCRA Waste No.	ACGIH TLV	OSHA TWA	% WT.
Ethanol, 2-amino-, phosphate	29868-05-1	Nt.Lstd.	NtLstd	Nt. Estab.	Nt. Estab.	30
Phenoxyethylene glycol phosphate	39464-70-5	Nt.Lstd.	NtLstd	Nt. Estab.	Nt. Estab.	5
Hydrofluoric acid	7664-39-3	100	U134	C 3PPM(asF)	3 PPM	2
The following non-hazardous ingredients are listed in accordance with the Worker and Community Right-to-Know Act of certain states, including Pennsylvania and New Jersey: Water(7732-18-5), Sodium xylenesulfonate(1300-72-7).						

CARCINOGENS (As defined in 29CFR 1910-1200)	NTP	IARC	OSHA
Contains no components defined to be carcinogens	Not listed	Not listed	Not regulated
PROPER SHIPPING NAME:	HAZARD CLASS:		HAZARD I.D. No.:
Compound Rust Preventing	Corrosive Material		NA 1760

SECTION III — PHYSICAL DATA:

BOILING POINT, °F:	212°F	SPECIFIC GRAVITY:	1.19
VAPOR PRESSURE (mmHg):	Approx. 35mmHg	VOLATILE, % BY VOL.:	47%
VAPOR DENSITY (AIR=1):	More than 1	EVAPORATION RATE (Bu. Ac. = 1):	Less than 1
APPEARANCE AND ODOR:	Colorless to yellow to blue liquid; slight odor		
	SOLUBILITY IN WATER: Complete pH 3.1% in H <sub>2</sub> O: 3-4		

SECTION IV — FIRE AND EXPLOSION HAZARDS:

FLASH POINT AND METHOD USED:	Not applicable - Nonflammable
EXTINGUISHING MEDIA:	Not applicable
SPECIAL FIRE FIGHTING PROCEDURE AND PRECAUTIONS:	Use self-contained respiratory protection.
UNUSUAL FIRE AND EXPLOSION HAZARDS:	None

SECTION V — HEALTH, EMERGENCY AND FIRST AID INFORMATION:

EFFECTS OF OVER EXPOSURE: EYES:	Severe irritation, possible chemical burns, possible tissue damage or destruction, possible blindness.
SKIN:	Severe irritation, possible chemical burns, possible tissue damage.
INHALATION:	Mist: Severe irritation, may cause damage to upper respiratory tract.
INGESTION:	Severe irritation, possible damage to gastrointestinal tract.
MEDICAL CONDITIONS WHICH MAY BE AGGRAVATED:	None known

**FIRST AID: EYES:**

Speed is essential. Immediately begin flushing eyes with large volumes of water. Continue for at least 15 minutes. Hold lids apart to assure contact with all surfaces. Obtain medical attention.

**SKIN:** Flush affected area with large volumes of water. Wash with soap and water. Rinse thoroughly. If irritation is evident or blistering occurs, obtain medical attention.

**INHALATION:** Remove to fresh air. Administer oxygen if breathing is difficult. Obtain medical attention if irritation persists.

**INGESTION:** Do not induce vomiting except on advice of qualified medical personnel. If victim is conscious, dilute by giving large volumes of milk or water. Obtain immediate medical attention. Never attempt to induce vomiting or give anything by mouth to an unconscious person.

**PRIMARY ROUTES OF ENTRY:** INHALATION  SKIN CONTACT  OTHER \_\_\_\_\_

**SECTION VI — REACTIVITY DATE:**

**STABILITY:** STABLE  UNSTABLE \_\_\_\_\_ HAZARDOUS POLYMERIZATION WILL NOT OCCUR

**CONDITIONS TO AVOID:**

Contact with strong alkalis, reactive metals

**HAZARDOUS DECOMPOSITION PRODUCTS:**

None

**SECTION VII — SPILL, LEAK AND DISPOSAL PROCEDURE:**

**SPILL OR RELEASE PROCEDURE: CONCENTRATE:** Confine spill. Stop leak at source if this can be done safely. Ventilate area. Evacuate nonessential personnel. Pump liquid into DOT-approved drums for disposal. Absorb remaining liquid onto inert absorbent and place in DOT-approved drums for disposal. Wash area with water. Collect washings and place in DOT-approved drums. Keep spill and washings from entering sewer or waterways.

**USE SOLUTION:**

As for concentrate

**DISPOSAL INFORMATION: CONCENTRATE:** (1) Transfer to reclaiming center for recycling or reuse, if possible. (2) Transfer to licensed waste treatment or disposal site for disposition under applicable local, state and regional regulations.

**SPENT SOLUTION AND RINSES:**

Dispose per (1) or (2) above, or phosphates (and fluorides, if present) may be removed by lime treatment; heavy metals (if present) precipitated by pH adjustment to 9.5 - 10.5; the pH of the separated water should then be readjusted to pH 7.0 - 8.0. The clarified water may be released to sewer if local regulations permit.

**SECTION VIII — SPECIAL PROTECTION INFORMATION:****RESPIRATORY PROTECTION:**

For mist conditions, a NIOSH-approved respirator for mists is advised. If respirators are used, a formal training and screening program must be initiated. See 29 CFR 1910-134.

**VENTILATION:**

Maintain sufficient mechanical ventilation to keep particulate concentration below TLV

**PROTECTIVE EQUIPMENT: CHEMICAL FACE SHIELD OR GOGGLES:**  **GLOVES:**  **BOOTS:**  **APRON:**  **PROTECTIVE SUIT:**  **Not normally required**

**RECOMMENDED PERSONAL HYGIENE:** Wash hands and face with soap and water before smoking or eating. Immediately remove contaminated clothing. Launder before reuse. Do not launder at home. Discard contaminated shoes.

**SECTION IX — OTHER INFORMATION:****SPECIAL PRECAUTIONS — STORAGE AND HANDLING:**

Store in dry protected area.

**MIXING:**

Add slowly to water while mixing. Make additions to in-use tanks slowly and cautiously.

**REPAIR AND MAINTENANCE OF CONTAMINATED EQUIPMENT:** Relieve pressure. Cover openings to avoid spurling. Flush exterior and interior with water. Collect flushings for disposal. Use appropriate protective equipment for eyes, skin and inhalation.

**DATE PREPARED:****DATE REVIEWED:**

APPROVED: JD 7/88

O.C. DEPT./

R & D DEPT./

SAFETY & ENVIRON.



MECHANICAL

DATA

PENWALT

BULLETIN

NO. TEMPORARY

TURCO PRODUCTS, INC. • 7300 BOLSA AVENUE, WESTMINSTER, CALIFORNIA 92684-3600 • 714/890-3600

TURCOAT<sup>®</sup> 5440-L

## LIQUID NONCHROMATED POST PHOSPHATING SEAL

### DESCRIPTION:

TURCOAT<sup>®</sup> 5440-L is a concentrated liquid product developed to impart an inhibitive seal on ferrous and nonferrous parts after phosphating.

TURCOAT 5440-L is recommended for sealing iron phosphated, zinc phosphated and manganese phosphated articles and can be applied by conventional spray or dip systems.

### FEATURES:

TURCOAT 5440-L offers these features:

1. Completely soluble in water - leaves no powdery residue.
2. Nonchromated.
3. Nonflammable in concentrated or when diluted for use.
4. Sealed surface is compatible with conventional, high solids and powder paints.
5. Concentration easily controlled by simple titration.
6. May be automated with time sequenced proportioning pump to maintain uniform concentration and consistent performance.

### USE INSTRUCTIONS:

**TANKS:** Tanks and associated equipment may be fabricated from mild steel or stainless steel. Stainless steel is preferred.

**MIXING INSTRUCTIONS:** Add TURCOAT 5440-L @  $\frac{1}{4}$  to  $\frac{1}{2}$  gal per 100 gallons of water. Mix well. Operating pH is from 3.0 to 5.0 with a contact time of 30 seconds to 1 minute at 80°F to 180°F. Adjust pH with small amounts of phosphoric acid. For optimum results, tanks should be drained daily and recharged with a fresh solution of TURCOAT 5440-L water solution.

Do not rinse TURCOAT 5440-L solution from parts.

**DRYING:** Parts may be air dried if necessary. For optimum results, forced drying, using conventional methods, at a maximum temperature of 375°F has been found to be most effective.

#### CONTROL:

Your TURCO Territory Manager will supply you with a TURCO Test Kit and instruct your personnel in its use. A laboratory test procedure is available upon request.

#### DISPOSAL INFORMATION:

Dispose of spent solution per local, state and regional regulations. Refer to your TURCO MATERIAL SAFETY DATA SHEET for additional disposal information.

#### CAUTION:

TURCOAT<sup>®</sup> 5440-L contains molybdc salts. Avoid contact with eyes, skin and clothing. Do not take internally. Use with adequate (equivalent to outdoor) ventilation.

Protective clothing, such as a chemical face shield or goggles and gloves, made from acid resistant neoprene should be worn when using this material.

Store and transport product in closed containers at temperatures of 30°F to 130°F.

Before using this product refer to container label and TURCO MATERIAL SAFETY DATA SHEET for additional precautionary, handling and first aid information.

#### NOTICE:

The above information and recommendations concerning this product are based upon our laboratory tests and field use experience. However, since conditions of actual use are beyond our control, any recommendations or suggestions are made without warranty, express or implied. Manufacturer's and seller's sole obligation shall be to replace that portion of the product shown to be defective. Neither shall be liable for any loss, damage, or injury, direct or consequential, arising out of the use of this product.



TURCO PRODUCTS, INC.  
MATERIAL SAFETY DATA SHEET



5440-3 dg

SECTION I — PRODUCT NAME: Turcoat 5440-L

Manufacturer's Name:	TURCO PRODUCTS, INC.
Address:	7300 Bolsa Ave., Westminster, CA 92684-3600
Emergency Telephone No.:	(614) 387-6200 Info. Tel. No. (714) 890-3600

SECTION II — HAZARDOUS INFORMATION:

COMPONENTS	C.A.S. Number	CERCLA RQ SPILL lbs.	RCRA Waste No.	ACGIH TLV	OSHA TWA	%, WT.
Sodium molybdate	7631950	NtLstd	NtLstd	5mg(Mo)m <sup>3</sup>	5mg(Mo)m <sup>3</sup>	1
Monosodium phosphate*	7758807	NtLstd	NtLstd	NtEstab.	NtEstab.	10
*Listed for possible irritating properties only						

CARCINOGENS (As defined in 29CFR 1910-1200)	NTP	IARC	OSHA
Contains no components defined to be carcinogens	Not listed	Not listed	Not regulated
PROPER SHIPPING NAME:	HAZARD CLASS:	HAZARD I.D. No.:	
Not a DOT hazardous material	Not regulated	None	

SECTION III — PHYSICAL DATA:

BOILING POINT, °F: 220°F	SPECIFIC GRAVITY: 1.095
VAPOR PRESSURE (mmHg): 20mm	VOLATILE, % BY VOL.: 88
VAPOR DENSITY (AIR = 1): Less than 1	EVAPORATION RATE (Bu. Ac. = 1): Less than 1
APPEARANCE AND ODOR:	SOLUBILITY IN WATER: Complete
Clear, water white liquid, low odor	pH 5

SECTION IV — FIRE AND EXPLOSION HAZARDS:

FLASH POINT AND METHOD USED:
Not applicable - Nonflammable
EXTINGUISHING MEDIA:
Not applicable
SPECIAL FIRE FIGHTING PROCEDURE AND PRECAUTIONS:
Use self-contained respiratory protection.
UNUSUAL FIRE AND EXPLOSION HAZARDS:
None

SECTION V — HEALTH, EMERGENCY AND FIRST AID INFORMATION:

EFFECTS OF OVER EXPOSURE: EYES:
Contact with eyes may cause moderate to severe irritation.
SKIN:
May cause moderate to severe irritation.
INHALATION:
Inhalation of mist from solution may cause moderate to severe irritation of respiratory tract.
INGESTION:
Moderate to severe irritation of gastrointestinal tract.
MEDICAL CONDITIONS WHICH MAY BE AGGRAVATED:
None known

FIRST AID: EYES: Flush eyes with large volumes of water for at least 15 minutes. If irritation persists, obtain medical attention.

SKIN: Flush affected area with clean cool water. Wash with soap and water. Rinse thoroughly. If irritation persists or blistering occurs, obtain medical attention.

INHALATION: Remove to fresh air. If breathing is difficult, administer oxygen. Obtain medical attention if irritation persists.

INGESTION: Do not induce vomiting. If victim is conscious, dilute by giving large volumes of milk or water. Obtain immediate medical attention. Never attempt to give anything by mouth to an unconscious person.

PRIMARY ROUTES OF ENTRY: INHALATION  SKIN CONTACT  OTHER \_\_\_\_\_

#### SECTION VI — REACTIVITY DATA:

STABILITY: STABLE  UNSTABLE \_\_\_\_\_ HAZARDOUS POLYMERIZATION WILL NOT OCCUR

CONDITIONS TO AVOID:

Contact with strong acid, strong caustic, strong oxidizing agents

HAZARDOUS DECOMPOSITION PRODUCTS:

None

#### SECTION VII — SPILL, LEAK AND DISPOSAL PROCEDURE:

SPILL OR RELEASE PROCEDURE: CONCENTRATE: Confine spill. Stop leak at source if this can be done safely. Ventilate area. Pump liquid into drums for disposal. Absorb remaining liquid onto inert absorbent and place in sealable containers for disposal. Wash area with water. Residual amounts may be flushed to sewer if local regulations permit.

USE SOLUTION:

As for concentrate

DISPOSAL INFORMATION: CONCENTRATE: (1) Transfer to reclaiming center for recycling or reuse, if possible. (2) Transfer to licensed disposal site for disposition under applicable local, state and regional regulations.

SPENT SOLUTION AND RINSES:

Dispose per (1) or (2) above, or spent solution and rinses can be neutralize and floatable soil separated. Residual organic matter may be removed by oxidation and/or carbon treatment. If required, phosphate may be removed by treatment with lime. Clarified water may be released to sewer if local regulations permit.

#### SECTION VIII — SPECIAL PROTECTION INFORMATION:

RESPIRATORY PROTECTION: For mist conditions, a NIOSH-approved respirator for dusts and mists is advised. If respirators are used, a formal training and screening program must be initiated. See 29 CFR 1910-134.

VENTILATION:

Maintain sufficient mechanical ventilation to keep particulate level below TLV.

PROTECTIVE EQUIPMENT: CHEMICAL FACE SHIELD OR GOGGLES:  GLOVES  BOOTS  APRON  PROTECTIVE SUIT Not normally required but advised if necessary to avoid prolonged or repeated skin contact.

RECOMMENDED PERSONAL HYGIENE: Wash hands and face with soap and water before smoking or eating. Immediately remove all contaminated clothing. Launder before reuse. Do not launder at home.

#### SECTION IX — OTHER INFORMATION:

SPECIAL PRECAUTIONS — STORAGE AND HANDLING:

Store in dry protected area.

MIXING:

Use care to avoid splashing and any skin or eye contact.

REPAIR AND MAINTENANCE OF CONTAMINATED EQUIPMENT: Relieve any pressure. Cover openings to avoid spurling. Flush interior and exterior with water. Collect flushings for disposal. Use appropriate protective equipment for eyes, skin and inhalation.

DATE PREPARED: 12/9/87

DATE REVIEWED:

APPROVED: JPJ

O.C. DEPT./ *gjs*

R & D DEPT./ *2700*

SAFETY & ENVIRON.

TEXAS TIER TWO COVER SHEET  
Budget 7C790, Fund 135  
EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY  
Specific Information by Chemical

1-89

**Important:** Please read the attached instructions first, then complete form with typewriter or printer only. Mail to: Hazard Communication Branch, Texas Department of Health, 1100 West 49th St., Austin, Texas 78756.  
Reporting Period from January 1 to December 31, 19 88, Page 1 of 2

For Texas Department of Health Use Only:

Date Received:

Remittance No.:

**State Information:**

Submitted for: SARA, Sec. 311?  Sec. 312?  Tex. Haz. Comm. Act?

County(ies) \_\_\_\_\_

Number of Chemicals in List \_\_\_\_\_ Payment Attached \$ \_\_\_\_\_

Check No. \_\_\_\_\_ Check Date \_\_\_\_\_

**Facility Identification:**

Name LOGIC DESIGN METALS, INC.

Street Address 4805 ARAPAHO RD.

City ADDISON State TX Zip 75248

SIC Code 3444 Dun & Bradstreet Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**Owner/Operator Name:**

Name COMMERCIAL TECHNOLOGIES Phone (214) 934-8797

Mail Address 13636 NEUTRON RD; DALLAS, TX. 75234

**Emergency Contact:**

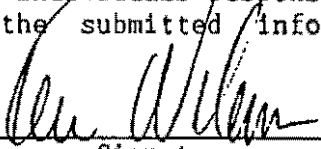
Name KEN WILEMON Title PRESIDENT  
Phone (214) 239-1361 24 Hr. Phone (214) 887-7556

Name KEN FULTZ Title PRODUCTION CONTROL  
Phone (214) 239-1361 24 Hr. Phone (214) 242-6888

**CERTIFICATION:** (Read and sign after completing all sections)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

KEN WILEMON  
Name & official title of owner/  
operator OR authorized representative



Signature

2-14-89  
Date signed

OPTIONAL ATTACHMENTS:  I have attached a site plan.  I have attached a list of site coordinate abbreviations.



**TEXAS TIER TWO CONTINUATION SHEET**

1-89

Reporting Period from January 1 to December 31, 19 88, Page 2 of 3

**Facility Identification:**

Name Logic Design Metals  
 Street Address 4805 Arapaho Road  
 City Addison State TX Zip 75001

CHEMICAL DESCRIPTION: CAS 78 93 3 Trade Secret to EPA?      
 Chem. Name Methyl ethyl ketone

\*\* Check: Pure  Mix  Solid  Liquid  Gas  \*\* Check: Fire   
 Pressure  Reactivity  Immediate (acute)  Delayed (chronic)   
 Codes: Max. Daily Amt. 01 Avg. Daily Amt. 01 No. of Days On-site 365  
 Storage Code Locations or Work Areas in Facility (Non-Confidential):  
 1) D 1 4 Outside main building - see area labeled MEK on attached  
 2)     site plan.  
 3)      
 4)      
 5)      
 6)    

CHEMICAL DESCRIPTION: CAS 78 93 3 Trade Secret to EPA?      
 Chem. Name Sherwin Williams coatings - toluene, methyl ethyl ketone, cyclo-  
hexanone, xylene, n-butyl acetate, lead chromate, molybdate orange

\*\* Check: Pure  Mix  Solid  Liquid  Gas  \*\* Check: Fire   
 Pressure  Reactivity  Immediate (acute)  Delayed (chronic)   
 Codes: Max. Daily Amt. 02 Avg. Daily Amt. 02 No. of Days On-site 365  
 Storage Code Locations or Work Areas in Facility (Non-Confidential):  
 1) F 1 4 Paint Shop - see area labeled P1 on attached site plan  
 2) F 1 4 Barn - see area labeled P2 on attached site plan  
 3)      
 4)      
 5)      
 6)    

CHEMICAL DESCRIPTION: CAS 180 94 1 Trade Secret to EPA?      
 Chem. Name Retarder thinner - cyclohexanone, xylene, n-butyl acetate

\*\* Check: Pure  Mix  Solid  Liquid  Gas  \*\* Check: Fire   
 Pressure  Reactivity  Immediate (acute)  Delayed (chronic)   
 Codes: Max. Daily Amt. 02 Avg. Daily Amt. 02 No. of Days On-site 365  
 Storage Code Locations or Work Areas in Facility (Non-Confidential):  
 1) D 1 4 Paint Shop - see area labeled R1 on attached site plan  
 2) D 1 4 Barn - see area labeled T1 on attached site plan  
 3)      
 4)      
 5)      
 6)    

CHEMICAL DESCRIPTION: CAS 106 97 8 Trade Secret to EPA?      
 Chem. Name Butane/propane fuel

\*\* Check: Pure  Mix  Solid  Liquid  Gas  \*\* Check: Fire   
 Pressure  Reactivity  Immediate (acute)  Delayed (chronic)   
 Codes: Max. Daily Amt. 02 Avg. Daily Amt. 02 No. of Days On-site 365  
 Storage Code Locations or Work Areas in Facility (Non-Confidential):  
 1) A 2 4 Outside - see area labeled B on attached site plan  
 2) R 2 4 Forklift trucks - ubiquitous  
 3)      
 4)      
 5)      
 6)

TEXAS TIER TWO CONTINUATION SHEET

1-89

Reporting Period from January 1 to December 31, 19 88, Page 3 of 3

Facility Identification:

Name Logic Design Metals
Street Address 4805 Arapaho Road
City Addison State TX Zip 75001

CHEMICAL DESCRIPTION: CAS 7440 37 1 Trade Secret to EPA?
Chem. Name Arqon/Carbon Dioxide

\*\* Check: Pure Mix X Solid Liquid Gas X \*\* Check: Fire
Pressure X Reactivity Immediate (acute) Delayed (chronic)

Codes: Max. Daily Amt. 01 Avg. Daily Amt. 01 No. of Days On-site 365

Storage Code Locations or Work Areas in Facility (Non-Confidential):

- 1) 1 2 4 Main Building - see area labeled Welding on attached site plan
2)
3)
4)
5)
6)

CHEMICAL DESCRIPTION: CAS Trade Secret to EPA?
Chem. Name

\*\* Check: Pure Mix Solid Liquid Gas \*\* Check: Fire
Pressure Reactivity Immediate (acute) Delayed (chronic)

Codes: Max. Daily Amt. Avg. Daily Amt. No. of Days On-site

Storage Code Locations or Work Areas in Facility (Non-Confidential):

- 1)
2)
3)
4)
5)
6)

CHEMICAL DESCRIPTION: CAS Trade Secret to EPA?
Chem. Name

\*\* Check: Pure Mix Solid Liquid Gas \*\* Check: Fire
Pressure Reactivity Immediate (acute) Delayed (chronic)

Codes: Max. Daily Amt. Avg. Daily Amt. No. of Days On-site

Storage Code Locations or Work Areas in Facility (Non-Confidential):

- 1)
2)
3)
4)
5)
6)

CHEMICAL DESCRIPTION: CAS Trade Secret to EPA?
Chem. Name

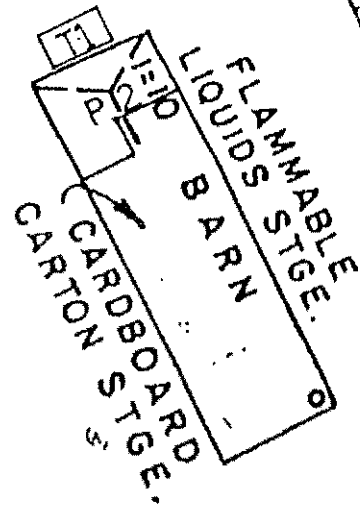
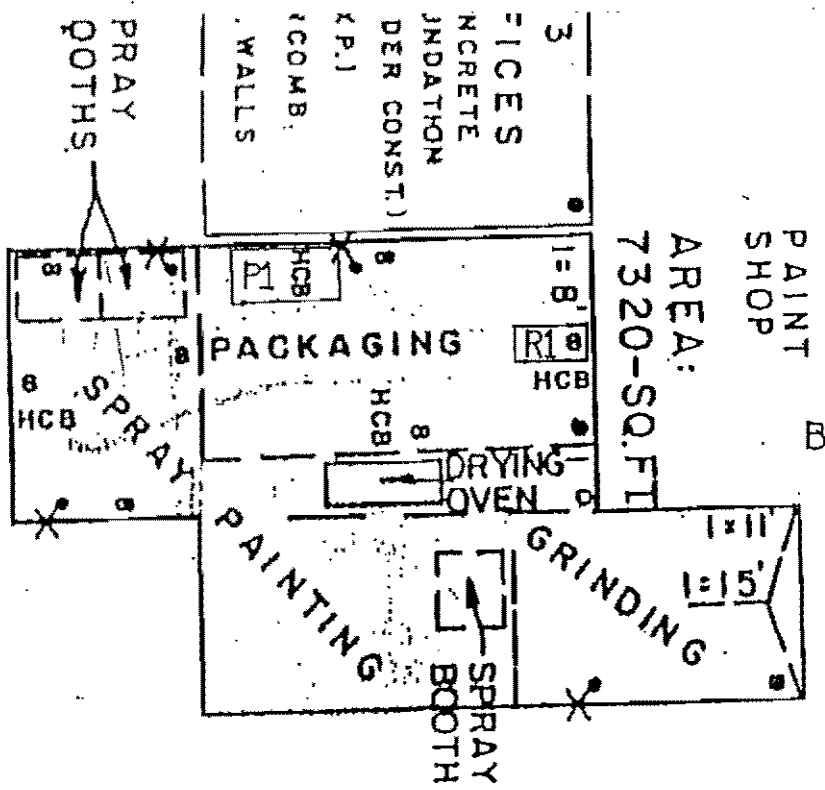
\*\* Check: Pure Mix Solid Liquid Gas \*\* Check: Fire
Pressure Reactivity Immediate (acute) Delayed (chronic)

Codes: Max. Daily Amt. Avg. Daily Amt. No. of Days On-site

Storage Code Locations or Work Areas in Facility (Non-Confidential):

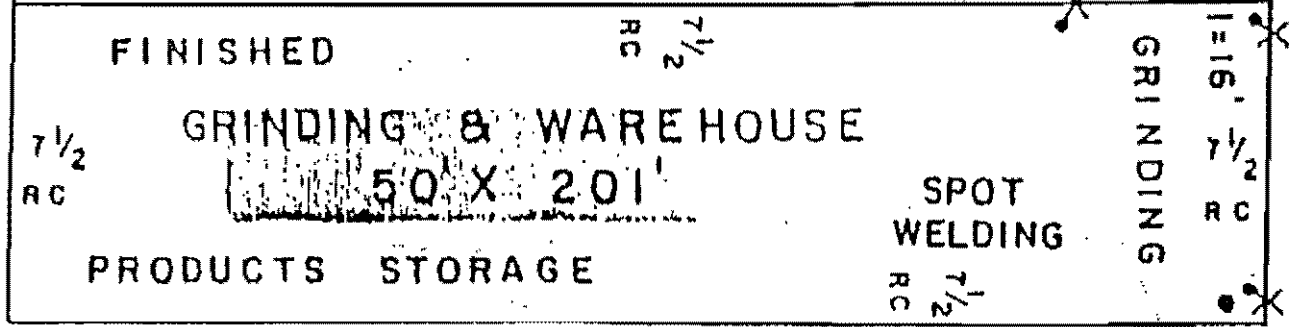
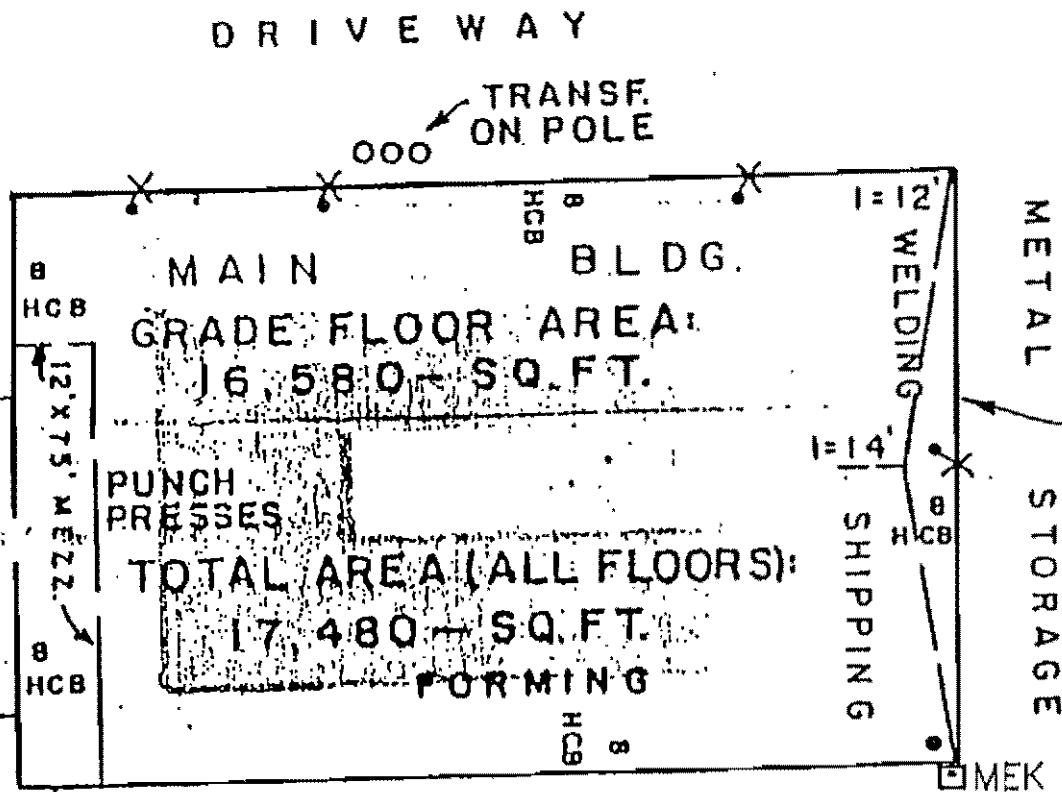
- 1)
2)
3)
4)
5)
6)

R. H.



NOTE: UNDERSIDE OF ROOF OF PORTION OF MAIN BUILDING COVERED WITH COMBUSTIBLE CELLULOSIC INSULATION; NO FURTHER INFORMATION AVAILABLE.

STGL (WOOD FRAM) (METAL CLAD)



UPPER METAL STGE.



TURCO PRODUCTS, INC.  
MATERIAL SAFETY DATA SHEET



SECTION I — PRODUCT NAME: Turco Sprayeze LT

02515  
4889-34

Manufacturer's Name:	TURCO PRODUCTS, INC.
Address:	7300 Bolsa Ave., Westminster, CA 92684-3800
Emergency Telephone No.:	(614) 387-8200 Info. Tel. No. (714) 890-3800

SECTION II — HAZARDOUS INFORMATION:

COMPONENTS	C.A.S. Number	CERCLA RQ SPILL lbs.	RCRA Waste No.	ACGIH TLV	OSHA TWA	% WT.
Sodium carbonate	497-19-8	Nt. Lstd	NtLstd	Nt. Estab.	Nt. Estab.	60
Sodium metasilicate	6834-92-0	Nt. Lstd	D002	Nt. Estab.	Nt. Estab.	30
Sodium gluconate	527-07-1	Nt. Lstd	NtLstd	Nt. Estab.	Nt. Estab.	<5
C 12-16 Alcohols, ethoxylated propoxylated	68213-24-1	Nt. Lstd	NtLstd	Nt. Estab.	Nt. Estab.	<5
Nonylphenoxy poly(ethyleneoxy) ethanol	9016-45-9	Nt. Lstd	NtLstd	Nt. Estab.	Nt. Estab.	<5
This MSDS complies with the Worker and Community Right-to-Know Act of Penn. and New Jersey.						

CARCINOGENS (As defined in 29CFR 1910-1200)	NTP	IARC	OSHA
Contains no components defined to be carcinogens	Not listed	Not listed	Not regulated
PROPER SHIPPING NAME:	HAZARD CLASS:		HAZARD I.D. No.:
Not a DOT hazardous material	Not regulated		None

SECTION III — PHYSICAL DATA:

BOILING POINT, °F:	Not applicable	SPECIFIC GRAVITY:	Not applicable
VAPOR PRESSURE (mmHg):	Not applicable	VOLATILE, % BY VOL:	Not applicable
VAPOR DENSITY (AIR = 1):	Not applicable	EVAPORATION RATE (Bu. Ac. = 1):	Not applicable
APPEARANCE AND ODOR:	Off-white, free flowing powder; mild odor		
	SOLUBILITY IN WATER: Appreciable pH of 3% Soln: 11-13		

SECTION IV — FIRE AND EXPLOSION HAZARDS:

FLASH POINT AND METHOD USED:	Not applicable - Nonflammable
EXTINGUISHING MEDIA:	Not applicable
SPECIAL FIRE FIGHTING PROCEDURE AND PRECAUTIONS:	Use self-contained respiratory protection.
UNUSUAL FIRE AND EXPLOSION HAZARDS:	None

SECTION V — HEALTH, EMERGENCY AND FIRST AID INFORMATION:

EFFECTS OF OVER EXPOSURE: EYES:	Contact with eyes may cause moderate to severe irritation.
SKIN:	May cause moderate to severe irritation.
INHALATION:	Inhalation of product dust or mist from solution may cause moderate to severe irritation of respiratory tract.
INGESTION:	Moderate to severe irritation of gastrointestinal tract.
MEDICAL CONDITIONS WHICH MAY BE AGGRAVATED:	None known

**ASHLAND CHEMICAL COMPANY  
HAZARDOUS MATERIAL INVENTORY**

FIRE PREVENTION DIVISION

Addison Fire Department

ZONE NO. \_\_\_\_\_

DATE: 8/1/78

TO: Fire Marshal  
Fire Prevention Division

Chemical Distributor  
Nature or Type of Business

I, the undersigned authority, hereby make application for a permit to store, handle and use flammable liquids at:

Ashland Chemical Co P.O. Box 97  
Name of Firm Address 4904 Factory Street  
Addison, TX. 75001

Type of Permit \_\_\_\_\_ Fire Zone No. \_\_\_\_\_

Type of Building: Frame \_\_\_\_\_ Other than Frame Concrete + Pole Fabrication

STORAGE DESIRED UNDER PERMIT

NO. GALLONS \_\_\_\_\_ NAME OF MATERIAL \_\_\_\_\_ METHODS STORED \_\_\_\_\_

Tank Farm - see attached diagrams  
Approx 500,000 gal capacity

Drum storage of approximately 50 other products  
Approx. 55,000 gal.

Approximately 10,000 sq. ft. of warehouse space  
containing flammable liquids, corrosives,  
oxidizers and other various non-hazardous  
materials.

If this permit is granted, I hereby agree to abide by the regulations as set forth in NFPA pamphlet #30, as adopted in section 15.101 of the City of Addison Fire Code and suggestions of the Fire Marshal.

Signed Ken Burtch

Inspector, Fire Prevention Division

Digester

Water = 99%

1818 DAP  
2000 MANK  
2000 MANK  
2000 MANK  
2000 MANK  
2000 MANK

4000 Triclor  
4000 III Triclor  
4000 III Triclor  
4000 III Triclor

4000 N. Sub  
4000 Rubber  
4000 Rubber  
4000 Rubber

4000 Methylene  
4000 Methylene  
4000 Methylene  
4000 Methylene

4000 Methylene  
4000 Methylene  
4000 Methylene  
4000 Methylene

14333C  
H 501 15

8000 33  
8000 27  
8000 27

8000 26  
8000 26

8000 25  
8000 25

8000 21  
8000 21

20000 Licolene  
20000 H 501  
20000 Acetone

20000 Methyl  
20000 IPA 92%

20000 Kwik  
20000 Methylene

20000 Sol Tro  
20000 VM + P  
6000 Methylene Chloride 37

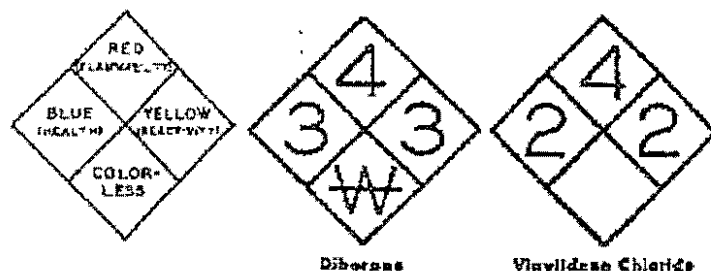
30000 Xylene  
30000 M/S  
30000 Toluene

30000 Xylene  
30000 M/S  
30000 M/S

TANK LOGOUT  
DALLAS, TEXAS  
I C & S DIVISION

called initiating explosives) are comparatively sensitive to friction, impact (blows), shock, and heat. Primary high explosives differ widely in properties, and it is not to be inferred that those listed are equally hazardous. *Secondary high explosives* generally require initiation by a primary explosive.

**Hazard Identification System.** The diamond-shaped diagram shown for each chemical gives at a glance a general idea of the inherent hazards of the chemical and the order of severity of these hazards under emergency conditions such as spills, leaks and fires. The Hazard Identification System is not intended to identify the nonemergency health hazards of chemicals. Based on the hazard identification system in "Recommended System for the Identification of the Fire Hazards of Materials, NFPA No. 704M," the diagram provides planning guidance to fire departments for safe tactical procedures in emergency operations, gives on-the-spot information to safeguard the lives of fire fighting personnel and the others who may be exposed, and provides plant design engineers, plant protection and safety personnel with a means of identifying hazardous materials and areas in which they are stored.



Diborane

Vinylidene Chloride

The diagram identifies the "health," "flammability" and "reactivity" (instability and water reactivity) of a chemical and indicates the order of severity of each hazard by use of one of five numeral gradings, from four (4), indicating the severe hazard or extreme danger, to zero (0), indicating no special hazard. In the diamond-shaped diagram "health" hazard is identified at the left, "flammability" at the top, and "reactivity" at the right.

The bottom space is primarily used to identify unusual reactivity with water. A W with a line through its center  $\text{W}$  alerts fire fighting personnel to the possible hazard in use of water. This bottom space may be also used to identify a radiation hazard by the symbol  $\text{☼}$ . Oxidizing chemicals are identified in the bottom space by OXY.

To supplement the spatial arrangement, NFPA No. 704M recommends the use of colored backgrounds or colored numbers to identify the hazard categories — blue for "health," red for "flammability," yellow for "reactivity." Examples of spatial arrangement and color schemes are shown on the preceding page.

For a detailed description of the hazard identification system used here, see "Recommended System for the Identification of the Fire Hazards of Materials, NFPA No. 704M, 1969 Edition."

The following paragraphs summarize the meanings of the numbers in each hazard category and explain what a number should tell fire fighting personnel about protecting themselves and how to fight fires where the hazard exists.

#### Health

- 4 A few whiffs of the gas or vapor could cause death; or the gas, vapor, or liquid could be fatal on penetrating the fire fighters' normal full protective clothing which is designed for resistance to heat. For most chemicals having a Health 4 rating, the normal full protective clothing available to the average fire department will not provide adequate protection against skin contact with these materials. Only special protective clothing designed to protect against the specific hazard should be worn.
- 3 Materials extremely hazardous to health, but areas may be entered with extreme care. Full protective clothing, including self-contained breathing apparatus, rubber gloves, boots and bands around legs, arms and waist should be provided. No skin surface should be exposed.
- 2 Materials hazardous to health, but areas may be entered freely with self-contained breathing apparatus.
- 1 Materials only slightly hazardous to health. It may be desirable to wear self-contained breathing apparatus.
- 0 Materials which on exposure under fire conditions would offer no health hazard beyond that of ordinary combustibles material.



*Flammability*

- 4 Very flammable gases, very volatile flammable liquids, and materials that in the form of dusts or mists readily form explosive mixtures when dispersed in air. Shut off flow of gas or liquid and keep cooling water streams on exposed tanks or containers. Use water spray carefully in the vicinity of dusts so as not to create dust clouds.
- 3 Liquids which can be ignited under almost all normal temperature conditions. Water may be ineffective on these liquids because of their low flash points. Solids which form coarse dusts, solids in shredded or fibrous form that create flash fires, solids that burn rapidly, usually because they contain their own oxygen, and any material that ignites spontaneously at normal temperatures in air.
- 2 Liquids which must be moderately heated before ignition will occur and solids that readily give off flammable vapors. Water spray may be used to extinguish the fire because the material can be cooled to below its flash point.
- 1 Materials that must be preheated before ignition can occur. Water may cause frothing of liquids with this flammability rating number if it gets below the surface of the liquid and turns to steam. However, water spray gently applied to the surface will cause a frothing which will extinguish the fire. Most combustible solids have a flammability rating of 1.
- 0 Materials that will not burn.

*Reactivity*

- 4 Materials which in themselves are readily capable of detonation or of explosive decomposition or explosive reaction at normal temperatures and pressures. Includes materials which are sensitive to mechanical or localized thermal shock. If a chemical with this hazard rating is in an advanced or massive fire, the area should be evacuated.
- 3 Materials which in themselves are capable of detonation or of explosive decomposition or of explosive reaction but which require a strong initiating source or which must be heated under confinement before initiation. Includes materials which are sensitive to thermal or mechanical shock at elevated temperatures and pressures or which react explosively with water without requiring heat or confinement. Fire fighting should be done from an explosion-resistant location.
- 2 Materials which in themselves are normally unstable and readily undergo violent chemical change but do not detonate. Includes materials which can undergo chemical change with rapid release of energy at normal temperatures and pressures or which can undergo violent chemical change at elevated temperatures and pressures. Also includes those materials which may react violently with water or which may form potentially explosive mixtures with water. In advanced or massive fires, fire fighting should be done from a protected location.

*Reactivity (Continued)*

- 1 Materials which in themselves are normally stable but which may become unstable at elevated temperatures and pressures or which may react with water with some release of energy but not violently. Caution must be used in approaching the fire and applying water.
- 0 Materials which are normally stable even under fire exposure conditions and which are not reactive with water. Normal fire fighting procedures may be used.

COLOR CODING OF HAZARDOUS MATERIAL TANKS  
AT  
ASHLAND CHEMICAL COMPANY

Number	Contents	Health	Flamability	Reactive
	Dietyl Phthacate	0	1	0
	N. Propyl Acetate <i>Flammable 58°F</i>	1 <i>100%</i>	3	0
	N. Propyl Acetate	1 ↓	3	0
	N. Propyl Acetate	1 ↓	3	0
	Glycol Ether EE Acetate	2	2	1
	Methyl N-Butyl Ketone	2	3	0
	Diacetone Alcohol A.F	1	2	0
	Hi Sol 15 (same as xylene)	2	3	0
	Methyl Isobutyl Ketone	2	3	0
1	Hexane	1	3	0
1	N. Butyl Acetate	1	3	0
2	Triclor	2	1	0
3	Isobutyl Isobutyrate	2	3	0
4	Texanol	1	1	0
5	Rubber Solvent		3	0
6	111 Triclor	2	1	0
7	Perchlorethylene	2	0	0
8	Ethyl Acetate 99%	1	3	0
9	Methyl Isoamyl Ketone	1	2	0
0	Ethanol Spec. Ino Anhy	1	3	0
1	Glycol Ether EB	0	1	0
2	Ethylene Glycol	1	1	0
3	N. Butanol	1	3	0
4	Methyl Ethyl Ketone	1	3	0

Tank Number	Contents	Health	Flamability	Reactive
25	N. Propanol	1	3	0
26	Dichloro Benzene	2	2	0
27	Han (same as xylene)	2	3	0
28	Odorless Mineral Spirits	0	2	0
29	Kwik Dri	0	2	0
30	Methanol	1	3	0
31	Lacolene (same as Heptane)	1	3	0
32	Hi-Initial VM & P	1	3	0
33	Heptane	1	3	0
34	Isopropanol Anhydrous	1	3	0
35	Hi-Sol # 10 (same as Xylene)	2	3	0
36	Acetone	1	3	0
37	Methylene Chloride	2	0	0
38	Xylene	2	3	0
39	Rule 66 Mineral Spirits	0	2	0
40	Mineral Spirits	0	2	0
41	Toluene	2	3	0
42	Isobutanol	1	3	0

BLEND TANKS A & B EMPTY AT NIGHTS

date this is known numbers for these hazardous materials.

ASHLAND CHEMICAL COMPANY

CLOSURE REPORT

## INTER-OFFICE

THRU: Director, Public Health Region 5  
 THRU: Associate Commissioner for  
 Community and Rural Health  
 THRU: Associate Commissioner for  
 Environmental and Consumer  
 Health Protection  
 THRU: Bureau of Solid Waste Management  
 TO: L. D. Griffith, P.E., Director  
 Surveillance & Enforcement Div.  
 ATTN: Hans J. Mueller, P.E.

FROM Rex H. Hunt, P.E.  
 Public Health Region 5

SUBJECT Bestolife Corporation - TDH #65513  
 Murdock Lead Company - TDH #65585  
 Ashland Chemical Co. - TDH #65347  
 U.S. Plating, Inc. - TDH #65119

The above subject sites are all listed as "IS" inspections for this year. They should be removed from the list for the following reasons:

1. BESTOLIFE CORPORATION and MURDOCK LEAD COMPANY:

Bestolife and Murdock are each registered by TDWR and have been for a number of years (TDWR #'s 33979 and 34383, respectively). Bestolife, according to TDWR personnel manufactures oil field joint compounds and Murdock manufactures lead shot. Both of these companies were formerly owned by RSR Corporation and now by Murmer, Inc., who bought all of RSR's holding in Dallas. These facilities have not been inspected by this office. However, from the description of the nature of their business and from the fact that TDWR has dealt closely with RSR over the past several years, it is felt that an inspection by this Department is unnecessary and inappropriate.

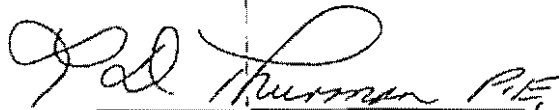
2. ASHLAND CHEMICAL COMPANY:

This facility is closed. When in operation, it was under TDWR surveillance with TDWR #31384. It closed in August 1983 and was so certified by a professional engineer in a statement to TDWR. A copy of that correspondence is attached. No action is necessary other than removal as an existing facility.

3. U.S. PLATING:

This facility has been under surveillance and is under enforcement action by TDWR. Their TDWR number is #31539. According to the description of activities given by TDWR District office employees, this office feels that the facility most closely fits that of an industrial type operation. Thus, it should remain under TDWR jurisdiction and removed from this Department's list of facilities.

Approved By:



L. D. Thurman, P.E.  
 Regional Engineer

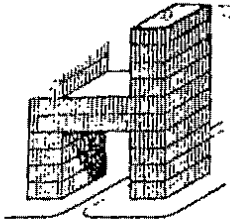
LDT/RHH/pgb  
 Attachments

SIGNED



DATE

August 15, 1984



# Joe P. Hill, P.E.

1983

CONSULTING STRUCTURAL ENGINEERING, INC.  
ONE LEMMON PARK EAST • SUITE 221  
3527 HOWELL • DALLAS TEXAS • 75204  
(214) 528-0220

August 22, 1983

Mr. David L. Anderson  
Environmental Engineer  
Ashland Chemical Company  
P. O. Box 2219  
Columbus, Ohio 43216

Re: Underground Product Receiving Tank Removal,  
Ashland Chemical, Quorum Drive at Arapaho,  
Addison, Texas

Dear Mr. Anderson:

At your request I observed the removal of the oil-fuel-water separator tank from the above referenced site. The tank was washed out internally and was clean upon removal. Also, the outside surface of the tank and, subsequently, the excavation, were free of chemical and/or petroleum residue upon removal.

On June 6, 1983, the excavation at the oil-fuel-water separator tank was clear and, subsequently, filled immediately. I, therefore, submit this letter and closure statement in that the state approved "Closure Plan" was followed as specified.

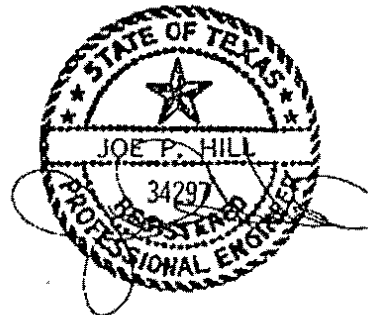
This is to certify that the tank removal has been accomplished according to the "Closure Plan" submitted to and approved by TDWR Application No. 10130 - Registration No. 31384.

Should you have any further questions, please call.

Sincerely yours,

Joe P. Hill, P. E.  
President

JPH:nah



11

Registration No. 31384  
Application No. \_\_\_\_\_  
Facility Name (Dept. Use Only)  
Ashland Chemical Company  
County of Dallas

Rodney G. Parsons being duly sworn, deposes and says:  
I am Vice-President & General Manager of IC&S Div. of Ashland Chemical Company,  
Title (Owner or Principal Officer) Facility Owner  
4904 Arapaho Road, Addison, Texas  
and Address

This affidavit is being executed for the purpose of notifying the Executive Director of the Texas Department of Water Resources that the named facility does not require a hazardous waste permit because:

Check appropriate box(es):

- No hazardous waste is stored, processed or disposed on-site
- The facility qualifies for the "Accumulation Time" storage exclusion of Texas Administrative Code, Section 335.69
- The facility qualifies for the "Small Quantity Generator" exclusion of Texas Administrative Code, Section 335.2(e)
- The facility qualifies for the "Elementary Neutralization Unit" exclusion of Texas Administrative Code, Section 335.2(f)
- The facility qualifies for the "Wastewater Treatment Unit" exclusion of Texas Administrative Code, Section 335.2(f)
- Other (Explain with an attachment and reference TDWR rule)

Rodney G. Parsons  
Signature

Sworn to before me this 23rd day of August, 1989.

Marjorie V. Smith  
Notary Public in and for  
State of Texas

My commission expires April 20, 1984

**Ashland**

**Ashland Chemical Company**

DIVISION OF ASHLAND OIL, INC.

P. O. BOX 2219, COLUMBUS, OHIO 43216 • (614) 889-3333

SEP 07 '83

ENFORCEMENT AND  
FIELD OPERATIONS

DEV  
JG

ENGINEERING DEPARTMENT  
R. O. Spooner  
Director of Engineering

CERTIFIED MAIL

August 30, 1983

Mr. Charles E. Nemir  
Executive Director  
Texas Dept. Of Water Resources  
P. O. Box 13087 Capitol Station  
Austin, Texas 78711

Attn: Mr. James Feeley

Subject: Closure Of Registration No. 31384;  
Ashland Chemical Company, Arapaho Road  
Addison, Texas

Dear Mr. Nemir:

Attached please find a letter from an independent professional engineer and a signed Affidavit of Exclusion. The attachments plus this letter serve as the certification that the facility (31384) has been closed in accordance with the approved closure plan.

It is our understanding that the agency must inspect the facility. We request that an inspection date during the week of September 12-16 be scheduled if possible. Please contact Mr. Ken Bartels (214/840-0206) at our new facility to agree upon an inspection date.

Please call if you have any questions (614/889-3915).

Very truly yours,

*David L. Anderson*

David L. Anderson  
Environmental Engineer

Attachment

CC D-7  
9/11/83

RECEIVED  
DIST 4

SEP 12 '83

TEXAS DEPT. OF  
WATER RESOURCES

SEP 13 1983  
TEXAS DEPT. OF  
WATER RESOURCES



**APPENDIX F**  
**RECORD OF COMMUNICATIONS**

RECORD OF COMMUNICATION

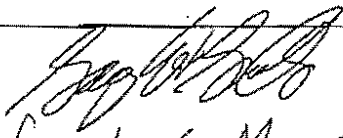
TERRA-MAR, INC.

Type:	Outgoing	Date:	4-26-93
Person:	Mr. Bruce Mueller	Time:	13:00
Company:	Town of Addison/Fire Prevention	Phone:	
Address:		Fax:	
City:	State/Zip:	File:	DART
Subject:	Fires, Hazardous Material Spills		DN93-012-006 Task Order 06T

Comments:

Mr. Mueller stated that there was a pipeline fire along the R.O.W. near Dallas Parkway in 1985. Incidents of fire and spills at the Addison Airport and possible soil contamination associated Ashland Chemicals, on what is Site-01 today.

CONCLUSION, ACTION TAKEN OR REQUIRED: Called Mr. Gayden

Signature:  for K. C. Moore

Circulate: File Page: 1 of 1

RECORD OF COMMUNICATION

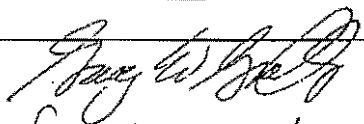
TERRA-MAR, INC.

Type:	Outgoing	Date:	4-27-93
Person:	Mr. Neal Gayden	Time:	16:00
Company:	Town of Addison/Department of H & S	Phone:	
Address:		Fax:	
City:	State/Zip:	File:	DART
Subject:	Site History, permits and violations		DN93-012-006 Task Order 06T

Comments:

Mr. Gayden stated that Ashland Chemical was issued a closure report from the TWC. Possibly some soil remediation. Said that he would send list of stored chemicals on file for Ashland Chemicals and Logic Design Metal. Also stated that Logic Design Metal was cited for excessive storage of chemicals on-site.

Signature

  
for K.C. Moore

Circulate

File

Page 1 of 1

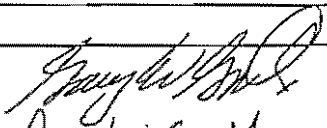
RECORD OF COMMUNICATION

TERRA-MAR, INC.

Type:	Outgoing	Date:	4-22-93
Person:	Mr. Mike Taylor/Maintenance Supervisor	Time:	15:40
Company:	Logic Design Metal	Phone:	
Address:		Fax:	
City:	State/Zip:	File:	DART
Subject:	Contents of 55-gallon drum in rear of building	File:	DN93-012-006 Talk Order 06T

Comments:

Mr. Taylor stated that the 55-gallon drums contained waste hydraulic oil and phosphoric acid. He also stated that the cylinders outside the building contained Nitrogen and Oxygen.

Signature:  for K.C. Moore

Circulate: File Page 1 of 1

RECORD OF COMMUNICATION

TERRA-MAR, INC.

Type:		Date:	6-7-93
Person:	Chief Bob Cruz	Time:	2:30 P.M.
Company:	Addison Fire Department	Phone:	450-7201
Address:			
City:	State/Zip:	Fax:	
Subject:	Leaks at the Addison Airport	File:	DN93-012-006T

Comments:

Mr. Cruz stated that their classification for minor leaks was small spills of just a few gallons. Major leaks consisted of quantities of greater than 200 gallons. If they were called to a major leak such as the leak at Addison Airport, they would call in an independant hazardous response team. This team would be responsible for reporting the leak to proper agencies, such as the EPA and TDWR.

Signature:



Circulate:

File

Page: 1 of 1

RECORD OF COMMUNICATION

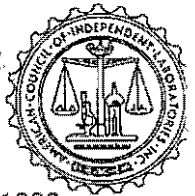
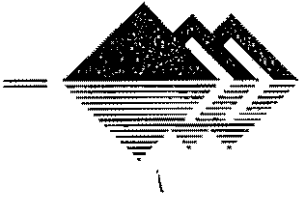
TERRA-MAR, INC.

Type:		Date:	6-18-93
Person:	Martha Britain	Time:	2:00
Company:	Texas Water Commission	Phone:	(214) 298-6171
Address:			
City:	State/Zip:	Fax:	
Subject:	Major Leak at Addison Airport	File:	DN93-012-006T

Comments:

Discussed major leak reported to Addison Fire Department. Ms. Britain stated that TWC files did not go back to 1986. She stated she would check with the TWC response team to see if the leak was reported to them. She stated it would take time, a response should be received by the end of next week.

Signature: \_\_\_\_\_ Circulate: \_\_\_\_\_ File \_\_\_\_\_ Page: 1 of 1



April 30, 1993

Project No. DN93-012-006T

TU Electric  
1506 Commerce Drive  
Dallas, Texas 75201

ATTN: Quentin Venum, Sr. Representative

REFERENCE: PCB Containing Transformers

Dear Mr. Venum:

Please consider this letter a request for written verification of the PCB status of all utility owned pole-mounted electrical equipment at the following location.

15100 and 15200 Block of Addison Road  
4800 and 4900 Block of Beltline Road  
15100 to 15500 Block of Quorum Road  
15500 Block of Julian Road  
Mapsc0: 14-C and 4-Y

The following transformer numbers were noted:

**Pad-mounted**

4900 Block of Beltline Road

NE Corner of Container Store	8524164
	225
	DA1

15100 Block of Quorum Road

NE Corner of Office Depot	8224043
	225
	D2

15300 Block of Addison Road

NE Corner of 7-11	8551333
	112
NW Side of 7-11	8351126
	15

Pole-Mounted  
**PERRA-MAR**

POLE - MOUNTED

4800 and 4900 Block of Beltline Road

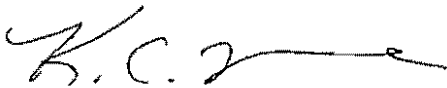
NE of Warming Hut -	8351526 8351451
N of Sally's Restuarant	8351530 and 8351529
S of Warming Hut	751/7132/10

15100 to 15200 Block of Addison Road

W of Payless, Outside Storage Building	813/1141/15
N of Payless, Main Building	No Number Recorded
S of Payless, on side of Beltlin Road	150/9394/10
W of Trailor Construction	8751159 15
NW Corner of Payless Outside Storage	8751158 15
4803 Arapaho Road	No Number
Between 4803 and 4805 Arapaho Road	No Number
4901 Arapaho Road (S of Building)	No Number
4900 Block of Mildred	8351118 15 AND 8351290 15

Please contact me if you need any additional information. Thank you for your help.

Sincerely,



K. C. Moore  
Environmental Specialist





June 4, 1993

Project No. DN93-012-006T

T U Electric  
1506 Commerce Drive  
Dallas, Texas 75201

ATTN: Quentin Venum, Sr. Representative

REFERENCE: PCB Containing Transformers

Dear Mr. Venum:

A request for verification of the PCB status of utility owned pole-mounted electrical equipment was sent on April 30, but a reply has not been received. Please consider this a second request. If you have already sent a reply to the first request, disregard this letter.

Locations of equipment:

15100 and 15200 Block of Addison Road  
4800 and 4900 Block of Beltline Road  
15100 to 15500 Block of Quorum Road  
15500 Block of Julian Road  
Mapsc0: 14-C and 4-Y

The following transformer numbers were noted:

**Pad-mounted**

4900 Block of Beltline Road

NE Corner of Container Store

8524164

225

DA1

15100 Block of Quorum Road

# TERRA-MAR

NE Corner of Office Depot

8224043

225

D2

15300 Block of Addison Road

NE Corner of 7-11

8551333

112

NW Side of 7-11

8351126

15

## Pole-Mounted

4800 and 4900 Block of Beltline Road

NE of Warming Hut -

8351526

8351451

N of Sally's Restaurant

8351530 and

8351529

S of Warming Hut

751/7132/10

15100 to 15200 Block of Addison Road

W of Payless, Outside Storage Building

813/1141/15

N of Payless, Main Building

No Number Recorded

S of Payless, on side of Beltline Road

150/9394/10

W of Traylor Construction

8751159

15

NW Corner of Payless Outside Storage

8751158

15

4803 Arapaho Road

No Number

Between 4803 and 4805 Arapaho Road

No Number

**TERRA-MAR**

4901 Arapaho Road (S of Building)

No Number

4900 Block of Mildred

8351118

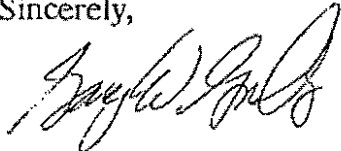
15 AND

8351290

15

Please contact me if you need any additional information. Thank you for your help.

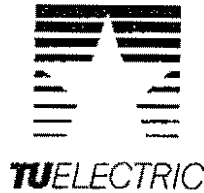
Sincerely,



Gary W. Grubbs

Environmental Specialist

RECEIVED JUN 14 1993



June 10, 1993

Mr. K.C. Moore  
Terra-Mar Consulting Engineers  
2679 Lombardy Lane  
Dallas, Texas 75220

RE: Transformers located at the following sites: 15100 & 15200 Block of Addison Road, 4800 & 4900 Block of Beltline Road, 15100 to 15500 Block of Quorum Road, & 15500 Block of Julian Road.

Dear Mr. Moore:

You have made an inquiry in your letter of April 30, 1993, regarding transformers listed above. According to our records the following transformers are Non-PCB (less than 50 ppm PCB):

<u>Company Number</u>	<u>kVA</u>	<u>Company Number</u>	<u>kVA</u>
8524164	T-225	8224043	T-225
8551333	T-112	8351126	T-15
8351526	T-25	8351451	T-15
8351530	T-25	8351529	T-25
8131141	T-15	9151199	T-50
8327990	T-100	9151198	T-50
8751158	T-15	8751159	T-15
8851174	T-37.5	8251207	T-37.5
8251244	T-100	8150584	T-100
8951045	T-75	8351532	T-25
8351511	T-75	8251204	T-37.5
8251227	T-15	8351290	T-15
8351118	T-15		


In accordance with applicable federal regulations, the following transformers are classified as PCB-Contaminated (50-500 ppm) and therefore are not considered to be PCB units:

<u>Company Number</u>	<u>kVA</u>
7517132	T-10
1509394	T-10

Please be assured that TU Electric has and will comply with applicable laws and regulations regarding such transformers. If you are aware of any special or unique circumstances at this location, please bring them to my attention.

If you desire any additional actions on this matter or actions beyond applicable laws and regulations by TU Electric, please contact Doug Thompson at 323-8901 so that we can discuss details which may include payment for the associated costs.

Sincerely,



Doug Thompson  
Operations Supervisor

DT:dsn

**COWLES & THOMPSON**

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

801 MAIN STREET, SUITE 4000  
DALLAS, TEXAS 75202-3783

TELEPHONE (214) 672-2000

METRO (972) 283-0005

FAX (214) 672-2020

CHARLES SORRELLS  
(1925-1982)

114 E. LOUISIANA ST., SUITE 200  
MCKINNEY, TEXAS 75068-4463  
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  
808 E.S.E. LOOP 323  
TYLER, TEXAS 75701-8684  
TELEPHONE (903) 679-7600

SIM ISRAELOFF  
(214) 672-2131  
SISRAEL@CTPCLAW.COM

December 10, 1997

George C. Chapman, Esq.  
Thompson & Knight  
3300 First City Center  
1700 Pacific Avenue  
Dallas, Texas 75201

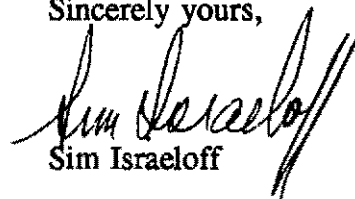
Via CMRRR P 439 723 044 and  
Telecopy (214) 969-1751

**RE: Cause No. 97-6265**  
**A.B.P. Investments #III, Ltd., et al vs.**  
**Dallas Area Rapid Transit and The Town of Addison**  
**Our File No. 3195-51477**

Dear Mr. Chapman:

Enclosed for your file are copies of The Town of Addison's Objections and Answers to Plaintiff ABP Investments, #III, Ltd.'s First and Second Sets of Interrogatories, The Town of Addison's Responses to Plaintiffs' First Request for Admissions, and The Town of Addison's Response to Plaintiffs' First Request for Production.

Sincerely yours,



Sim Israeloff

Enclosures  
SI/dj

cc: David C. Schulze (via U.S. mail)  
Ms. Angela Thompson, Clerk, 193rd JDC (w/o encl.)

bcc: Mr. John Baumgartner, P.E.  
Mr. Ron Whitehead

CAUSE NO. 97-06265

A.B.P.INVESTMENTS #III, LTD., A	§	IN THE DISTRICT COURT OF
TEXAS LIMITED PARTNERSHIP,	§	
JOSEPH H. JONES, BETH	§	
BRANDEBERRY,	§	
CAROLYN PERKINS	§	
SHIMER MERRITT, AND SAMUEL	§	
THOMAS PERKINS, CO-TRUSTEES	§	
OF THE MARY COFFIELD TRUST,	§	
THE ANNETTE COFFIELD TRUST,	§	
THE EVELYN C. JONES TRUST,	§	
THE BETH BRANDEBERRY TRUST,	§	
THE CORINNE SHIMER TRUST	§	
AND A. BEN PINNELL, JR.	§	DALLAS COUNTY, TEXAS
	§	
PLAINTIFFS	§	
	§	
VS.	§	
	§	
DALLAS AREA RAPID TRANSIT	§	
AND THE TOWN OF ADDISON,	§	
	§	
DEFENDANTS.	§	193RD JUDICIAL DISTRICT

**THE TOWN OF ADDISON'S OBJECTIONS AND ANSWERS TO PLAINTIFF  
ABP INVESTMENTS, #III, LTD.'S FIRST  
AND SECOND SETS OF INTERROGATORIES**


TO: Plaintiffs, ABP Investments #III, Ltd. by and through its attorney of record George C. Chapman, Thompson & Knight, 3300 First City Center, 1700 Pacific Avenue, Dallas, Texas 75201.

Pursuant to Rule 168 of the Texas Rules of Civil Procedure, the Town of Addison submits the following objections and answers to Plaintiff ABP Investments #III, Ltd.s' First and Second sets of Interrogatories.



Respectfully submitted,

**COWLES & THOMPSON**


By   
\_\_\_\_\_  
Sim Israeloff  
State Bar No. 10435380

901 Main Street, Suite 4000  
Dallas, Texas 75202  
(214) 672-2131  
FAX (214) 672-2020

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been <sup>faxed and</sup> mailed, certified mail-return receipt requested, to George C. Chapman, Thompson & Knight, 3300 First City Center, 1700 Pacific Avenue, Dallas, Texas 75201 on this 10 day of December, 1997.

  
\_\_\_\_\_  
Sim Israeloff

## Objections

Addison objects to the Definitions and Instructions preceding plaintiff's interrogatories to the extent that they would enlarge on the obligations imposed by the Texas Rules of Civil Procedure. Addison will object or respond to all interrogatories in accordance with the Texas Rules unless otherwise directed by the Court.

Addison objects to the definition of "Document" as overbroad, unintelligible and unnecessary. Addison will identify or produce documents as such term is commonly understood unless the context or question calls for something else.

Addison objects to the definitions of "identify" as overbroad, abusive and harassing and because they would cause the number of questions to exceed the limits on interrogatories imposed by the Texas Rules of Civil Procedure. Addison will identify persons, documents and other matters in a manner sufficient for identification but objects to providing the additional matters requested in such definitions.

Addison objects to all interrogatories to the extent that they would call for the production of matters that are privileged or exempt from discovery under the attorney-client, work-product or party communications privileges, the governmental function/deliberative process privilege or the provisions of Rule 166b of the Texas Rules of Civil Procedure.

**INTERROGATORY NO. 1:**

State the name, address, telephone number and occupation of each and every expert witness who you may call to testify at the trial of this cause of action or whose mental impressions and opinions were reviewed by an expert who you may call to testify.

**ANSWER:**

Experts have not yet been determined.

**INTERROGATORY NO. 2:**

State the name, address and telephone number of any persons having knowledge of relevant facts known to you or your attorney, and your understanding as to the relevant facts or knowledge of which each person is aware.

**ANSWER:**

Object to the request for "your understanding as to the relevant facts or knowledge of which each person is aware" as overbroad and as calling for the creation and/or production of privileged party communications, work-product and/or attorney-client communications. Addison will state the general types or categories of information each person is believed to possess but objects to the remainder of such request.

Plaintiffs: Mr. Pinnell and the other plaintiffs are expected to have knowledge of all matters in dispute.

Other Parties:

DART personnel, identities unknown - Transit Station planning, land acquisition, dealings with Mr. Pinnell and Addison. See responses of DART.

Addison Personnel:

Ron Whitehead - Arapaho Road planning, land acquisition, dealings with Mr.

Pinnell and DART

John Baumgartner - Arapaho Road planning, land acquisition, dealings with Mr.

Pinnell

Lynn Chandler - buildings and permits

Carmen Moran - buildings and permits, city records

Clyde Johnson - purchasing and contracts

James C. Pierce, Jr. - public works and engineering

Dave Nighswonger, former employee now with Farmer's Branch - public works  
and engineering

Intermediaries:

Pat Hagerty, Campbell Co.

Mack Turner, DART

Appraisers:

Ernest Glenn Silva  
Hanford/Healy Appraisal Company  
One Lincoln Centre  
5400 LBJ Freeway, Suite 450  
Dallas, TX 75240  
(972) 701-5500

L. Randall Denton  
L. R. Denton & Co.  
14800 Quorum Drive, Suite 330  
Dallas, TX 75240  
(214) 960-1640  
(last known address)

Dennis W. Gruelle  
Appraisal Consultation Group  
3003 Carlisle Street, Suite 112  
Dallas, TX 75204  
(214) 979-0060

Robert Porcher

David Bolton

**Engineers and Contractors**

Kenneth A. Roberts  
Huitt-Zollars  
3131 McKinney Ave. Suite 600  
Dallas, TX 75204  
(214) 871-3311

Barton-Aschman Associates, Inc. - transportation planning

**Others**

All persons identified by DART  
All persons identified by Plaintiffs  
All persons identified in documents produced in discovery by any party

**INTERROGATORY NO. 3:**

As to each expert witness previously identified by you, if applicable, state the subject matter on which the expert is expected to testify, the mental impressions and opinions held by the expert, and the facts known to the expert which relate to or form the basis of the mental impressions and opinions held by the expert.

**ANSWER:**

Not applicable.

**INTERROGATORY NO. 4:**

State why you initially planned to take only part of the Property in connection with the public project and state when and why you ultimately decided to join DART to condemn the entire Property, and describe what part of the public project changed, if any, that required a total taking instead of a partial taking.

**ANSWER:**

Object to the extent that this interrogatory seeks information outside of the ordinances and resolutions at issue, as such information is privileged under the privilege for governmental function/deliberative processes and/or the attorney-client privilege.

Addison Resolution No. R95-060 (June 27, 1995) and other resolutions relative to the project state in pertinent part that "it is hereby determined that public necessity requires that the Town of Addison should acquire the PROPERTY INTEREST under, over, and across the PROPERTY necessary for the PROJECT."

Addison Resolution No. R95-103 (November 14, 1995) states in pertinent part that: "in the best interest of the tax payers of the Town and of DART, it is more economical for the Town and DART to jointly acquire the respective properties."

Factual information available to Addison at the time such resolutions were adopted will be produced in connection with document production.

**INTERROGATORY NO. 5:**

Describe all conversations any of your representatives had with Ben Pinnell regarding the condemnation and valuation of the Property and any negotiations for the sale of the Property to you.

**ANSWER:**

Object as overbroad, incapable of complete response in an interrogatory format, and as calling for the creation and/or production of work product or party communications.

Addison does not have sufficient information to describe all such conversations. Mr. Pinnell had numerous discussions with Addison town officials including Ron Whitehead and John Baumgartner, and with intermediaries including Mack Turner and Pat Haggerty. The discussions resulted in an understanding that the parties were having difficulty agreeing on damages. All formal offers were in writing.

**INTERROGATORY NO. 6:**

State why you refused to honor the oral agreement Mack Turner reached with Plaintiffs regarding the transfer of the Property that was to be consummated by April, 1996 and who decided that the agreement between your agent, Mack Turner, and Ben Pinnell would not be consummated. If you contend there was no oral agreement, state all facts that support that contention.

**ANSWER:**

Object as argumentative, compound and assuming facts not in evidence. Such matter is also irrelevant to any claim or defense asserted in this case and is not reasonably calculated to lead to the discovery of admissible evidence. Addison further objects that such information is privileged under the governmental function/deliberative process privilege. The request for "facts" evidencing the non-existence of an event, i.e. that "there was no oral agreement" is an oxymoron and incapable of meaningful response.

Addison denies that Mr. Turner could make or made any binding oral agreement on its behalf regarding a transfer of real property. Any agreement for the transfer of real property

would have to be in writing and would have to be approved by the city council but no approval was issued.

**INTERROGATORY NO. 7:**

Please identify by name, address, telephone number and professional license number (if applicable), each and every engineer engaged or retained by Petitioner to perform any planning, design or construction services in connection with the public project involved within 1/2 mile of the subject property.

**ANSWER:**

The answer to this interrogatory may be derived from the records being made available in response to plaintiffs' document request, in particular the engineering and construction files and drawings, and the burden of deriving the answer is substantially the same for plaintiffs as for Addison.

**INTERROGATORY NO. 8:**

Please describe in detail each and every design change or modification regarding routing, grade, width, length and right-of-way requirements within 1 mile of the subject property, and explain, with specificity, how each design change or modification deviated or differed from the initial design of the public project which is the subject of this eminent domain proceeding.

**ANSWER:**

The answer to this interrogatory may be derived from the records being made available in response to plaintiffs' document request, in particular the engineering and construction files, drawings, and the burden of deriving the answer is substantially the same for plaintiffs as for Addison.



**INTERROGATORY NO. 9:**

Please state the anticipated or projected dates of completion of the entire public project which is the subject of this proceeding, and state the number of occasions such anticipated or projected completion dates have been revised by referencing each such anticipated or projected completion dates in chronological order.

**ANSWER:**

The answer to this interrogatory may be derived from the records being made available in response to plaintiffs' document request, in particular the engineering and construction files, and the burden of deriving the answer is substantially the same for plaintiffs as for Addison.

**INTERROGATORY NO. 10:**

State the dates of every public hearing held by you or a commission, committee, or council of yours relating to the public project for which the Property was condemned.

**ANSWER:**

The answer to this interrogatory may be derived from the records being made available in response to plaintiffs' document request, in particular the city council minutes and resolutions and related materials, and the burden of deriving the answer is substantially the same for plaintiffs as for Addison.

**INTERROGATORY NO. 11:**

Describe the date, place, and time, any of your representatives discussed or negotiated with every other property owner within 1 mile of the Property, the acquisition or purchase price of any other property taken for the public project at issue in this lawsuit.

**ANSWER:**

Object to such request as overbroad, incapable of complete response in an interrogatory format, as calling for the creation and/or production of work product or party communications, irrelevant, because it is not reasonably calculated to lead to the discovery of admissible evidence, and because it constitutes an improper "fishing expedition" as to matters for which no claim has been identified.

**INTERROGATORY NO. 12:**

Describe all conversations Mack Turner had with representatives of DART or The Town of Addison concerning Ben Pinnell, Ben Pinnell's tenants, and the condemnation and purchase of the Property.

**ANSWER:**

Object to this request as overbroad, incapable of complete response in an interrogatory format, as calling for the creation and/or production of work product or party communications, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Addison does not have information sufficient to answer this request. The information that is available may be derived from the records being made available in response to plaintiffs' document request, in particular files relating to property acquisition from other owners and DART's answers, and the burden of deriving the answer is substantially the same for plaintiffs as for Addison.

**INTERROGATORY NO. 13:**

On what specific date or dates was the property involved in this lawsuit inspected or examined by each person or expert making the determinations of the feasibility of the proposed

public project or other evaluations for condemnation purposes and identify who examined the property on each specific date?

**ANSWER:**

Addison does not have information sufficient to answer this request. The information that is available may be derived from the records being made available in response to plaintiffs' document request, in particular the transportation plan, the engineering and construction records and the appraisals of the project property, and the burden of deriving the answer is substantially the same for plaintiffs as for Addison.

**INTERROGATORY NO. 14:**

Identify every written appraisal you received concerning the Property by stating the appraiser, the date it was prepared, the date you requested it, who you requested it from, the date it was furnished to you, and whether an offer to purchase the Property was ever made based upon the appraisal and if so, how much was the offer. when was the offer made, by whom, and state what you contend Plaintiffs' response was.

**ANSWER:**

All appraisals, purchase offers and responses will be produced in connection with document production.

**INTERROGATORY NO. 15:**

If no offers were made based on the appraisals listed above in response to the previous interrogatory, state why not.

**ANSWER:**

Object to this request as being an oxymoron and seeking facts relative to a non-event or the absence of an event. Object to the extent this request would call for the disclosure of

material privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

All written purchase offers and responses will be produced in connection with document production.

**INTERROGATORY NO. 16:**

Describe in detail all contacts, written or oral, with Moses and Cline, the property owners immediately to the east of the Property, regarding the public works project, the condemnation, and/or offers to purchase their property, including the dates of each communication, the representative who made the communication, and the conversations which occurred.

**ANSWER:**

Object. See No. 11.

**INTERROGATORY NO. 17:**

Describe all contacts, written or oral, you or your agents have had with the Plaintiffs' tenants stating the date and purpose of the contact, the person who made the contact, the persons contacted, and the conversations which occurred.

**ANSWER:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, as calling for the creation and/or production of work-product or party communications, and as an improper "fishing expedition" not tailored to any specific event or transaction at issue. If plaintiff will identify the tenant(s) or event(s) at issue, Addison will attempt to respond.

**INTERROGATORY NO. 18:**

If any of your agents, employees, representatives, expert witnesses, consultants or attorneys had any contact or conversation with any of the Plaintiffs' agents, representatives, employees or attorneys regarding the condemnation of the Property, please state:

- (a) the date of the contact;
- (b) the parties involved;
- (c) what statements were made by whom; and
- (d) the purpose for the contact.

**ANSWER:**

Object as overbroad, unlimited in time or scope, incapable of complete answer in an interrogatory, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, as requiring the creation and production of work-product or party communications and/or information privileged under the governmental function/decisionmaking process privilege, and because it is an improper "fishing expedition" not tailored to any specific event or transaction at issue.

Any written correspondence will be produced in connection with document discovery.

**INTERROGATORY NO. 19:**

State all reasons that you rely upon to explain the delay between the time you decided to condemn any part of the Property and (1) the filing of the Statement in Condemnation, and (2) the scheduling of the Commissioners' Hearing.

**ANSWER:**

Object as argumentative, assuming facts not in evidence and oxymoronic to the extent it seeks facts relative to a non-event or the non-happening of an event, irrelevant and not

reasonably calculated to lead to the discovery of admissible evidence. Object to the extent that this inquiry seeks information privileged under the governmental function/decisionmaking process privilege.

Addison denies that the time between its decision to condemn and its statement in condemnation was unreasonable or constituted a delay beyond that required by the investigation and acquisition process. The facts available to Addison at the times in question will be produced in connection with document production.

**INTERROGATORY NO. 20:**

State the names and positions of each of your employees, contractors, or representatives who ever discussed the Property, the public project at issue, or plans to "tear down" improvements on the Property, with employees or representatives of TU Electric, Southwestern Bell Telephone, Lone Star Gas, or any other utility provider.

**ANSWER:**

Object as overbroad, unlimited in time and scope, argumentative and assuming facts not in evidence. Addison has insufficient information to answer this request. The information that is available will be produced in connection with document production.

**INTERROGATORY NO. 21:**

State the substance of any conversations the persons described in the previous interrogatory had with the representatives of the utility companies and state the names of the utility company employees or representatives with whom your representatives spoke.

**ANSWER:**

Object as overbroad, unlimited in time and scope, argumentative and assuming facts not in evidence. Addison has insufficient information to answer this request. The information that is available will be produced in connection with document production.

**INTERROGATORY NO. 22:**

Identify all offers made to acquire the Property by either DART or The Town of Addison, stating the dates of the offers, the amounts of the offers, who relayed the offers and what response was received, and identify which appraisal report each offer was based upon.

**ANSWER:**

All offers, responses and appraisals in Addison's possession will be produced in connection with document production. See also the response of DART.

**INTERROGATORY NO. 23:**

Describe all communications between DART and/or its representatives and Addison and/or its representatives regarding:

- (1) Notice to the Property owners of plans to condemn the Property;
- (2) Efforts to negotiate with the Property owners to acquire the Property;
- (3) Offers made to acquire the Property and the reasons or bases for the offers made;
- (4) Any counter-offers made by the Property owners;
- (5) The dates any offers or counter-offers regarding the Property were rejected by Dart and/or The Town of Addison, and the reasons for the rejection and who decided to reject such offers.

**ANSWER:**

Addison has insufficient information to answer this request. See response of DART.

**INTERROGATORY NO. 24:**

State all reasons why acquiring the Property constituted a "public necessity" as is required by the Texas Constitution, both as to the initially proposed partial taking and the actual total taking, include in your answer when it became a public necessity and describe any contacts between DART and Addison regarding the public necessity of the project, and describe public discussions or hearings, giving the date and forum, where the issue of the public necessity of this project was entertained.

**ANSWER:**

Object as irrelevant to any claim or defense in this case and not likely to lead to the discovery of admissible evidence. This issue is moot as plaintiffs have withdrawn the condemnation award for the acquisition of the property. Object to the extent that this inquiry seeks information privileged under the governmental function/deliberative process privilege and/or attorney-client privilege. See response to Interrogatory no. 4.

**INTERROGATORY NO. 25:**

If there were any environmental regulations or concerns that contributed to any delays in condemning the Property please state when those concerns developed, who identified them, and how they manifested themselves, and when and how the concerns were ultimately resolved.

**ANSWER:**

Object as irrelevant to any claim or defense in this case and not likely to lead to the discovery of admissible evidence. This issue is moot as plaintiffs have withdrawn the



condemnation award for the acquisition of the property. Object to the extent that this inquiry seeks information privileged under the governmental function/deliberative process privilege and/or attorney-client privilege. See response to Interrogatory no. 4.

Documents evidencing the results of environmental investigations of the subject property will be produced in connection with document production.

**INTERROGATORY NO. 26:**

Identify all communications between DART and The Town of Addison concerning the apportionment of the costs of condemning the Property and zoning issues related to the Property.

**ANSWER:**

Object to the extent such inquiry would include non-public communications relative to the condemnation suit as such communications would be privileged under the party communication, attorney-client, work-product and/or the governmental function/deliberative process privilege.

The agreement between Addison and DART for the acquisition will be produced in connection with document production.

**INTERROGATORY NO. 27:**

Who gave Rick Livingston, an employee of Lone Star Gas, orders or instructions to enter Plaintiffs' Property on the afternoon of July 8, 1997, to excavate the Property, and for what purpose was the digging taking place?

**ANSWER:**

Object as argumentative, assuming facts not in evidence, irrelevant to any claim asserted in this case, and not reasonably calculated to lead to the discovery of admissible evidence.

Addison has made diligent inquiry but has not been able to ascertain the answer to this request.

**INTERROGATORY NO. 28:**

State every date on which DART or The Town of Addison passed any resolutions approving or authorizing the condemnation of the Property, and state the resolutions verbatim, or in lieu thereof attach copies.

**ANSWER:**

All relevant resolutions will be produced in connection with document production.

**INTERROGATORY NO. 29:**

State the names and addresses of every appraiser retained to assist in determining the fair market value of the Property, furnishing the dates they were retained and the dates of any written agreement regarding the appraisers being retained.

**ANSWER:**

All documents containing such information that are in Addison's possession will be produced in connection with document production.

**INTERROGATORY NO. 30:**

State the names, titles, and addresses of all persons who negotiated with the Property owners or lessees of the Property and state:

- (1) The persons contacted and the dates of the contacts;
- (2) What offers were actually made;

- (3) Which appraisal reports any individual offers were based upon; and
- (4) How any such offers were responded to.

**ANSWER:**

Object as overbroad, compound, incapable of complete response in an interrogatory, requiring the creation and/or production of work-product or party communications, abusive and harassing.

Addison has insufficient information to answer this request. Any communications reflected in written form will be produced in connection with document production.

**INTERROGATORY NO. 31:**

State in detail all reasons for:

- (1) Filing the Original Petition in Condemnation and not serving a copy on the Property owners;
- (2) Having Commissioners appointed to hear the condemnation matter without giving the Property owners an opportunity to recommend potential commissioners as is required by the Texas Property Code; and
- (3) Requesting the appraiser, Glenn Silva, who testified for you at the Commissioners' Hearing in the condemnation case, to prepare only a short form or "limited, restricted" appraisal, to not include rent comparables in his report, and to not include the retention letter agreement you sent to him in the report;
- (4) Not retaining Glenn Silva to appraise the subject property until late June or early July of 1997;
- (5) Not furnishing to plaintiffs or their attorneys Glenn Silva's appraisal report 10 days prior to the Commissioner's Hearing as specified in the Texas Property

Code;

(6) David Schultz having a verbal agreement that Glenn Silva could furnish an appraisal report of the subject property on August 6, 1997;

(7) Your requesting from Glenn Silva an appraisal report of the type to be used by you for internal decision making;

(8) Glenn Silva's not bringing to the Commissioner's Hearing the additional information in his work file, such as rent comparables, which was referred to in his appraisal report; and

(9) David Schultz furnishing to the Commissioners only selected portions of the appraisal report of Glenn Silva.

**ANSWER:**

Object as argumentative, assuming facts not in evidence, compound, irrelevant, moot, not reasonably calculated to lead to the discovery of admissible evidence, abusive and harassing.

Object to the extent such inquiry would include non-public communications relative to the condemnation suit as such communications would be privileged under the party communication, attorney-client, work-product and/or the governmental function/deliberative process privilege. See also the response of DART.

**INTERROGATORY NO. 32:**

If DART or The Town of Addison gave consideration to the potential adverse effects on the Property, its owners or tenants, of any of the following, state the name and address and title of the person who gave such consideration, what consideration was given, what action was taken after such consideration, and the reasons for taking such action:

(1) Providing private or public notice of intent to condemn the Property;

- (2) Prematurely announcing plans to condemn;
- (3) Delaying actual condemnation for an unreasonable time period after giving notice of intent to condemn;
- (4) The effect notice of condemnation would have on the Property, its owners, and its lessees before condemnation;
- (5) Deciding first to condemn only part of the Property and then later condemning all of the Property instead; and
- (6) Southland relying on written and oral statements regarding the timing of either defendant's plans to condemn the subject property;
- (7) Making public threats to condemn the subject property for over 3 years prior to filing a condemnation suit;
- (8) The rental value of the leased premises deteriorating while the subject property was under threat of condemnation; and
- (9) By giving notice to condemn part of the subject property and without doing so, then giving notice of intent to condemn all of the subject property, plaintiffs would incur the cost of 2 separate appraisal reports.

**ANSWER:**

Object as argumentative, assuming facts not in evidence, compound, irrelevant, moot, calling for party-communication, work product and/or attorney-client communications, not reasonably calculated to lead to the discovery of admissible evidence, abusive and harassing. Object as calling for production of information protected by the governmental function/deliberative process privilege. See also the response of DART.

**INTERROGATORY NO. 33:**

Describe all actions taken by you or your agents or representatives before depositing the Commissioners' Award into the registry of the Court in the separate condemnation action that were inconsistent with the owners and lessees' Property rights.

**ANSWER:**

Object as argumentative, assuming facts not in evidence, vague and ambiguous, irrelevant to any claim in this case, not reasonably calculated to lead to the discovery of admissible evidence, abusive and harassing.

Addison is unaware of any actions taken inconsistently with the owners' and lessees' Property rights.

**INTERROGATORY NO. 34:**

How much did DART and/or The Town of Addison spend on the environmental study done in conjunction with the project for which the Property was condemned?

**ANSWER:**

The answer to this interrogatory may be derived from the records being made available in response to plaintiffs' document request, in particular the agreements with DART and records regarding environmental investigations, and the burden of deriving the answer is substantially the same for plaintiffs as for Addison. See also DART's response.

**INTERROGATORY NO. 35:**

When did DART and The Town of Addison agree that a total taking of the Property would be necessary and when did they agree on how the responsibilities and costs for condemning the Property would be divided among them?

**ANSWER:**

Object as irrelevant and not likely to lead to the discovery of admissible evidence. Object to the extent that this interrogatory seeks information outside of the ordinances and resolutions at issue, as such information is privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

Addison Resolution No. R95-103 (November 14, 1995) states in pertinent part that: "in the best interest of the tax payers of the Town and of DART, it is more economical for the Town and DART to jointly acquire the respective properties."

See also the agreement between Addison and DART, which will be produced in connection with document production.

**INTERROGATORY NO. 36:**

Please describe in detail all involvement of the Town of Addison in delaying the Arapaho Road project in order to accommodate toll road authorities, or in order to reduce competition, by stating:

- (a) The name, address and title of the persons involved;
- (b) The conversations that occurred, stating who said what to whom;
- (c) The dates of such conversations;
- (d) The goal in permitting such delays; and

(e) If there are notes, records, or memoranda referring to such involvement, please copy the contents verbatim, or in lieu thereof, attach copies.

**ANSWER:**

Object as argumentative, assuming facts not in evidence, compound, irrelevant, moot, not reasonably calculated to lead to the discovery of admissible evidence, abusive and harassing. Object to the extent that this request inquires into matters privileged under the governmental function/deliberative process privilege and/or attorney-client privilege.



VERIFICATION

State of Texas

County of Dallas

Before me the undersigned authority on this day personally appeared Kenneth C. Dippel who, being duly sworn, stated that he is the City Attorney of the Town of Addison, is authorized to verify the foregoing responses to interrogatories on behalf of the Town of Addison, that such answers are within the knowledge of the Town of Addison and that the Town of Addison verifies that such answers are true and correct. All legal objections, however, were made by counsel.

The Town of Addison

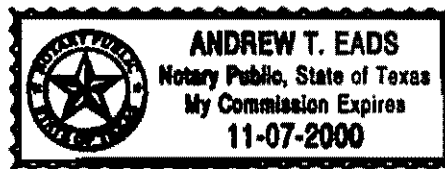
By: *Kenneth C. Dippel*  
Kenneth C. Dippel  
City Attorney

Sworn to before me on this 9<sup>th</sup> day of December, 1997.

*Andrew J. Eads*  
Notary Public, State of Texas

Andrew T. Eads  
Print name

My commission expires: 11-07-2000



CAUSE NO. 97-06265

<b>A.B.P.INVESTMENTS #III, LTD., A</b>	§	<b>IN THE DISTRICT COURT OF</b>
<b>TEXAS LIMITED PARTNERSHIP,</b>	§	
<b>JOSEPH H. JONES, BETH</b>	§	
<b>BRANDEBERRY,</b>	§	
<b>CAROLYN PERKINS</b>	§	
<b>SHIMER MERRITT, AND SAMUEL</b>	§	
<b>THOMAS PERKINS, CO-TRUSTEES</b>	§	
<b>OF THE MARY COFFIELD TRUST,</b>	§	
<b>THE ANNETTE COFFIELD TRUST,</b>	§	
<b>THE EVELYN C. JONES TRUST,</b>	§	
<b>THE BETH BRANDEBERRY TRUST,</b>	§	
<b>THE CORINNE SHIMER TRUST</b>	§	
<b>AND A. BEN PINNELL, JR.</b>	§	<b>DALLAS COUNTY, TEXAS</b>
	§	
<b>PLAINTIFFS</b>	§	
	§	
	§	
<b>VS.</b>	§	
	§	
	§	
<b>DALLAS AREA RAPID TRANSIT</b>	§	
<b>AND THE TOWN OF ADDISON,</b>	§	
	§	
	§	
<b>DEFENDANTS.</b>	§	<b>193RD JUDICIAL DISTRICT</b>

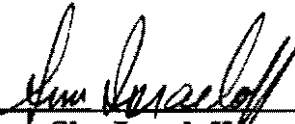
**THE TOWN OF ADDISON'S RESPONSES TO**  
**PLAINTIFFS' FIRST REQUEST**  
**FOR ADMISSIONS**

TO: Plaintiffs, by and through their attorney of record George C. Chapman, Thompson & Knight, 3300 First City Center, 1700 Pacific Avenue, Dallas, Texas 75201.

Pursuant to Rule 169 of the Texas Rules of Civil Procedure, the Town of Addison submits these Responses to Plaintiffs' First Request for Admissions.

Respectfully submitted,

**COWLES & THOMPSON**

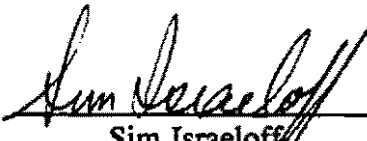
By  \_\_\_\_\_  
Sim Israeloff  
State Bar No. 10435380

901 Main Street, Suite 4000  
Dallas, Texas 75202  
(214) 672-2131  
FAX (214) 672-2020

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been <sup>faxed and</sup> mailed, certified mail-return receipt requested, to George C. Chapman, Thompson & Knight, 3300 First City Center, 1700 Pacific Avenue, Dallas, Texas 75201 on this 10 day of December, 1997.

 \_\_\_\_\_  
Sim Israeloff

## Objections

Addison objects to all requests relating to the condemnation proceedings, requirements for statutory condemnation, and its actions in connection with the condemnation hearing as irrelevant, moot, not likely to lead to the discovery of admissible evidence, abusive and harassing. Addison will attempt to address such requests to the extent set forth below, but objects to any further response as such matters are outside the scope of proper discovery.

### RESPONSES TO REQUESTS FOR ADMISSIONS

#### REQUEST NO.1:

Admit that you never contacted each of the Property owners of record in an effort to negotiate a purchase price of the Property.

#### RESPONSE:

Denied as stated. All property owners were contacted either directly or through their agents or representatives.

#### REQUEST NO.2:

Admit that you did not furnish to the Property owners all appraisal reports you obtained in your evaluation of the value of the Property.

#### RESPONSE:

Denied.

#### REQUEST NO.3:

Admit that when you made your decision to acquire the Property, you did not give consideration to the adverse effects of giving notice of intent to condemn the Property on the value of the Property or the Property owners' rights to use and enjoy the Property.

**RESPONSE:**

Object. This inquiry is argumentative, assumes facts not in evidence, irrelevant, moot, not likely to lead to the discovery of admissible evidence, seeks information which is privileged under the governmental function/deliberative process privilege and/or the attorney client privilege.

**REQUEST NO.4:**

Admit that when making your decision to acquire the Property, you did not give consideration to the adverse effects of prematurely announcing plans to condemn the Property on the value of the Property or the Property owners' rights to use and enjoy the Property.

**RESPONSE:**

Object. This inquiry is argumentative, assumes facts not in evidence, irrelevant, moot, not likely to lead to the discovery of admissible evidence, seeks information which is privileged under the governmental function/deliberative process privilege and/or the attorney client privilege.

**REQUEST NO.5:**

Admit that when making your decision to acquire the Property, you did not give consideration to the adverse effects on the value of the Property or the Property owners' rights to use and enjoy the Property of delaying actual condemnation of the Property for an unreasonable time period after giving notice of intent to condemn.

**RESPONSE:**

Object. This inquiry is argumentative, assumes facts not in evidence, irrelevant, moot, not likely to lead to the discovery of admissible evidence, seeks information which is privileged

under the governmental function/deliberative process privilege and/or the attorney client privilege.

**REQUEST NO. 6:**

Admit that when making your decision to acquire the Property, you did not give consideration to the adverse effects on the value of the Property or the Property owners' rights to use and enjoy the Property of deciding first to condemn only part of the Property and then later condemning all of the Property.

**RESPONSE:**

Object. This inquiry is argumentative, assumes facts not in evidence, irrelevant, moot, not likely to lead to the discovery of admissible evidence, seeks information which is privileged under the governmental function/deliberative process privilege and/or the attorney client privilege.

**REQUEST NO. 7:**

Admit that the same attorney, who is a DART employee, represented both DART and The Town of Addison in their efforts to acquire the Property through eminent domain.

**RESPONSE:**

Admit that DART attorney David Schultz represented the Town of Addison in the condemnation action.

**REQUEST NO. 8:**

Admit that you did not make written offers to each of the owners of record to compensate them for the purchase of Property before you filed your Statement in Condemnation.

**RESPONSE:**

Denied as stated. Offers were made to all owners either directly or through their agents or representatives.

**REQUEST NO. 9:**

Admit that you did not make offers to each of the owners of record to compensate them for the purchase of Property before you filed your Statement in Condemnation.

**RESPONSE:**

Denied as stated. Offers were made to all owners either directly or through their agents or representatives.

**REQUEST NO. 10:**

Admit that the Dallas County District Court has jurisdiction to hear this cause.

**RESPONSE:**

Denied as stated. See plea in abatement.

**REQUEST NO. 11:**

Admit that you did not disclose to the Property owners any and all existing appraisal reports produced or acquired by you relating to the Property and used in determining the final valuation offer at the time you offered to purchase the Property, as required by Tex. Prop. Code § 21.0111 (Vernon Supp. 1997).

**RESPONSE:**

Denied as stated. Appraisals were produced to the extent required by law.

**REQUEST NO. 12:**

Admit that you did not attempt to agree with Plaintiffs on the damages as a result of the condemnation before you filed your statement in condemnation as is required by Tex. Prop. Code § 21.012(b)(4) (Vernon Supp. 1997).

**RESPONSE:**

Denied.

**REQUEST NO. 13:**

Admit that you did not tender the Commissioners' Award from the condemnation proceeding against the Property into the Registry of the Court until after the Court signed the Order granting you possession of the Property.

**RESPONSE:**

Unknown. See DART's response.

**REQUEST NO. 14:**

Admit that you did not try to contact each individual owner of the Property and each lessee of the Property to discuss purchasing the Property before filing your Statement in Condemnation.

**RESPONSE:**

Denied as stated. All individual owners were contacted either directly or through their agents or representatives.

**REQUEST NO. 15:**

Admit that you recognized that Southland Corporation's decision to close its store on the Property after you announced plans to condemn the Property would adversely effect the value of the Property.



**RESPONSE:**

Denied.

**REQUEST NO. 16:**

Admit that, as a result of your announced plans to condemn the Property, the Property owners were deprived of the full rental value of the Property.

**RESPONSE:**

Denied.

**REQUEST NO. 17:**

Admit that, as a result of your announced plans to condemn the Property, the Property owners' lessees refused to enter into long-term leases for the fair market rental value of the Property.

**RESPONSE:**

Denied.

**REQUEST NO. 18:**

Admit that The Town of Addison was relying on DART to ensure that both it and DART complied with all of the procedural requirements for condemnation set forth in the Texas Property Code.

**RESPONSE:**

Denied as stated. Admit that DART's attorney represented the Town of Addison in the condemnation action. Addison took whatever steps were required of it in connection with the condemnation.

**REQUEST NO. 19:**

Admit that The Town of Addison was relying on DART to negotiate for both DART and The Town of Addison in good faith with the Property owners before the Statement in Condemnation was filed.

**RESPONSE:**

Denied as stated. Admit that DART's attorney represented The Town of Addison in the condemnation action. Addison took whatever steps were required of it in connection with the condemnation.

**REQUEST NO. 20:**

Admit that The Town of Addison was relying on DART to not adversely effect the Property owners' interests in the Property.

**RESPONSE:**

Object as argumentative and assuming facts not in evidence. Admit that DART's attorney represented The Town of Addison in the condemnation action. Addison took whatever steps were required of it in connection with the condemnation.

**REQUEST NO. 21:**

Admit that The Town of Addison was relying on DART to furnish timely notice to the Property owners of the Defendants plans to take the Property by eminent domain.

**RESPONSE:**

Denied as stated. Admit that DART's attorney represented The Town of Addison in the condemnation action. Addison took whatever steps were required of it in connection with the condemnation.

**REQUEST NO. 22:**

Admit that The Town of Addison was relying on DART to identify and notify the Property owners of record before serving the owners with notice of the Commissioners' Hearing in the condemnation matter.

**RESPONSE:**

Denied as stated. Admit that DART's attorney represented The Town of Addison in the condemnation action. Addison took whatever steps were required of it in connection with the condemnation.

**REQUEST NO. 23:**

Admit that you or one of your agents instructed Southwestern Bell to withhold telephone service from one of the Property owners' lessees.

**RESPONSE:**

Object as vague and ambiguous as no lessee or date is specified. Deny that Addison instructed Southwestern Bell to withhold any service to which any tenant was entitled.

**REQUEST NO. 24:**

Admit that before you filed the Statement in Condemnation, you or one of your agents informed TU Electric that the Property was going to be condemned.

**RESPONSE:**

Unknown. See response of DART.

**REQUEST NO. 25:**

Admit that before you filed the Statement in Condemnation, you or one of your agents informed Southwestern Bell that the Property was going to be condemned.

**RESPONSE:**

Unknown. See response of DART.

**REQUEST NO. 26:**

Admit that you negotiated the purchase of the property owned by Moses and Cline immediately to the east of the Property without the necessity of filing a statement in condemnation.

**RESPONSE:**

Admit.

**REQUEST NO. 27:**

Admit that you or one of your agents refused a zoning variance permit request by one of the Property owners' lessees because the Property was going to be condemned.

**RESPONSE:**

Object as ambiguous as no lessee or date is specified.

**REQUEST NO. 28:**

Admit you retained Glenn Silva to do a "limited, restricted," appraisal report.

**RESPONSE:**

Unknown. See response of DART.

**REQUEST NO. 29:**

Admit you agreed with Glenn Silva that he could furnish his appraisal report to you on August 6, 1997.

**RESPONSE:**

Unknown. See response of DART.

**REQUEST NO. 30:**

Admit you retained Glenn Silva to do an appraisal report to be used for internal decision making.

**RESPONSE:**

Unknown. See response of DART.

**REQUEST NO. 31:**

Admit you instructed Glenn Silva not to bring his work file to the Commissioners Hearing.

**RESPONSE:**

Unknown. See response of DART.

**REQUEST NO. 32:**

Admit that but for the threats of condemnation made prior to 8-10-95, the 7-11 store on the Property would have been in operation on 8-12-97.

**RESPONSE:**

Object. Calls for speculation. Unknown.

**REQUEST NO. 33:**

Admit that Glenn Silva did not include his engagement letter in his appraisal report because of instructions from your attorney.

**RESPONSE:**

Unknown. See response of DART.

**REQUEST NO. 34:**

At the Planning & Zoning hearing on October 23, 1997, Carmen Moran stated the Town of Addison agreed to delay the Arapaho Road project for the toll road authorities.

**RESPONSE:**

Denied.

CAUSE NO. 97-06265

A.B.P.INVESTMENTS #III, LTD., A	§	IN THE DISTRICT COURT OF
TEXAS LIMITED PARTNERSHIP,	§	
JOSEPH H. JONES, BETH	§	
BRANDEBERRY,	§	
CAROLYN PERKINS	§	
SHIMER MERRITT, AND SAMUEL	§	
THOMAS PERKINS, CO-TRUSTEES	§	
OF THE MARY COFFIELD TRUST,	§	
THE ANNETTE COFFIELD TRUST,	§	
THE EVELYN C. JONES TRUST,	§	
THE BETH BRANDEBERRY TRUST,	§	
THE CORINNE SHIMER TRUST	§	
AND A. BEN PINNELL, JR.	§	DALLAS COUNTY, TEXAS
	§	
PLAINTIFFS	§	
	§	
VS.	§	
	§	
DALLAS AREA RAPID TRANSIT	§	
AND THE TOWN OF ADDISON,	§	
	§	
DEFENDANTS.	§	193RD JUDICIAL DISTRICT

**THE TOWN OF ADDISON'S RESPONSES TO**  
**PLAINTIFFS' FIRST REQUEST**  
**FOR PRODUCTION**

TO: Plaintiffs, by and through their attorney of record George C. Chapman, Thompson & Knight, 3300 First City Center, 1700 Pacific Avenue, Dallas, Texas 75201.

Pursuant to Rule 167 of the Texas Rules of Civil Procedure, the Town of Addison submits these Responses to Plaintiffs' First Request for Admissions.

## **OBJECTIONS**

Addison objects to the definitions and instructions preceding plaintiffs' first request for production to the extent it would impose greater obligations than those set forth in the Texas Rules of Civil Procedure. Addison will object or respond to all requests in accordance with the Texas Rules unless otherwise directed by the Court.

Addison objects to the requests regarding lost or destroyed documents as overbroad, as constituting an interrogatory, and as exceeding the scope of permissible discovery under a document request.

Addison objects to the requests regarding privilege as overbroad, as constituting an interrogatory, and as exceeding the scope of permissible discovery under a document request.

Addison objects to the definition of "Document" as overbroad, unintelligible and unnecessary. Addison will identify or produce documents as such term is commonly understood unless the context or question calls for something else.

Addison objects to the definitions of "identify" as overbroad, abusive and harassing and as constituting an interrogatory.


Addison objects to the time and manner of the requested production as unreasonable. Addison will make documents available for inspection at the offices of its counsel of record upon reasonable advance notice and/or at the office of the Town of Addison.

Addison objects to all requests to the extent that they would call for the production of matters that are privileged or exempt from discovery under the attorney-client, work-product or party communications privileges, the governmental function/deliberative process privilege or the provisions of Rule 166b of the Texas Rules of Civil Procedure.



Respectfully submitted,

**COWLES & THOMPSON**

By 

\_\_\_\_\_  
Sim Israeloff  
State Bar No. 10435380

901 Main Street, Suite 4000  
Dallas, Texas 75202  
(214) 672-2131  
FAX (214) 672-2020

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has <sup>Served and</sup> been mailed, certified mail-return receipt requested, to George C. Chapman, Thompson & Knight, 3300 First City Center, 1700 Pacific Avenue, Dallas, Texas 75201 on this 10 day of December, 1997.

  
\_\_\_\_\_  
Sim Israeloff

## **RESPONSES TO DOCUMENT REQUESTS**

### **REQUEST FOR PRODUCTION NO. 1:**

Any and all photographs, aerial photographs, computer animations, videotapes, motion pictures, file or other graphic depiction or document including, maps, plats or models of the real property which is the subject of this lawsuit.

### **RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, and as abusive and harassing and an unlawful "fishing expedition" as to matters for which there is no claim.

Addison will agree to make available one or more surveys and maps sufficient to identify and describe the subject property, and whatever photos appear in appraisals of the subject property, but objects to searching its files and producing everything else that may constitute a map or depiction of the subject property.

### **REQUEST FOR PRODUCTION NO. 2:**

Any and all maps, plats, plans, surveys, specifications, blueprints, profiles, analyses, reports, or studies pertaining to site planning, drainage, topography, grades or grading, traffic count, development, construction, zoning or land use in connection with the real property which is the subject of this lawsuit.

### **RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, and as abusive and harassing and an unlawful "fishing expedition" as to matters for which there is no claim.

Addison will agree to make available one or more surveys and maps sufficient to identify and describe the subject property, and whatever photos appear in appraisals of the subject property, but objects to searching its files and producing everything else that may constitute a map or depiction of the subject property.

**REQUEST FOR PRODUCTION NO. 3:**

Any and all appraisal reports, market analysis, income analysis, cost analysis or comparable sales data made, offered, reviewed, compiled, used or consulted by any and all witnesses who may or shall be called to testify upon the trial of this cause, including any reports, analysis, or data which reflects or forms the basis of the impressions or opinions held by witnesses who may, or shall be called to, testify upon the trial of this cause.

**RESPONSE:**

Will produce, if any, when testifying experts are designated.

**REQUEST FOR PRODUCTION NO. 4:**

All statements made by any tenant, employee, agent, or representative of Defendant concerning the condemnation of the Property that is the subject of this action.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, and as abusive and harassing and an unlawful "fishing expedition" as to matters for which there is no specific claim.

Object to the extent the request would include witness statements as contemplated in Rule 166b(2)(g) other than those of the plaintiffs, as such statements are outside the scope of permissible discovery.

Object to the extent that the request would include statements of Addison outside of the resolutions by which the property was condemned, as such matters are privileged under the governmental function/deliberative process privilege.

**REQUEST FOR PRODUCTION NO. 5:**

Each written report, statement, transcription, or electronically recorded statement of any fact or expert witness, read or reviewed by any expert witness you may call at the trial of this cause.

**RESPONSE:**

Addison interprets this request as being limited to statements relative to this case rather than every report ever generated by such experts at any time. As so limited, Addison will produce the requested documents, if any, upon the designation of testifying experts.

**REQUEST FOR PRODUCTION NO. 6:**

The current resume or curriculum vitae of each expert witness you may call at trial, including the listing of all publications authored or co-authored by each such expert witness, and a listing of each such witness' educational achievements.

**RESPONSE:**

Will produce, if any, at the time testifying experts are determined.

**REQUEST FOR PRODUCTION NO. 7:**

Any and all exhibits to be used at the trial of this cause of action.

**RESPONSE:**

Object. This request is improper, outside the scope of permissible discovery, and would require the production of work-product.

**REQUEST FOR PRODUCTION NO. 8:**

Any and all photographs, plats, maps, computer animations, videotapes, motion pictures, film, graphic depictions or documents of any and all alleged comparable sales used to support any expert witness' evaluation.

**RESPONSE:**

Will produce, if any, when testifying experts are determined.

**REQUEST FOR PRODUCTION NO. 9:**

All contracts, notes, records and memoranda related to any agreement between Defendant and its contractors regarding construction of the public project for which the Property has been condemned.

**RESPONSE:**

Object. Overbroad, unlimited in time and scope, irrelevant to any claim in this case, not reasonably calculated to lead to the discovery of admissible evidence, abusive and harassing, and as constituting an improper "fishing expedition" as to matters for which there is no specific claim.

Addison will make available for inspection construction documents sufficient to identify the contractor(s) and nature of the work, but objects to a wholesale production of every document which is in any way related to construction.

**REQUEST FOR PRODUCTION NO. 10:**

Every zoning ordinance or other land use regulation or rule which you allege, contend, or believe effects the value of the property at any relevant time.

**RESPONSE:**

Object. Vague, ambiguous, argumentative, irrelevant to any claim in this action, and because it is not reasonably calculated to lead to the discovery of admissible evidence. Addison will make available any zoning ordinance or land use regulation referenced in any appraisal or used by any testifying expert but objects to a wholesale production of any zoning ordinance or regulation that Addison "believes" affects the value of the property at any time.

**REQUEST FOR PRODUCTION NO. 11:**

All correspondence exchanged between you and Plaintiffs or their tenants relating to the Property or the public project for which the Property was condemned.

**RESPONSE:**

Object. Overbroad, unlimited in time and scope, irrelevant to any claim in this case, not reasonably calculated to lead to the discovery of admissible evidence, abusive and harassing, and as constituting an improper "fishing expedition" as to matters for which there is no specific claim.

Addison will produce correspondence with plaintiffs and their tenants related to the condemnation or the project, but objects to a wholesale production of all correspondence on any subject at any time.

**REQUEST FOR PRODUCTION NO. 12:**

All records of meetings, public or private, including transcripts or minutes, during which you or your employees discussed the Property or the public project for which the Property was condemned.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object to the extent such request would include non-public or executive sessions as such matters are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

Addison will produce public minutes of council meetings where the project or related matters were discussed, and any transcripts or minutes of other public meetings if any, but objects to a wholesale production of every document related in any way to such meetings.

**REQUEST FOR PRODUCTION NO. 13:**

All correspondence or writings between you and any public utility company in which you or your employees discussed the Property or the public project for which the Property was condemned.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

**REQUEST FOR PRODUCTION NO. 14:**

All written or recorded statements made by Plaintiffs or Plaintiffs' employees or tenants.

**RESPONSE:**

Addison interprets this request as referring to formal written or recorded statements as contemplated under Rule 166b(2)(g). Addison does not believe it has any such statements but if any are located they will be produced. Comments and statements of plaintiffs that may be contained in correspondence, minutes of public meetings and the like will be produced in connection with document requests directed at such items.

**REQUEST FOR PRODUCTION NO. 15:**

All notices of public hearings that you held regarding the public project for which the Property was condemned.

**RESPONSE:**

Will produce, if any.

**REQUEST FOR PRODUCTION NO. 16:**

All documents reflecting the projected completion dates for the public project for which the Property was condemned.

**RESPONSE:**



Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Addison will produce engineering or construction documents sufficient to identify projected completion dates but objects to a wholesale production of all documents relating in any way to production scheduling.

**REQUEST FOR PRODUCTION NO. 17:**

All bid requests you published or issued asking for bids on any portion of the public project for which the Property has been condemned.

**RESPONSE:**

Will produce, if any.

**REQUEST FOR PRODUCTION NO. 18:**

All correspondence and communications between you and Southland Corporation or its representatives or any other tenants of the Property.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Addison will produce any correspondence with Southland relative to the construction project and potential acquisition of the property at issue but objects to a wholesale production of all communications ever had with any tenant at any time.

**REQUEST FOR PRODUCTION NO. 19:**

All environmental impact studies done in anticipation of the public project for which the Property was condemned.

**RESPONSE:**

Will produce, if any.

**REQUEST FOR PRODUCTION NO. 20:**

All documents, negotiations and/or contracts relating to your purchase or condemnation of any property within 1 mile of the Property that is the subject of this claim since 1994.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

**REQUEST FOR PRODUCTION NO. 21:**

All internal documents or memoranda relating to the public project for which the Property was condemned.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

**REQUEST FOR PRODUCTION NO. 22:**

All internal documents or memoranda relating to the negotiation of the purchase of the Property by you or Dallas Area Rapid Transit.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

**REQUEST FOR PRODUCTION NO. 23:**

All scale models of the completed project for which the Property was condemned.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Addison is unaware of any scale models.

**REQUEST FOR PRODUCTION NO. 24:**

All leases or agreements you have made with tenants on the Property since the condemnation of the Property.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Addison has no such leases.

**REQUEST FOR PRODUCTION NO. 25:**

All documents reflecting plans to condemn or purchase additional property for the public project for which you condemned the Property at issue in this suit.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

**REQUEST FOR PRODUCTION NO. 26:**

All documents reflecting or comprising appraisals or drafts of appraisals of all or part of the Property that is the subject of this suit, regardless of when such documents were prepared.

**RESPONSE:**

Object as overbroad, unlimited in time, and as including appraisals, if any, prepared by consulting experts. Will produce any appraisals for the past 5 years, if any, other than those prepared by consulting experts if any.

**REQUEST FOR PRODUCTION NO. 27:**

All documents reflecting zoning variance requests by Plaintiffs or any of Plaintiffs' tenants.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

**REQUEST FOR PRODUCTION NO. 28:**

All documents reflecting your decision-making process with respect to all zoning variance requests by Plaintiffs or any of Plaintiffs' tenants.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

**REQUEST FOR PRODUCTION NO. 29:**

All documents reflecting your rulings on all zoning variance requests by Plaintiffs or any of Plaintiffs' tenants.

**RESPONSE:**

Object. See response to No. 27.

**REQUEST FOR PRODUCTION NO. 30:**

All documents reflecting communications between you or your representatives and The Town of Addison or its representatives regarding the Property or the public projects for which the Property has been condemned, including documents relating to the contribution to be paid by each condemner toward the purchase price of the Property, the retention of appraisers, and the determination of the value of the Property.

**RESPONSE:**

Object as vague, ambiguous and meaningless with respect to communications between Addison and itself. Object to the extent the request would include communications in connection with the prosecution of the condemnation case and/or internal communications regarding Addison's adoption of resolutions regarding such matters, as such matters are privileged under the party communication, work-product, attorney-client and/or the governmental function/deliberative process privileges.

Addison will produce the agreement with DART and such other documents as will reflect the joint purchase and contribution of each purchaser but objects to a wholesale production of all documents reflecting any communication between such parties regarding any aspect of the property or the project.

**BEQUEST FOR PRODUCTION NO. 31:**

All documents or correspondence you received from the public concerning the public project for which the Property was condemned.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

**REQUEST FOR PRODUCTION NO. 32:**

All notes, records or memoranda dealing with offers made to acquire the Property before filing the Statement in Condemnation and after filing the Statement in Condemnation.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object to the extent it seeks non-public information. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

Addison will produce copies of all offers made to plaintiffs relative to the property but objects to a wholesale production of every note, record, memo or other document relating in any way to such offers at any time.

**REQUEST FOR PRODUCTION NO. 33:**

All requests for appraisal reports to your appraisers concerning the Property.

**RESPONSE:**

Will produce appraisal requests, if any, for the past 5 years. Object to further requests for the reasons set forth in the response to No. 26.

**REQUEST FOR PRODUCTION NO. 34**

All notes, records or memoranda dealing with offers made to acquire the property owned by Moses and Cline located immediately to the east of the Property, including all appraisal reports concerning the property owned by Moses and Cline.

**RESPONSE:**

See response to No. 20.

**REQUEST FOR PRODUCTION NO. 35:**

All requests for appraisal reports to your appraisers concerning the property owned by Moses and Cline located immediately to the east of the Property.

**RESPONSE:**

See response to No. 20 and 34.

**REQUEST FOR PRODUCTION NO. 36:**

All documents not previously produced that relate to the decision to condemn all or a portion of the Property.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object to the extent it seeks non-public information. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.



**REQUEST FOR PRODUCTION NO. 37:**

All agreements and correspondence between The Town of Addison and DART related to the following:

- (1) The condemnation of the Property;
- (2) The responsibility for retaining appraisers;
- (3) The responsibility for negotiating with the Property owners and lessees;
- (4) The type of appraisal to be requested;
- (5) Instructions to the appraisers regarding the type of appraisal to be done, its due date, how the appraisal should be done, including what to include in or exclude from the appraisal; and
- (6) Bearing the costs and expenses associated with the condemnation of the Property.

**RESPONSE:**

Object to the extent the request would include communications relative to litigation, as such matters would be privileged under the party communications, work product and/or attorney-client privileges.

Object to the extent it seeks non-public information. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

Addison will produce the agreement between Addison and DART for the acquisition of the property but objects to the wholesale production of all correspondence relating in any way to each item listed.

**REQUEST FOR PRODUCTION NO. 38:**

All documents reflecting actual offers made to the Property owners or lessees and any responses from the owners or lessees concerning the acquisition of the Property by you.

**RESPONSE:**

Will produce, if any.

**REQUEST FOR PRODUCTION NO. 39:**

All documents concerning your determination of the record owners and leaseholders of the Property.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object to the extent such inquiry would require the production of communications or work-product prepared in connection with the condemnation action, as such materials are privileged under the party communication, work-product and/or attorney-client privileges.

Object as to non-public information relative to Addison's adoption of resolutions regarding the subject property as such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

**REQUEST FOR PRODUCTION NO. 40:**

All documents, including photos, reports, comparable sales, retention letters, correspondence, and other information provided to any appraiser or received from any appraiser but not provided to the Property owners before the Commissioners' hearing.

**RESPONSE:**

Will produce, if any.

**REQUEST FOR PRODUCTION NO. 41:**

All correspondence, notes, or memoranda regarding selection of the individual commissioners to hear the condemnation case, the appointment of the commissioners, and scheduling the commissioners' hearing in the condemnation case, Cause No. 97-00352-D.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, moot, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object. Any non-public decisionmaking or discussion of such matters by Addison would be privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

**REQUEST FOR PRODUCTION NO. 42:**

All correspondence, notes, documents, or memoranda regarding changing the decision to take only part of the Property and instead to take all of the Property through eminent domain proceedings.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

**REQUEST FOR PRODUCTION NO. 43:**

If DART or The Town of Addison gave consideration to the potential adverse effects on the Property of:

- (1) Providing private or public notice of intent to condemn the Property;
- (2) Prematurely announcing plans to condemn;
- (3) Delaying actual condemnation for an unreasonable time period after giving notice of intent to condemn;
- (4) The effect notice of condemnation would have on the Property, its owners, and its lessees before condemnation;
- (5) Deciding first to condemn only part of the Property and then later condemning all of the Property instead;
- (6) Southland closing the convenience store located on the Property as a result of the threatened condemnation;
- (7) Lessees not being able to obtain utility service because utility companies refused to service buildings that are "going to be torn down" by DART or The Town of Addison;
- (8) Southland relying on written and oral statements regarding the timing of either defendant's plans to condemn the subject property;
- (9) Making public threats to condemn the subject property for over 3 years prior to filing a condemnation suit;
- (10) The rental value of the leased premises deteriorating while the subject property was under threat of condemnation; and
- (11) By giving notice to condemn part of the subject property and without doing so, then giving notice of intent to condemn all of the subject property, plaintiffs would incur the cost of 2 separate appraisal reports.

Produce all documents related to those considerations.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, moot, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object to the extent such inquiry would require the production of communications or work-product prepared in connection with the condemnation action, as such materials are privileged under the party communication, work-product and/or attorney-client privileges.

Object. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

**REQUEST FOR PRODUCTION NO. 44:**

All correspondence between you and any expert witnesses in this case or in the condemnation matter Cause No. 97-00352-D.

**RESPONSE:**

Object to the extent of communications with consulting experts, if any. Will produce all other documents, if any.

**REQUEST FOR PRODUCTION NO. 45:**

All documents relating to the environmental study done in conjunction with the project for which the Property was condemned, including all documents relating to the date the study was requested and the cost of the study.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, moot, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object to the extent such inquiry would require the production of communications or work-product prepared in connection with the condemnation action, as such materials are privileged under the party communication, work-product and/or attorney-client privileges.

Object. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

Addison will produce the environmental study and any supplements relative to the plaintiffs' property but objects to a wholesale production of any and all environmental documents relating in any way to the project.

**REQUEST FOR PRODUCTION NO. 46:**

All documents regarding when DART and The Town of Addison decided to condemn the Property together, and when they agreed to share the costs of condemning the Property.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, moot, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object to the extent such inquiry would require the production of communications or work-product prepared in connection with the condemnation action, as such materials are privileged under the party communication, work-product and/or attorney-client privileges.

Object. Such materials are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

Addison will produce the agreement with DART but objects to a wholesale production of every document directly or indirectly regarding such decision.

**REQUEST FOR PRODUCTION NO. 47:**

All plans, drawings, and reports submitted to the Addison Planning and Zoning Commission relating to the public project for which the Property was condemned.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, moot, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

**REQUEST FOR PRODUCTION NO. 48:**

All resolutions of DART and/or Addison regarding:

- (1) A partial taking of the Property;
- (2) A total taking of the Property;
- (3) The taking of the Property constituting a public necessity;
- (4) Negotiating or settling with Plaintiffs;
- (5) Negotiating or settling with Moses and Cline;
- (6) Rejecting Plaintiffs settlement offers;
- (7) Making offers based on appraisal reports obtained.

**RESPONSE:**

Will produce, if any.

**REQUEST FOR PRODUCTION NO. 49:**

All notes, memoranda, correspondence, reports, or other communications exchanged between you and any appraiser you have ever retained to render an opinion as to the fair market value of the Property.

**RESPONSE:**

Object to the extent this request would include consulting experts if any. Aside from consulting experts, will produce, if any.

**REQUEST FOR PRODUCTION NO. 50:**

All notes, records, correspondence, tapes, tape recordings, and memoranda-relating to delays of the Arapaho Road project for DART, the toll road authorities, the Texas Turnpike Authority, or any turnpike, or toll road authority, which is an agency of the State of Texas.

**RESPONSE:**

Object as overbroad, unlimited in time or scope, irrelevant, moot, not reasonably likely to lead to the discovery of admissible evidence, and as an improper "fishing expedition" as to matters for which no claim has been identified.

Object to the extent such inquiry would require the production of communications or work-product prepared in connection with the condemnation action, as such materials are privileged under the party communication, work-product and/or attorney-client privileges.



Object to the extent the request would include materials that are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

**REQUEST FOR PRODUCTION NO. 51:**

All notes, correspondence, records, tapes, tape recordings, and memoranda relating to any involvement by the Town of Addison, its employees, agents, and representatives delaying the Arapaho Road project so that the authorities involved in building the tunnel for traffic going under the airport would not have competition when they opened.

**RESPONSE:**

See response to No. 50.

**REQUEST FOR PRODUCTION NO. 52:**

Any tapes, tape recordings, or notes or memoranda made from a tape or recording of comments made by Carmen Moran at the Planning & Zoning hearing on October 23, 1997.

**RESPONSE:**

Object to the extent the request would include materials that are privileged under the governmental function/deliberative process privilege and/or the attorney-client privilege.

Any non-privileged responsive items will be produced.