

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

4



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

July 29, 2004

Mr. Steve Chutchian
Assistant City Engineer
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: Parcel 6 (Motel 6), Arapaho Extension of Road Project

Dear Steve:

Enclosed for your file is the closing binder for the above-referenced matter. Upon receipt of the original recorded conveyance documents and the owner's title policy, I will forward those items to you. If you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angela K. Washington'.

Angela K. Washington

AKW/yjr
Enclosure

c(w/oEnc.): Mr. Mike Murphy
(w/o Enc.) Mr. Doug Conner
(w/o Enc.) Mr. Ken C. Dippel

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

July 9, 2004

Mr. David C. Kent
Sedgwick Detert Moran & Arnold, L.L.P.
1717 Main Street, Suite 5400
Dallas, TX 75201

Mr. Mark D. Smith
Ramirez & Associates, P.C.
2777 Stemmons Freeway, Suite 933
Dallas, TX 75207-2227

Ms. Cynthia Calhoun
County Clerk of Dallas County
Records Building
509 Main Street, 2nd Floor
Dallas, TX 75202

RE: Cause No. 03-00711-B
Town of Addison v. Motel 6 Operating, L.P., et al.

Gentlemen and Ms. Calhoun:

Please find enclosed a conformed copy of the Agreed Judgment in the above-referenced cause.
If you have any questions, please contact me.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c(w/o Enc.): Ms. Mary Pesina, Court Clerk

Mr. Mark Webster

SEE
PLEASE FILE
my

son

July 9, 2004
Page 2

bcc(w/o Enc.): Mr. Mike Murphy
 (w/o Enc.) Mr. Steve Chutchian, w/Addison
 (w/o Enc.) Mr. Doug Conner
 (w/o Enc.) Mr. Ken Dippel, w/firm

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

July 9, 2004

Ms. Patricia A. Sherman Bruce, Esq.
Vice President
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas, TX 75204-4064

RE: *Town of Addison v. Motel 6 Operating L.P., et al.*
Your File No. 02R14035/SJ7

Dear Patricia:

Enclosed for filing in the Deed Records is a conformed copy of the Agreed Judgment in the above-referenced cause, which vests ownership of the property in the Town of Addison. Please prepare the finalized statements and schedule a closing date. Also, please let me know when you have obtained the necessary affidavits, waivers, and any other documents necessary to ensure clear title to the property.

With respect to the Agreed Judgment, please note in particular Paragraph IV, which provides specific instructions regarding payment. If you have any questions, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c(w/o Enc.): Mr. David Kent
Mr. Mike Murphy
Mr. Steve Chutchian, w/Addison
Mr. Doug Conner
Mr. Ken Dippel, w/firm

DALLAS TYLER

Document #: 1115366

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

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

July 9, 2004

Mr. Steve Chutchian
Assistant City Engineer
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: Cause No. 03-00711-B
Town of Addison v. Motel 6 Operating, L.P., et al.

Dear Steve:

Please find enclosed a conformed copy of the Agreed Judgment in the above-referenced cause. I will be forwarding a copy of the Judgment to the Title Company for purposes of filing in the deed records and closing on the property. If you have any questions, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c(w/oEnc.): Mr. Mike Murphy
(w/Enc.) Mr. Doug Conner
(w/o Enc.) Mr. Ken C. Dippel

LOWLES & THOMPSON,

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

July 6, 2004

**VIA FACSIMILE (214) 855-8848
AND REGULAR U.S. MAIL**

Ms. Patricia A. Sherman Bruce, Esq.
Vice President
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas, TX 75204-4064

**RE: *Town of Addison v. Motel 6 Operating L.P., et al.*
Your File No. 02R14035/SJ7**

Dear Patricia:

I have received and reviewed the draft Purchaser's Statement for Parcel 6 (Motel 6), Arapaho Extension of Road Project, which is the subject matter of the above-referenced cause of action. The Agreed Judgment, a copy of which was forwarded to you by letter dated June 30, 2004, has been signed by the parties and filed with the Court. Pursuant to that agreement, the total purchase price for the property is \$475,000.00. Thus, please issue the title policy for that amount and amend the Purchaser's Statement accordingly.

In connection with the policy, I have executed and am enclosing your Deletion of Arbitration Provision form. If you have any questions or need anything further, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c(w/Enc.): Mr. Mike Murphy, w/Addison
(w/Enc.) Mr. Steve Chutchian, w/ Addison
(w/o Enc.) Mr. Kenneth C. Dippel, w/firm

G.F. NO. 02R14035 SJ7

POLICY NO. 002

DELETION OF ARBITRATION PROVISION
(Not applicable to the Texas Residential Owner Policy)

ARBITRATION is a common form of alternative dispute resolution. It can be a quicker and cheaper means to settle a dispute with your Title Insurance Company. However, if you agree to arbitrate, you give up your right to take the Title Company to court and your rights to discovery of evidence may be limited in the arbitration process. In addition, you cannot usually appeal an arbitrator's award.

Your policy contains an arbitration provision (shown below). It allows you or the Company to require arbitration if the amount of insurance is \$1,000,000 or less. If you want to retain your right to sue the Company in case of a dispute over a claim, you must request deletion of the arbitration provision before the policy is issued. You can do this by signing this form and returning it to the Company at or before the Closing of your real estate transaction or by writing to the Company.

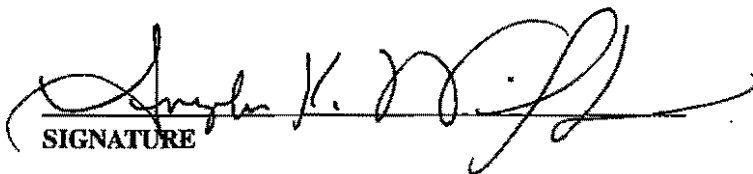
The arbitration provision in the Policy is as follows:


"Unless prohibited by applicable law or unless this arbitration section is deleted by specific provision in Schedule B of this policy, either the Company or the Insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this Policy, and service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is \$1,000,000 or less **SHALL BE** arbitrated at the request of either the Company or the Insured, unless the Insured is an individual person (as distinguished from a corporation, trust, partnership, association or other legal entity). All arbitrable matters when the Amount of Insurance is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this Policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the Insured, the Rules in effect at the Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The Law of the situs of the land shall apply to any arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request."

I request deletion of the Arbitration provision.


SIGNATURE


DATE

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

June 22, 2004

Mr. David Kent
Sedgwick Detert Moran & Arnold, L.L.P.
1717 Main Street, Suite 5400
Dallas, TX 75201

RE: Agreed Order to Withdraw Funds
Town of Addison v. Motel 6 Operating, L.P., et al.
Cause No. 03-00711-B

Dear David:

Enclosed is the above-referenced document with a signed signature page. As we discussed, I have noted on the signature page our change from "agreed" to "no objection" as to substance. Once filed with the Court, please provide us with a copy with all signature pages.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c(w/Enc.): Mr. Mike Murphy, w/Addison
Mr. Steve Chutchian, w/Addison
Mr. Doug Conner
Mr. Kenneth C. Dippel, w/firm

TOWN OF ADDISON ,

Plaintiff,

v.

MOTEL 6 OPERATING , L.P., et al.,

Defendants.

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IN THE COUNTY COURT

AT LAW NO. 2

DALLAS COUNTY, TEXAS

AGREED ORDER TO WITHDRAW FUNDS

The Court, being advised that all parties in interest to this cause have agreed to the entry of this Order, as shown by the signatures of approval of counsel of record set out below, is of the opinion that this Agreed Order To Withdraw Funds should be entered. Accordingly, therefore, it is

ORDERED that the Dallas County Clerk shall immediately issue a check in the total amount of FOUR HUNDRED THIRTY-ONE THOUSAND, TWO HUNDRED THIRTY-FOUR AND NO/100's DOLLARS (\$431,234.00) plus any accrued interest, if any (less any statutory administrative fee) payable to "Accor North America, N.A." (formerly known as or successor-in-interest to Motel 6 Operating L.P., Motel 6 G.P., Inc., and Georges Le Mener, individually and as officer of Motel 6, G.P., Inc., as may be applicable), and shall forward said check via first class U.S. mail to the attention of Roger Reith, Vice President – Assistant General Counsel, Accor North America, N.A., 4001 International Parkway, Carrollton, TX 75007.

SIGNED this ____ day of _____, 2004.

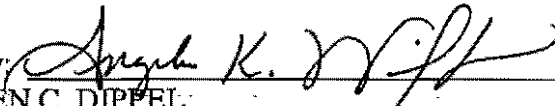
Judge Presiding

APPROVED AS TO FORM AND ~~AGREED~~ AS TO SUBSTANCE:

NO OBJECTION
AKM

By: _____
DAVID C. KENT
State Bar No. 11316400
SEDGWICK DETERT MORAN & ARNOLD, L.L.P.
1717 Main St. -- 54th Floor
Dallas, Texas 75201
(469) 227-8200 (Telephone)
(469) 227-8004 (Telecopier)
COUNSEL FOR DEFENDANTS
ACCOR NORTH AMERICA, INC. f/k/a or
Successor in Interest to MOTEL 6 G.P., INC.,
GEORGES LE MENER, INDIVIDUALLY
AND AS OFFICER OF MOTEL 6, G.P., INC.

By: _____
MARK D. SMITH
State Bar No. 18648650
RAMIREZ & ASSOCIATES, P.C.
2777 Stemmons Freeway, Suite 933
Dallas, Texas 75207-2227
(214) 637-0933 (Telephone)
(214) 637-3399 (Telecopier)
COUNSEL FOR DALLAS INDEPENDENT
SCHOOL DISTRICT

By: 
KEN C. DIPPEL
State Bar No. 05893000
City Attorney for Town of Addison
ANGELA K. WASHINGTON
State Bar No. 20897155
Assistant City Attorney for Town of Addison
COWLES & THOMPSON, P.C.
901 Main Street, Suite 4000
Dallas, Texas 75202
(214) 672-2000 (Telephone)
(214) 672-2020 (Telecopier)
COUNSEL FOR PLAINTIFF
TOWN OF ADDISON

By: _____
DALLAS COUNTY, TEXAS
David Childs, Ph.D.
Dallas County Tax Assessor-Collector
500 Elm Street
Records Building, 1st Floor
Dallas, Texas 75202
(214) 653-7811 (Telephone)

By: _____
NED WEBSTER
State Bar No. 21053300
HILL GILSTRAP
1400 West Abrams St.
Arlington, Texas 76013
(817) 261-2222 (Telephone)
(817) 274-9724 (Telecopier)
COUNSEL FOR JOJO'S RESTAURANTS,
INC.

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

May 10, 2004

Ms. Patricia A. Sherman Bruce, Esq.
Vice President
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas, TX 75204-4064

**RE: Your File No. 02R14035/SJ6
Parcel 6 (Motel 6), Arapaho Road Project**

Dear Patricia:

The Town of Addison is in litigation regarding the above-referenced parcel. We are in the process of negotiating an Agreed Judgment. As it has been quite some time since the Title Commitment was prepared for this property, please have an updated Commitment prepared at your earliest convenience. Should you have any questions or need anything further, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr

c: Mr. Steve Chutchian, w/ Addison
Mr. Mike Murphyw/Addison
Mr. Doug Conner
Mr. Kenneth C. Dippel, w/firm

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

May 10, 2004

Ms. Janine Barber
Republic Title Company
2626 Howell Street, 10th Floor
Dallas, Texas 75204

**Re: Your File No. 02R14036/SJ6
Midway Centurion, Ltd. as Seller to Town of Addison, Texas as Buyer**

Dear Janine:

On April 27, 2004, I sent you a letter requesting a Title Commitment for additional property in connection with the above-referenced transaction on which you worked with John Hill with our office. Enclosed is the executed Agreement for the additional property. Please let me know if you have any questions or if you need anything further.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c(w/o Enc.): Mr. Mike Murphy
(w/o Enc.) Mr. Steve Chutchian
(w/o Enc.) Mr. Kenneth Dippel
(w/o Enc.) Mr. John Hill

OWLES & THOMPSON
A Professional Corporation
ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

May 3, 2004

Ms. Gayle Walton
Department Secretary
City Manager's Office
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: Parcel 5 (Heritage Inn Number XIII), Arapaho Extension of Road Project

Dear Gayle:

In connection with the transaction for the above-referenced property, enclosed for the Town of Addison's files are the following documents:

1. Copy of paid tax receipts;
2. Copy of Release of Lien recorded in Volume 2004022, Page 9132, Dallas County, Texas;
3. Original recorded Right-of-Way Deed recorded in Volume 2004022, Page 9137, Dallas County, Texas;
4. Original recorded Temporary Construction Easement recorded in Volume 2004022, Page 9143, Dallas County, Texas; and
5. First American Title Insurance Company Owner's Policy No. 074459 O.

By copy of this letter, I am forwarding copies of all enclosed documents to Steve Chutchian for his closing binder. If you have any questions, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosures

May 3, 2004
Page 2

c(w/o Enclosures): Mr. Mike Murphy
(w/Enclosures) Mr. Steve Chutchian
(w/o Enclosures) Mr. Kenneth C. Dippel

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

May 3, 2004

Mr. David Kent
Sedgwick Detert Moran & Arnold, L.L.P.
1717 Main Street, Suite 5400
Dallas, TX 75201

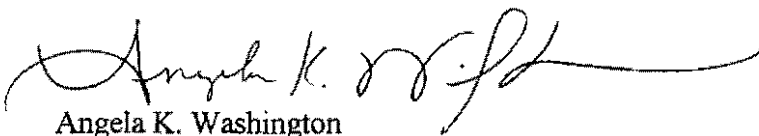
RE: *Town of Addison v. Motel 6 Operating, L.P., et al.*
Cause No. 03-00711-B

Dear Mr. Kent:

Enclosed for your review and execution is our proposed Agreed Judgment in the above-referenced cause. Once you have executed the document, please return it to me and I will forward it to Mr. Ned Webster, the attorney for Jojos Restaurants, Inc., for his signature.

As we have been trying to obtain your client's approval for quite some time, if I do not receive the executed Agreed Judgment or hear from you concerning language changes to the document within five (5) business days, I will assume that Motel 6 does not wish to finalize the settlement terms to which we agreed, and I will ask Mr. Conner to obtain a trial date.

Sincerely,



Angela K. Washington

AKW/yjr
Enclosure

c(w/o Enc.): Mr. Mike Murphy, w/Town of Addison
Mr. Steve Chutchian, w/Town of Addison
Mr. Doug Conner
Mr. Kenneth C. Dippel, w/firm

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

May 3, 2004

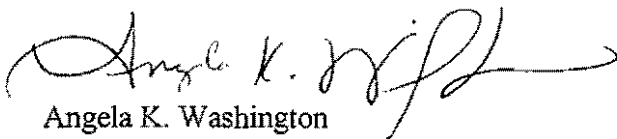
Mr. Steve Chutchian
Assistant City Engineer
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: *Town of Addison v. Bullough/Lykos Office Building No. 1, L.P., et al.*
Cause No. 02-14363-B

Dear Steve:

In connection with the above-referenced case, enclosed is a copy of Doug Conner's correspondence to the Court forwarding an Order of Possession. As you will note, it has been conditionally accepted by the Landowner. I will forward to you a copy of the conformed Order once we receive it. If you have any questions, please give me a call.

Sincerely,



Angela K. Washington

AKW/yjr
Enclosure

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

BOYLE & LOWRY, L.L.P.

JOHN F. BOYLE, JR.
L. STANTON LOWRY
MATTHEW C. G. BOYLE
DOUGLAS H. CONNER, III
MICHAEL K. KALLAS
DAVID H. BRUNE*
ALAN C. WAYLAND*
*OF COUNSEL

ATTORNEYS AND COUNSELORS
4201 WINGREN, SUITE 108
IRVING, TEXAS 75062-2763

www.boyle-lowry.com

(972) 650-7100
Fax: (972) 650-7105

Writer's Direct Line:
(972) 650-7106
E-mail: dhconner@boyle-lowry.com

April 30, 2004

Clerk of the Court
County Court at Law No. 2
Records Building, 3rd Floor
500 Main Street
Dallas, Texas 75202

Re: ENTRY OF ORDER OF POSSESSION; *Town of Addison v. Bullough/Lykos*
Office Building No. 1, L.P. et al.; Cause No. 02-14363-B

Dear Clerk:

Please forward the enclosed Order that has been conditionally accepted by the Landowner. With such conditions, the Condemning authority accepts this Order of Possession being conditioned as provided in the Order. I have taken the liberty of providing to you a self-addressed postage prepaid envelope for the return of two conformed copies of this Order. Should the judge have any questions about this Order, do not hesitate to have him call the undersigned and/or Landowners' counsel Ken Wright. Mr. Wright's address and phone number is on the Order and my address and phone number is on the Motion and on the letterhead to the transmittal of the Order to the Court.

Thank you for your courtesies and assistance in the handling of this matter.

Sincerely yours,

BOYLE & LOWRY, L.L.P.



Douglas H. Conner, III

Enclosure

cc: Ken Wright
Rogers & Wright, P.C.
1341 W. Mockingbird
Suite 950 West
Dallas, Texas 75247-6907

Clerk of the Court

April 30, 2004

Page 2

bcc: Angela K. Washington (via fax, w/enclosure)
Cowles & Thompson
901 Main Street, Suite 4000
Dallas, Texas 75202-3793

H:\ADConser\Addison v. Bullough\Correspondence\dhc-ltr-clerk 4-29-04.doc

CAUSE NO. 02-14363-B

TOWN OF ADDISON

Plaintiff,

v.

BULLOUGH/LYKOS OFFICE
BUILDING NO. 1, L.P., et al.

Defendant.

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IN THE COUNTY COURT

AT LAW NUMBER 2

DALLAS COUNTY, TEXAS

ORDER

On the ____ day of _____, 2004, the Court considered Plaintiff Town of Addison's Motion for Possession in the above-entitled and numbered cause. After considering the pleadings and evidence filed therewith, the Court finds that the Town of Addison has complied with the requirements of Texas Property Code § 21.021, and is therefore entitled to immediate possession of the subject property.

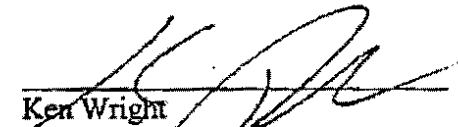
IT IS THEREFORE ORDERED that the Clerk of the Court shall immediately issue an Order of Possession allowing the Town of Addison to take possession of the property for which it has brought this action and for which it has made a payment of the Commissioners' Award and that the Town of Addison be allowed to take possession of such real property within ten (10) days of the entry of this Order. The sheriff or constable is further **ORDERED** to remove from the property the persons or personalty of any person who might claims through Defendants during the pendency of this proceeding should after the expiration of ten (10) days a written request be first tendered to the Landowners' attorney of record and not be fully responded to by twenty (20) days thereafter.

Signed this the _____ day of _____, 2004.

JUDGE PRESIDING

CONDITIONAL ACCEPTANCE BY LANDOWNERS:

The Landowners do not challenge the Condemnor's right to possession of the property for which there has been a deposit made of the Commissioners' Award. The Landowners' actions in not challenging the Town of Addison's Motion for Possession does not constitute a waiver of any of the Landowners' defenses in this action specifically including the right to challenge the issue of the right to take as well as lack of good faith negotiations and the challenge of the sufficiency of the Commissioners' Award.


Ken Wright

State Bar No. 2204550

ROGERS & WRIGHT

1341 W. Mockingbird Lane

Suite 950 West

Dallas, Texas 75247-6907

(214) 920-9500

Fax: (214) 920-9501

H:\ADConner\Addison v. Bullough\Pleadings\Order Granting Possession.v2.doc

25th
Anniversary
1978-2003

COWLES & THOMPSON
A Professional Corporation
ATTORNEYS AND COUNSELORS



6

ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

June 13, 2003

Ms. Patricia A. Sherman Bruce, Esq.
Vice President
Republic Title of Texas, Inc.
2626 Howell Street, 10th Floor
Dallas, TX 75204-4064

**RE: Parcel 5 (Heritage Inn No. XIII), Arapaho Extension of Road Project
Your File No. 02R14033/SJ6**

Dear Patricia:

Enclosed is a copy of the fully executed Contract of Sale for the above-referenced property. Also enclosed are the originals of the Right-of-Way Deed and the Temporary Construction Easement. Please update the Title Commitment and take the necessary steps to close this transaction. You will also find enclosed an executed Deletion of Arbitration Provision form for purposes of the insurance policy. If you have any questions or need anything further at this time, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosures

c(w/Enclosures): Ms. Lori Kasowski c/o Mr. Gary Tharaldson
Mr. Steve Chutchian
(w/o Enclosures): Mr. Ron Whitehead
Mr. Mike Murphy
Mr. Ken C. Dippel

25th
Anniversary
1978-2003

COWLES & THOMPSON
A Professional Corporation
ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

May 29, 2003

VIA HAND DELIVERY

Ms. Alice Greer
Court Clerk
County Court At Law No. 2
509 Main St., Suite 311
Dallas, Texas 75202-5755

RE: *Town of Addison v. Motel 6 Operating, L.P., et al.*
Cause No. 03-00711-B

Dear Clerk:

Enclosed please find an original and two copies of Notice of Deposit for filing in the above-referenced matter. Please file the original among the papers in this cause and return the file-stamped copies to me via our courier. Also please present it to Judge Peyton for approval and signature and provide me with a conformed copy in the enclosed self-addressed, stamped envelope.

By copy of this letter, counsel of record (for Motel 6 Operating, L.P., Motel 6 G.P., Inc. and Georges Le Mener) and other interested parties have been forwarded a copy of said document as indicated below.

Thank you for your attention to this matter. If you have any questions, please contact me.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosures

c: Mr. David C. Kent *Via Fax 214.389.5399 and Via Certified Mail,*
RRR # 7001 1940 0002 0589 7386
Jojos Restaurants, Inc. *Via Certified Mail, RRR # 7001 1940 0002 0589 7430*
Cynthia Calhoun, Co. Clerk *Via Certified Mail, RRR # 7001 1940 0002 0589 7447*
Dallas I.S.D. *Via Certified Mail, RRR # 7001 1940 0002 0589 7454*

May 29, 2003
Page 2

bcc(w/Enc.): Mr. Mike Murphy
Mr. Doug Conner
(w/o Enc.) Mr. Kenneth C. Dippel, w/firm

CAUSE NO. 03-00711-B

2003 MAY 29 PM 2: 26

TOWN OF ADDISON

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IN THE COUNTY COURT

v.

AT LAW NO. 2

MOTEL 6 OPERATING, L.P., ET AL.

DALLAS COUNTY, TEXAS

COUNTY CLERK
DALLAS COUNTY

NOTICE OF DEPOSIT

TO SAID HONORABLE COURT:

NOW COMES THE TOWN OF ADDISON, Plaintiff in the above styled proceedings, and respectfully shows the Court as follows:

1. That the *Commissioners' Report and Award* has been filed with the Judge in these proceedings, whereby the amount of damages awarded or adjusted against Plaintiff by the Special Commissioners is **FOUR HUNDRED THIRTY-ONE THOUSAND TWO HUNDRED THIRTY FOUR AND NO/100 DOLLARS (\$431,234.00)**.

2. That Plaintiff desires to enter upon and take possession of the property sought to be taken in these proceedings, pending litigation; and in order that they may do so, the Plaintiff herewith deposits the said amount into the Registry of the Court, by herewith delivering to the Clerk of this Court, Plaintiff's following described check in said amount, to-wit: same being check numbered 19279, dated May 22, 2003, payable to "Dallas County Clerk's Office."

3. That by reason of the above premises, Plaintiff is now entitled to enter upon and take possession of said property.


WHEREFORE, premises considered, Plaintiff prays that this Honorable Court issue such Order as may appear necessary and proper for the enforcement of Plaintiff's said right to enter upon and take possession of said property.

Respectfully submitted,

BOYLE & LOWRY, L.L.P.

DOUGLAS H. CONNER, III
Texas Bar No. 04694000
4201 Wingren Plaza
Suite 108
Irving, Texas 75062
(972) 650-7100 (Telephone)
(972) 650-7105 (Telecopier)

COWLES & THOMPSON, P.C.

By: 
ANGELA K. WASHINGTON
Texas Bar No. 20897155
901 Main Street, Suite 4000
Dallas, TX 75202
(214) 672-2000 (Telephone)
(214) 672-2344 (Telecopier)

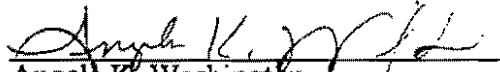
**ATTORNEYS FOR PLAINTIFF
TOWN OF ADDISON**

**APPROVED, AND WRIT OF POSSESSION ORDERED
ISSUED TO THE TOWN OF ADDISON, TEXAS,
THIS ____ DAY OF _____, 2003.**

THE HONORABLE JOHN PEYTON
Judge of the County Court at Law No. 2
of Dallas County, Texas

CERTIFICATE OF SERVICE

The undersigned certifies that on the 29th day of May, 2003, a true and correct copy of the foregoing document was delivered via Telecopy and/or Certified Mail, Return Receipt Requested to the counsel of record and defendants listed below.


Angela K. Washington

David C. Kent
Diamond McCarthy Taylor Finley
Bryant & Lee, L.L.P.
1201 Elm Street, 34th Floor
Dallas, Texas 75270
Counsel of Record for:
Motel 6 Operating, L.P.
Motel 6 G.P., Inc
Georges Le Mener, Individually and as
Officer of Motel 6, G.P., Inc.

Jojos Restaurants, Inc.
203 E. Main Street P-11-5
Spartanburg, South Carolina 29319-0001

Dallas County, Texas
Cynthia F. Calhoun, County Clerk
Records Building, 2nd Floor
Dallas, Texas 75202

Dallas Independent School District
3700 Ross Avenue
Dallas, Texas 75204

35th
Anniversary
1978-2003

COWLES & THOMPSON
A Professional Corporation
ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

May 27, 2003

Mr. Mike Murphy
Director of Public Works
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

Mr. Steve Chutchian
Assistant City Engineer
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: *Town of Addison v. Motel 6 Operating, L.P., et al.*
Cause No. CC-03-00711-B
Parcel 6 Arapaho Extension of Road Project

Dear Mike and Steve:

As promised in my May 23, 2003 letter, enclosed is the property owners' Objection to Special Commissioners' Finding. If you have any questions, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c (w/o Enc.): Mr. Kenneth Dippel

TOWN OF ADDISON,

Plaintiff,

v.

MOTEL 6 OPERATING, L.P., *et al.*,

Defendants.

§
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IN THE COUNTY COURT

AT LAW NO. 2 OF

DALLAS COUNTY, TEXAS

OBJECTION TO SPECIAL COMMISSIONERS' FINDINGS

Pursuant to Texas Property Code §21.18, Defendants Motel 6 Operating, L.P., Motel 6 G.P., Inc. (now known as Accor North America, Inc.), and Georges Le Mener, individually and as officer of Motel 6, G.P., Inc., object to the findings and award of the special commissioners herein, and pray that the Court issue citation to the adverse party and try the case in the same manner as other civil causes.

Respectfully submitted,



David C. Kent
State Bar No. 11316400

Mary Ann Joerres
State Bar No. 10669750

DIAMOND McCARTHY TAYLOR
FINLEY BRYANT & LEE, L.L.P.
1201 Elm St. - 34th Floor
Dallas, Texas 75270
(214) 389-5300
(214) 389-5399 (Fax)

ATTORNEYS FOR DEFENDANTS
MOTEL 6 OPERATING L.P., , MOTEL
6 G.P., INC. and GEORGES LE
MENER, INDIVIDUALLY AND AS
OFFICER OF MOTEL 6 G.P., INC.



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

May 23, 2003

Mr. Mike Murphy
Director of Public Works
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

Mr. Steve Chutchian
Assistant City Engineer
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: *Town of Addison v. Motel 6 Operating, L.P., et al.*
Cause No. CC-03-00711-B
Parcel 6 Arapaho Extension of Road Project

Dear Mike and Steve:

Please be advised that the landowners in the above-referenced case have filed objections to the Commissioners' Award. Enclosed is a copy of a letter from the landowners attorney, David Kent, explaining the reasoning for such objections. Basically, they may not pursue the objections, but did not wish to miss the filing deadline pending their review of the noise study and their decision on how to resolve the matter. I have not yet received a copy of the objections, but will forward them to you upon receipt. Please call if you have any questions.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c (w/o enc.): Mr. Doug Conner
Mr. Kenneth Dippel



Diamond McCarthy

Taylor Finley Bryant & Lee, LLP.

Renaissance Tower • 1201 Elm Street, 34th Floor • Dallas • Texas • 75270 • 214 389-5300 • FAX 214 389-5399

Writer's Direct Dial Number
214-389-5316

E-mail Address
dkent@diamondmccarthy.com

May 19, 2003

Douglas H. Conner, III
Boyle & Lowry, P.C.
4301 Wingren - Suite 108
Irving, Texas 75062

COPY¹

Re: No. cc-03-00711-b
Town of Addison v. Motel 6 Operating, L.P., et al
In the County Court At Law No. 2, Dallas County, Texas

Dear Doug:

Enclosed is a copy of our Objections to the Special Commissioners' Findings, which we filed today. We filed this as a protective measure only, while we review the noise study. Also, one of our decision-makers on this matter is out of town on an extended business trip, so we will have to wait until he returns before we can make final decisions on how to resolve this matter.

After we have had a chance to review all of this with the appropriate people at Motel 6, we will be in touch with you to discuss it further.

Very truly yours,


David C. Kent

DCK:mks
Enclosure

cc: Roger J. Reith (w/enc.)
Randy Lee (w/enc.)
Mary Ann Joerres (w/enc.)

25th
Anniversary
1978-2003

COWLES & THOMPSON
A Professional Corporation
ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

May 23, 2003

Mr. Mike Murphy
Director of Public Works
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

Mr. Steve Chutchian
Assistant City Engineer
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: *Town of Addison v. Motel 6 Operating, L.P., et al.*
Cause No. CC-03-00711-B
Parcel 6 Arapaho Extension of Road Project

Dear Mike and Steve:

Please be advised that the landowners in the above-referenced case have filed objections to the Commissioners' Award. Enclosed is a copy of a letter from the landowners attorney, David Kent, explaining the reasoning for such objections. Basically, they may not pursue the objections, but did not wish to miss the filing deadline pending their review of the noise study and their decision on how to resolve the matter. I have not yet received a copy of the objections, but will forward them to you upon receipt. Please call if you have any questions.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c (w/o enc.): Mr. Doug Conner
Mr. Kenneth Dippel



Diamond McCarthy

Taylor Finley Bryant & Lee, L.L.P.

Renaissance Tower • 1201 Elm Street, 34th Floor • Dallas • Texas • 75270 • 214 389-5300 • FAX 214 389-5399

Writer's Direct Dial Number
214-389-5316

E-mail Address
dkent@diamondmccarthy.com

May 19, 2003

Douglas H. Conner, III
Boyle & Lowry, P.C.
4301 Wingren – Suite 108
Irving, Texas 75062

COPY

Re: No. cc-03-00711-b
Town of Addison v. Motel 6 Operating, L.P., et al
In the County Court At Law No. 2, Dallas County, Texas

Dear Doug:

Enclosed is a copy of our Objections to the Special Commissioners' Findings, which we filed today. We filed this as a protective measure only, while we review the noise study. Also, one of our decision-makers on this matter is out of town on an extended business trip, so we will have to wait until he returns before we can make final decisions on how to resolve this matter.

After we have had a chance to review all of this with the appropriate people at Motel 6, we will be in touch with you to discuss it further.

Very truly yours,

David C. Kent

DCK:mks

Enclosure

cc: Roger J. Reith (w/enc.)
Randy Lee (w/enc.)
Mary Ann Joerres (w/enc.)



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

April 25, 2003

Mr. Don Daniel
Special Commissioner
9301 Moss Trail
Dallas, TX 75231

Mr. Joe Coerver
Special Commissioner
7210 Centenary Avenue
Dallas, TX 75225

Mr. Larry Phillips
Special Commissioner
1049 Eagle Drive
DeSoto, TX 75115

**RE: *Town of Addison v. Motel 6 Operating, L.P., et al.*
Cause No. 03-00711-B in the County Court at Law No. 2, Dallas Co., Texas
Confirmation of Commissioners Hearing**

Dear Commissioners:

I have been informed by the Court that it did not receive the number of hours that you served on the above-referenced matter. Please provide me with the number of hours that you devoted to the case, so that I may provide that information to the Court. The Court will then order the amount to be paid to each of you.

In addition, please provide your social security number so that the Town of Addison can process your checks. Thank you for your service on this matter.

Sincerely,

Angela K. Washington

AKW/yjr

c: Mr. Mike Murphy
Mr. Doug Conner
Mr. Ken C. Dippel

COWLES & THOMPSON

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
14.672.2144
WASHINGTON@COWLESTHOMPSON.COM

March 21, 2003

Mr. Ron Whitehead
City Manager
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: Revised Notice of Commissioners Hearing for Parcel 6, Arapaho Road Project

Dear Ron:

Enclosed is your copy of the Revised Notice of Hearing for the Commissioners Hearing on Parcel 6. As you will note, the hearing is scheduled for **10:00 a.m. on April 23, 2003 at the Dallas County Records Building in Judge John Peyton's courtroom, 500 Main Street, 3rd Floor, Dallas, Texas 75202.** It was rescheduled by the Commissioners at the original setting on March 19, 2003.

By copy of this letter, I am providing copies of this notice to Mike Murphy and Steve Chutchian. A copy will be sent to all Commissioners and copies will be sent by certified mail to all owners or claimants of some interest in the property listed in the petition. If you have any questions, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

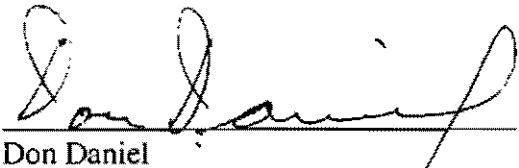
c: Mr. Mike Murphy (w/Enclosure)
Mr. Steve Chutchian (w/Enclosure)
Mr. Ken Dippel
Mr. Doug Conner

to the owners of said property to be condemned. By copy of this notice, confirmation of this setting is being forwarded to the City Manager of the Town of Addison, the Special Commissioners appointed by the Honorable Court, and to the Court deputy of this Honorable Court.

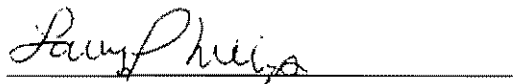
SUCH HEARING is now RESCHEDULED for April 23rd, 2003 at 10:00 a.m. in the Courtroom for County Court at Law No. 2, the Dallas County Records Building and courtroom of the Honorable Judge John Peyton. County Court at Law No. 2, 3rd floor, 500 Main Street, Dallas, Texas 75202.

Should Landowners desire to challenge the Town of Addison's Appraisal testimony, the Landowners must in accordance of Section 21.0111(b), Texas Property Code provide to Town of Addison's attorney whose name is herein below provided by no later than 10 days prior to the date of the rescheduling of this hearing, all appraisal reports and opinions of value that any challenge the value conclusions and opinions of the Condemnor's Appraisers.

APPROVED AND ORDERED BY SPECIAL COMMISSIONERS:



Don Daniel

Joe Coerver


Larry Phillips

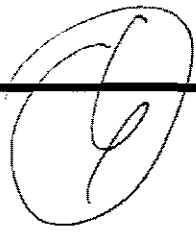
Respectfully submitted,

BOYLE & LOWRY L.L.P.



Douglas H. Conner, III
State Bar No. 04694000
4201 Wingren Plaza
Suite #108
Irving, Texas 75062
972.650.7100 [Telephone]
972.650.7105 [Telecopier]

Steve Chutchian



From: Steve Chutchian
Sent: Monday, February 24, 2003 2:00 PM
To: Michael Murphy
Subject: Minol MTR (Parcel 6) Addison Rd.

Mike: you asked for the cost per foot for the parkway easement on the Minol MTR site. The cost is as follows:

$\$36,436 / 2,974.32 \text{ s.f.} = \$12.25/\text{s.f.}$

The original appraised amount was \$18,590.

Steve C.



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

February 21, 2003

Mr. Ron Whitehead
City Manager
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

**RE: Commissioners Hearing for Parcel 6 and 11, Arapaho
Road Project**

Dear Ron:

Enclosed is your copy of the Notice of Hearing served on Dale C. Bullough for the Commissioners Hearing on Parcel 11. As you will note, the hearing is scheduled for 10:00 a.m. on March 18, 2003 at the Dallas County Records Building in Judge John Peyton's courtroom, 500 Main Street, 3rd Floor, Dallas, Texas 75202. Also enclosed is your copy of the Notice of Commissioners Hearing served on CT Corporation Systems for Parcel 6 (Motel 6). As stated in the notice, this hearing will be held at 10:00 a.m. on March 19, 2003 at the Dallas County Records Building in Judge John Peyton's courtroom, 500 Main Street, 3rd Floor, Dallas, Texas 75202.

By copy of this letter, I am providing copies of these notices to Mike Murphy and Steve Chutchian. Note that these notices were served by the process server. Notices will be sent by certified mail to all owners or claimants of some interest in the property listed in the petition. If you have any questions, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosures

c: Mr. Mike Murphy (w/Enclosures)
Mr. Steve Chutchian (w/Enclosures)
Mr. Ken Dippel

COPY

CAUSE NO. 02-14363-B

TOWN OF ADDISON)	IN THE COUNTY COURT AT
)	
Plaintiff,)	
)	
v.)	LAW NO. 2
)	
BULLOUGH/LYKOS OFFICE)	DALLAS COUNTY, TEXAS
BUILDING NO. 1, L.P., ET AL.)	

TO: Dale C. Bullough, Registered Agent and Partner of Bullough/Lykos Office
 Building No. 1, L.P.
 Applied Property Management Co.
 4101 Centurion Way
 Addison, Texas 75001

Dale C. Bullough, Registered Agent and Partner of
 DCB Investment Company
 4101 Centurion Way
 Addison, Texas 75001

NOTICE OF COMMISSIONER'S HEARING

You are hereby notified that the Town of Addison, acting by and through its City Attorney, on January 13, 2003, filed its First Amended Petition in Condemnation with the Clerk in the above-referenced Court of Dallas County Texas wherein it sought the condemnation of certain land, a true copy of which Petition is hereby attached and made a part hereof, and to which reference is made for description of the land sought to be condemned, for a statement of the purposes of condemnation, and for all other legal purposes.

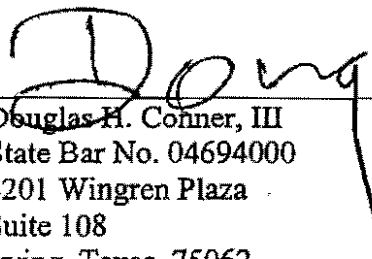
This Honorable Court has appointed three special Commissioners who have conferred and determined that they would like to set this MATTER FOR HEARING AT THE TIME AND PLACE HEREIN PROVIDED, such hearing to commence at 10:00 a.m. o'clock on the 18th day of March, 2003 at the Dallas County Records Building in the Courtroom of the Honorable Judge John Peyton., 3rd Floor, 500 Main Street, Dallas, Texas 75202.

All parties of record having interest in the subject property are hereby notified to appear at the time and place after set for the purpose of offering any evidence they desire on the issue as to the damages to be assessed against the Town of Addison and to be paid to the owners of said property to be condemned. By copy of this notice, confirmation of

All parties of record having interest in the subject property are hereby notified to appear at the time and place after set for the purpose of offering any evidence they desire on the issue as to the damages to be assessed against the Town of Addison and to be paid to the owners of said property to be condemned. By copy of this notice, confirmation of this setting is being forwarded to the City Manager of the Town of Addison, the Special Commissioners appointed by the Honorable Court, and to the Court Deputy of this Honorable Court.

Respectfully submitted,

BOYLE & LOWRY, L.L.P.



Douglas H. Conner, III
State Bar No. 04694000
4201 Wingren Plaza
Suite 108
Irving, Texas 75062
(972) 650-7100 [Telephone]
(972) 650-7105 [Telecopier]

ATTORNEY FOR PLAINTIFF
TOWN OF ADDISON

CC: Edward Neal
Special Commissioner
7308 Tangleglen
Dallas, Texas 75248

Jean Towell
Special Commissioner
7309 Tangleglen
Dallas, Texas 75248

Charles Fiscus
Special Commissioner
1120 Metrocrest
Suite #200
Carrollton, Texas 75006

Mr. Ken C. Dippel
City Attorney

Town of Addison
901 Main Street, #4000
Dallas, Texas 75202

Angela K. Washington
Assistant City Attorney
Town of Addison
901 Main Street, #4000
Dallas, Texas 75202

\\SERVER\Company\Boyle-Lowry\General Law\gm-city of addison\Bullough\Pleadings\Notice.Hearing.doc

FILED
2003 JAN 13 PM 2:19

TOWN OF ADDISON

V.

BULLOUGH/LYKOS OFFICE
BUILDING NO. 1, L.P., ET AL.

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IN THE COUNTY COURT CLERK
DALLAS COUNTY
AT LAW NUMBER 2
DALLAS COUNTY, TEXAS

PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION IN CONDEMNATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Town of Addison , hereinafter referred to as Plaintiff, having by law the right of eminent domain and power of condemnation, acting herein by and through its duly elected City Council (the "Council"), for and on behalf of the Town of Addison, and files this its First Amended Original Petition In Condemnation complaining of Bullough/Lykos Office Building No. 1, L.P.; Applied Property Management Co.; Thomas J. Lykos, Jr., individually and as officer of Applied Property Management Co.; Kircrow Enterprises, Inc.; First Bank & Trust; David F. Weaver, Trustee; and DCB Investment Company, hereinafter referred to as Defendants; and for cause of action Plaintiff respectfully represents to the Court as follows:

I.

The Plaintiff, Town of Addison, a municipal corporation, has determined that the public necessity requires that certain land should be acquired from the Defendants herein.

II.

The Defendants are owners or claimants of some interest in the property being acquired who have been identified by diligent search by Plaintiff. Their respective addresses for service of process are:

Bullough/Lykos Office Building No. 1, L.P.
4101 Centurion Way
Addison, Texas 75001

Dale C. Bullough, Registered Agent
Applied Property Management Co.
4101 Centurion Way
Addison, Texas 75001

Thomas J. Lykos, Jr.
4101 Centurion Way
Addison, TX 75001

Douglas W. Kirkley, Registered Agent
Kircrow Enterprises, Inc.
753 Robin Lane
Coppell, Texas 75019

First Bank & Trust
Attn: Chris Hopkins
2101 Gateway Drive
Irving, Texas 75038-2399

David F. Weaver
First Bank & Trust
2101 Gateway Drive
Irving, Texas 75038-2399

Dale C. Bullough, Registered Agent
DCB Investment Company
4101 Centurion Way
Addison, Texas 75001

Dallas County, Texas
Earl Bullock, County Clerk
Records Building, 2nd Floor
Dallas, TX 75202

Dallas Independent School District
3700 Ross Avenue
Dallas, TX 75204

III.

The public purpose of the acquisition is for the construction, relocation and extension of Arapaho Road, a public street in Addison, Texas, as well as for a temporary construction easement to be utilized in the building of said street for a period of thirty (30) months.

IV.

The Addison City Council has by resolution determined that a fee simple estate is necessary for the construction, relocation and extension of the above-specified new street project. The land to be acquired in fee will be used for such purposes as specified in Paragraph III and although the remainder of Defendant's land will not have access to the new street project, it will maintain its current access to and from Centurion Way. The temporary construction easement will be used for thirty (30) months from the date of possession by Plaintiff as specified in Paragraph VII and returned to the owner thereof.

V.

Plaintiff is entitled to condemn the fee title in such land for said purposes and asks that it be condemned for such purposes.

VI.

The fee simple estate being acquired for the street is described in Exhibit A, attached hereto and made a part of this petition for all purposes.

VII.

Exhibit B, attached hereto and made a part of this petition for all purposes, describes a temporary construction easement that runs parallel to the street right-of-way which easement is to be used during construction for work areas including the removal of improvements located within the right-of-way being acquired and for other related construction uses. All improvements

will be removed from the temporary construction easement and it will be returned to its pre-existing grade and condition except that no improvements will be reconstructed thereon. This temporary construction easement will be thirty (30) months in duration, said months to run from date of possession by the Plaintiff of the easement, and to expire automatically on the completion of the thirtieth (30th) month after possession by Plaintiff.

VIII.

Plaintiff would show, that through its duly authorized agents, it made bona fide attempts to purchase the required property from the defendant owners, that Plaintiff offered the fee owner fair market value as compensation for the property to be acquired, including damages to the remainder, if any, and that the parties have been unable to agree upon the sums to be paid for the purchase of this land or damages occasioned by the acquisition of the land and improvements, if any, and asks that special commissioners be appointed as provided by law to assess all amounts due to Defendants for the part taken and damages, if any.

IX.

Plaintiff has named all known record owners of the land to be condemned. Plaintiff reserves the right to add additional parties if such interests should later appear.

X.

On August 27, 2002, the City Council of the Town of Addison passed a resolution declaring that public convenience and necessity require that the property described in Exhibits A and B be acquired for the public purpose of construction, relocation, and extension of a public street, to wit Arapaho Road. The resolution further authorized the filing of the condemnation suit on behalf of the Plaintiff as provided by law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Special Commissioners be appointed to determine the compensation to be awarded to the Defendants, that a hearing be held after the parties are properly noticed and the Commissioners render an award to be filed with the Court, that writ of possession issue to Plaintiff and that upon final trial Plaintiff be awarded a judgment vesting fee simple title to the land described in Exhibit A in the Town of Addison, granting a temporary construction easement in the land described in Exhibit B for thirty (30) months from the date of possession, and that fair market compensation including damages, if any, be awarded to Defendants.

Plaintiff further prays for costs of court and for such other and further relief, both general and special, as Plaintiff may be entitled to receive.

Respectfully submitted,

COWLES & THOMPSON, P.C.

901 Main Street, Suite 4000

Dallas, Texas 75202

(214) 672-2000

Fax: (214) 672-2020

Ken C. Dippel

City Attorney for Town of Addison

State Bar No. 05893000

Angela K. Washington

Assistant City Attorney for Town of Addison

State Bar No. 20897155

LAW OFFICES OF BOYLE & LOWRY, P.C.

By:



Douglas H. Conner

State Bar No. 04694000

4301 Wingren, Suite 108

Irving, Texas 75062

(972) 650-7100

Fax: (972) 650-7105

**TRIAL ATTORNEY FOR PLAINTIFF
TOWN OF ADDISON, TEXAS**

EXHIBIT A

Parcel 11
Field Note Description
Arapaho Road Project
Town of Addison
Dallas County, Texas

BEING a description of a 0.2950 acre (12,852 square foot) tract of land situated in the David Myers Survey, Abstract Number 923, Town of Addison, Dallas County, Texas, and being a portion of a called 1.103 acre tract of land conveyed to Bullough/Lykos Office Building No. 1, L.P. on June 11, 1998 and recorded in Volume 98115, Page 03999 of the Deed Records of Dallas County, Texas, said called 1.103 acre tract being all of "Lot 5, Surveyor Addition, Addison West Industrial Park", an addition to the Town of Addison, as evidenced by the plat dated February 7, 1979 and recorded in Volume 79053, Page 0620 of said Deed Records, said 0.3664 acre tract of land being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8 inch iron rod set in the proposed North right of way line of Arapaho Road and the South right of way line of a 100 foot wide railroad right of way as conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (herein referred to as DART) on December 27, 1990 and recorded in Volume 91008, Page 1390 of said Deed Records, said point being the common Northeast corner of said called 1.103 acre tract and Northwest corner of a called 1.3713 acre tract of land (designated "Tract 1") conveyed to 4125 Centurion Way, L.P. on June 18, 1998 and recorded in Volume 98121, Page 00188 of said Deed Records, from said point a 1/2 inch iron rod found bears South 45°10'16" East a distance of 0.38 feet, said 0.3664 acre tract of land being more particularly described by metes and bounds as follows;

THENCE, SOUTH 00°08'05" WEST, departing said lines and along the common East line of said called 1.103 acre tract and West line of said called 1.3713 acre tract, a distance of 78.95 feet to a 5/8 inch iron rod set in the proposed South right of way line of Arapaho Road;

PARCEL 11 - ARAPAHO ROAD PROJECT

THENCE, NORTH 89°58'49" WEST, departing said common line and along the proposed South right of way line of Arapaho Road, a distance of 162.76 feet to a 5/8 inch iron rod set in the common West line of said called 1.103 acre tract and East line of a called 4.081 acre tract of land conveyed to Public Storage of Dallas, LTD. on October 3, 1979 and recorded in Volume 79196, Page 3188 of said Deed Records, said called 4.081 acre tract being all of Lot 3, of the Watson and Taylor Subdivision No. 2, an addition to the Town of Addison, as evidenced by the plat dated September 12, 1979 and recorded in Volume 79180, Page 0888 of said Deed Records;

THENCE, NORTH 00°06'08" EAST (called North 00°08'05" East), departing said line and along the common West line of said called 1.103 acre tract and East line of said called 4.081 acre tract, a distance of 78.95 feet to a 1/2 inch iron rod found in the proposed North right of way line of Arapaho Road and the South right of way line of said DART railroad, said point being the common Northwest corner of said called 1.103 acre tract and Northeast corner of said called 4.081 acre tract;

THENCE, SOUTH 89°58'49" EAST (called EAST), departing said common line and along the common North line of said called 1.103 acre tract, proposed North right of way line of Arapaho Road, and South right of way line of said DART railroad, a distance of 162.80 feet (called 162.84 feet) to the **POINT OF BEGINNING**;

CONTAINING an area of 0.2950 acres or 12,852 square feet of land within the metes recited.

PARCEL 11 - ARAPAHO ROAD PROJECT

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

A plat of even survey date herewith accompanies this description.

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

Ayub R. Sandhu 11-12-99
Ayub R. Sandhu, R.P.L.S.
Texas Registration No. 2910

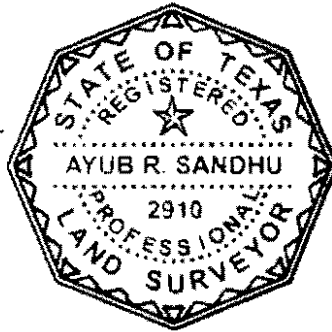


EXHIBIT B

Parcel 11-TE
Field Note Description
Arapaho Road Project
Town of Addison
Dallas County, Texas

BEING a description of a 0.0187 acre (814 square foot) tract of land situated in the David Myers Survey, Abstract Number 923, Town of Addison, Dallas County, Texas, and being a portion of a called 1.103 acre tract of land conveyed to Bullough/Lykos Office Building No. 1, L.P. on June 11, 1998 and recorded in Volume 98115, Page 03999 of the Deed Records of Dallas County, Texas, said called 1.103 acre tract being all of "Lot 5, Surveyor Addition, Addison West Industrial Park", an addition to the Town of Addison, as evidenced by the plat dated February 7, 1979 and recorded in Volume 79053, Page 0620 of said Deed Records, said 0.0187 acre tract of land being more particularly described by metes and bounds as follows;

COMMENCING at the common Northeast corner of said called 1.103 acre tract and Northwest corner of a called 1.3713 acre tract of land (designated "Tract 1") conveyed to 4125 Centurion Way, L.P. on June 18, 1998 and recorded in Volume 98121, Page 00188 of said Deed Records, said corner being in the proposed North right of way line of Arapaho Road and the South right of way line of a 100 foot wide railroad right of way as conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (herein referred to as DART) on December 27, 1990 and recorded in Volume 91008, Page 1390 of said Deed Records;

THENCE, SOUTH 00°08'05" WEST, departing said lines and along the common East line of said called 1.103 acre tract and West line of said called 1.3713 acre tract, a distance of 78.95 feet to a point in the proposed South right of way line of Arapaho Road for the Northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, SOUTH 00°08'05" WEST, continuing along said common line, a distance of 5.00 feet to a point for corner;

PARCEL 11-TE - ARAPAHO ROAD PROJECT

THENCE, NORTH 89°58'49" WEST, departing said common line, a distance of 162.76 feet to a point in the common West line of said called 1.103 acre tract and East line of a called 4.081 acre tract of land conveyed to Public Storage of Dallas, LTD. on October 3, 1979 and recorded in Volume 79196, Page 3188 of said Deed Records, said called 4.081 acre tract being all of Lot 3, of the Watson and Taylor Subdivision No. 2, an addition to the Town of Addison, as evidenced by the plat dated September 12, 1979 and recorded in Volume 79180, Page 0888 of said Deed Records;

THENCE, NORTH 00°06'08" EAST (called North 00°08'05" East), along the common West line of said called 1.103 acre tract and East line of said called 4.081 acre tract, a distance of 5.00 feet to a point for corner in said proposed South Right of Way line of Arapaho Road;

THENCE, SOUTH 89°58'49" EAST, departing said common line and along said proposed South Right of Way line of Arapaho Road, a distance of 162.76 feet to the **POINT OF BEGINNING**;

CONTAINING an area of 0.0187 acres or 814 square feet of land within the metes recited.

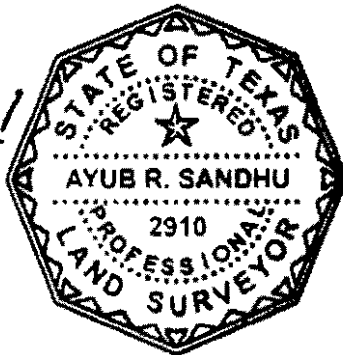
All bearings are referenced to the North Right of Way line of Centurion Way, called S 89°51'55" E, according to the final plat of Lot 3, Surveyor Addition, recorded in Vol. 77173, Page 135, Deed Records of Dallas County, Texas.

A plat of even survey date herewith accompanies this description.

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

Ayub R. Sandhu 7-26-01

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



Parcel 11-TE
Field Note Description
Arapaho Road Project
Town of Addison
Dallas County, Texas

BEING a description of a 0.0187 acre (814 square foot) tract of land situated in the David Myers Survey, Abstract Number 923, Town of Addison, Dallas County, Texas, and being a portion of a called 1.103 acre tract of land conveyed to Bullough/Lykos Office Building No. 1, L.P. on June 11, 1998 and recorded in Volume 98115, Page 03999 of the Deed Records of Dallas County, Texas, said called 1.103 acre tract being all of "Lot 5, Surveyor Addition, Addison West Industrial Park", an addition to the Town of Addison, as evidenced by the plat dated February 7, 1979 and recorded in Volume 79053, Page 0620 of said Deed Records, said 0.0187 acre tract of land being more particularly described by metes and bounds as follows;

COMMENCING at the common Northeast corner of said called 1.103 acre tract and Northwest corner of a called 1.3713 acre tract of land (designated "Tract 1") conveyed to 4125 Centurion Way, L.P. on June 18, 1998 and recorded in Volume 98121, Page 00188 of said Deed Records, said corner being in the proposed North right of way line of Arapaho Road and the South right of way line of a 100 foot wide railroad right of way as conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (herein referred to as DART) on December 27, 1990 and recorded in Volume 91008, Page 1390 of said Deed Records;

THENCE, SOUTH $00^{\circ}08'05''$ WEST, departing said lines and along the common East line of said called 1.103 acre tract and West line of said called 1.3713 acre tract, a distance of 78.95 feet to a point in the proposed South right of way line of Arapaho Road for the Northeast corner and **POINT OF BEGINNING** of the herein described tract;

THENCE, SOUTH $00^{\circ}08'05''$ WEST, continuing along said common line, a distance of 5.00 feet to a point for corner;

CAUSE NO. 03-00711-B

TOWN OF ADDISON)	IN THE COUNTY COURT AT
)	
Plaintiff,)	
)	
v.)	LAW NO. 2
)	
MOTEL 6 OPERATING, L.P., et al.)	DALLAS COUNTY, TEXAS
)	
Defendant.)	

COPY

TO: CT Corporation System
Registered Agent for Motel 6, Inc.
1601 Elm Street
Dallas, Texas 75201

NOTICE OF COMMISSIONER'S HEARING

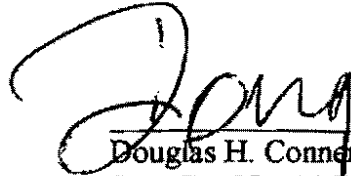
You are hereby notified that the Town of Addison, acting by and through its City Attorney, on January 21, 2003, filed its First Amended Petition in Condemnation with the Clerk in the above-referenced Court of Dallas County Texas wherein it sought the condemnation of certain land, a true copy of which Petition is hereby attached and made a part hereof, and to which reference is made for description of the land sought to be condemned, for a statement of the purposes of condemnation, and for all other legal purposes.

This Honorable Court has appointed three special Commissioners who have conferred and determined that they would like to set this MATTER FOR HEARING AT THE TIME AND PLACE HEREIN PROVIDED, such hearing to commence at 10:00 a.m. o'clock on the 19th day of March, 2003 at the Dallas County Records Building in the Courtroom of the Honorable Judge John Peyton, 3rd Floor, 500 Main Street, Dallas, Texas 75202.

All parties of record having interest in the subject property are hereby notified to appear at the time and place after set for the purpose of offering any evidence they desire on the issue as to the damages to be assessed against the Town of Addison and to be paid to the owners of said property to be condemned. By copy of this notice, confirmation of this setting is being forwarded to the City Manager of the Town of Addison, the Special Commissioners appointed by the Honorable Court, and to the Court Deputy of this Honorable Court.

Respectfully submitted,

BOYLE & LOWRY, L.L.P.



Douglas H. Conner, III
State Bar No. ~~0460~~4000
4201 Wingren Plaza
Suite 108
Irving, Texas 75062
(972) 650-7100 [Telephone]
(972) 650-7105 [Telecopier]

ATTORNEY FOR PLAINTIFF
TOWN OF ADDISON.

CC: Don Daniel
Special Commissioner
9301 Moss Trail
Dallas, Texas 75231

Joe Coerver
Special Commissioner
7210 Centenary Avenue
Dallas, Texas 75225

Larry Phillips
Special Commissioner
1049 Eagle Drive
DeSoto, Texas 75115

Mr. Ken C. Dippel
City Attorney
Town of Addison
901 Main Street, #4000
Dallas, Texas 75202

Angela K. Washington
Assistant City Attorney
Town of Addison
901 Main Street, #4000
Dallas, Texas 75202

CAUSE NO. 03 - 00711-15 29

TOWN OF ADDISON § IN THE COUNTY COURT
V. §
MOTEL 6 OPERATING, L.P., ET AL. § AT LAW NUMBER 2
§ DALLAS COUNTY
§ DALLAS COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION IN CONDEMNATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Town of Addison , hereinafter referred to as Plaintiff, having by law the right of eminent domain and power of condemnation, acting herein by and through its duly elected City Council (the "Council"), for and on behalf of the Town of Addison, complaining herein of Motel 6 Operating, L.P.; Motel 6 G.P., Inc.; Georges Le Mener, individually and as officer of Motel 6, G.P., Inc.; and JoJos Restaurants, Inc., hereinafter referred to as Defendants; and for cause of action Plaintiff respectfully represents to the Court as follows:

I.

The Plaintiff, Town of Addison, a municipal corporation, has determined that the public necessity requires that certain land should be acquired from the Defendants herein.

II.

The Defendants are owners or claimants of some interest in the property being acquired who have been identified by diligent search by Plaintiff. Their respective addresses for service of process are:

Motel 6 Operating, L.P.
14651 Dallas Parkway
Suite 500
Dallas, Texas 75254

Motel 6 G.P., Inc.
14651 Dallas Parkway
Suite 500
Dallas, Texas 75254

Georges Le Mener
14651 Dallas Parkway
Suite 500
Dallas, TX 75254

JoJos Restaurants, Inc.
203 E. Main Street P-11-5
Spartanburg, South Carolina 29319-0001

C T Corporation System
Registered Agent for Motel 6, Inc.
1601 Elm Street
Dallas, Texas 75201

C T Corporation System
Registered Agent for JoJos Restaurants, Inc.
350 N. St. Paul Street
Dallas, Texas 75201

Dallas County, Texas
Earl Bullock, County Clerk
Records Building, 2nd Floor
Dallas, TX 75202

Dallas Independent School District
3700 Ross Avenue
Dallas, TX 75204

III.

The public purpose of the acquisition is for the construction, relocation and extension of Arapaho Road, a public street in Addison, Texas.

IV.

The Addison City Council has by resolution determined that a fee simple estate is necessary for the construction, relocation and extension of the above-specified new street project. The land to be acquired in fee will be used for such purposes as specified herein.

V.

Plaintiff is entitled to condemn the fee title in such land for said purposes and asks that it be condemned for such purposes.

VI.

The fee simple estate being acquired for the street is described in Exhibit A, attached hereto and made a part of this petition for all purposes.

VII.

Plaintiff would show, that through its duly authorized agents, it made bona fide attempts to purchase the required property from the defendant owners, that Plaintiff offered the fee owner fair market value as compensation for the property to be acquired, including damages to the remainder, if any, and that the parties have been unable to agree upon the sums to be paid for the purchase of this land or damages occasioned by the acquisition of the land and improvements, if any, and asks that special commissioners be appointed as provided by law to assess all amounts due to Defendants for the part taken and damages, if any.

VIII.

Plaintiff has named all known record owners of the land to be condemned. Plaintiff reserves the right to add additional parties if such interests should later appear.

IX.

On August 27, 2002, the City Council of the Town of Addison passed a resolution declaring that public convenience and necessity require that the property described in Exhibit A be acquired for the public purpose of construction, relocation, and extension of a public street, to wit Arapaho Road. The resolution further authorized the filing of the condemnation suit on behalf of the Plaintiff as provided by law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Special Commissioners be appointed to determine the compensation to be awarded to the Defendants, that a hearing be held after the parties are properly noticed and the Commissioners render an award to be filed with the Court, that writ of possession issue to Plaintiff and that upon final trial Plaintiff be awarded a judgment vesting fee simple title to the land described in Exhibit A in the Town of Addison, and that fair market compensation including damages, if any, be awarded to Defendants.

Plaintiff further prays for costs of court and for such other and further relief, both general and special, as Plaintiff may be entitled to receive.

Respectfully submitted,

COWLES & THOMPSON, P.C.

901 Main Street, Suite 4000

Dallas, Texas 75202

(214) 672-2000

Fax: (214) 672-2020

Ken C. Dippel

City Attorney for Town of Addison

State Bar No. 05893000

Angela K. Washington

Assistant City Attorney for Town of Addison

State Bar No. 20897155

LAW OFFICES OF BOYLE & LOWRY, P.C.

By:



Douglas H. Conner

State Bar No. 04694000

4301 Wingren, Suite 108

Irving, Texas 75062

(972) 650-7100

Fax: (972) 650-7105

**TRIAL ATTORNEY FOR PLAINTIFF
TOWN OF ADDISON, TEXAS**

EXHIBIT A

Parcel 6
Field Note Description
Arapaho Road Project
Town of Addison
Dallas County, Texas

BEING a description of a 0.6430 acre (28,008 square foot) tract of land situated in the Edward Cook Survey, Abstract Number 326, Town of Addison, Dallas County, Texas, and being a portion of a called 4.9814 acre tract of land as conveyed to Motel 6 Operating L.P. on February 1, 1990 and recorded in Volume 90024, Page 0779 of the Deed Records of Dallas County, Texas, said called 4.9814 tract being all of the Rodeway Inn, an addition to the Town of Addison, as evidenced by the plat dated January 16, 1981 and recorded in Volume 81052, Page 0775 of said Deed Records, said 0.6430 acre tract of land being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2 inch iron rod found in the proposed North right of way of Arapaho Road and the South right of way line of a 100 foot wide railroad right of way as conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (herein referred to as DART) on December 27, 1990 and recorded in Volume 91008, Page 1390 of said Deed Records, said point being the common Northwest corners of said called 4.9814 acre tract and said Rodeway Inn and Northeast corner of a called 3.334 acre tract of land as conveyed to Addison, R.E. on September 15, 1995 and recorded in Volume 95181, Page 03931 of said Deed Records, said called 3.334 acre tract being all of the Iceoplex Addition, an addition to the Town of Addison, as evidenced by the plat dated on September 20, 1995 and recorded in Volume 95210, Page 03012 of said Deed Records;

THENCE, SOUTH 89°58'49" EAST, along the common proposed North right of way line of Arapaho Road, North line of said called 4.9814 acre tract and South right of way line of said DART railroad, a distance of 268.11 feet (said line being called South 88°51'59" East - 76.23 feet and South 89°11'14" East - 216.99 feet) to a 5/8 inch iron rod set for the beginning of a tangent curve to the left;

Exhibit A

PARCEL 6 - ARAPAHO ROAD PROJECT

THENCE, EASTERLY, continuing along said common line and along the arc of said curve to the left having a radius of 2,914.79 feet, a central angle of 2°03'16", a chord bearing North 88°59'33" East for 104.51 feet, for an arc distance of 104.52 feet (said curve being called North 84°35'23" East - 79.73 feet) to a 5/8 inch iron rod set for the common Northeast corner of said called 4.9814 acre tract and Northwest corner of a called 4.1525 acre tract of land as conveyed to Heritage Inn Number XIII on January 24, 1997 and recorded in Volume 97018, Page 00073 of said Deed Records, said called 4.1525 acre tract being a portion of Addison Restaurant Park, a addition to the Town of Addison, dated March 9, 1988 and recorded in Volume 88066, Page 4219 of said Deed Records;

THENCE, SOUTH 00°24'10" EAST (called South 00°27'09" East), departing said common line and along the common East line of said called 4.9814 acre tract and West line of said called 4.1525 acre tract, a distance of 80.83 feet to a 5/8 inch iron rod set in the proposed South right of way line of Arapaho Road;

THENCE, NORTH 89°58'49" WEST, departing said common line and along the proposed South right of way of Arapaho Road, a distance of 296.05 feet to a 5/8 inch iron rod set in the common West line of said called 4.9814 acre tract and East line of said called 3.334 acre tract;

THENCE, NORTH 00°31'18" WEST (called North 00°28'23" West), departing said line and along the said common West line of said called 4.9814 acre tract and East line of said called 3.334 acre tract, a distance of 19.13 feet to a 1/2 inch iron rod found for a common interior ell corner of said called 4.9814 acre tract and the most Easterly Northeast corner of said called 3.334 acre tract;

THENCE, SOUTH 89°55'39" WEST (called North 88°51'59" West), along a South line of said called 4.9814 acre tract and a North line of said called 3.334 acre tract, a distance of 75.91 feet (called 75.60 feet) to a 1/2 inch iron rod found for the common most Westerly Southwest corner of said called 4.9814 acre tract and an interior ell corner of said called 3.334 acre tract;

THENCE, NORTH 00°59'43" WEST (called North 01°04'54" West), along the common West line of said called 4.9814 acre tract and East line of said called 3.334 acre tract, a distance of 59.96 feet (called 60.10 feet) to the **POINT OF BEGINNING**;

PARCEL 6 - ARAPAHO ROAD PROJECT

CONTAINING an area of 0.6430 acres or 28,008 square feet of land within the metes recited.

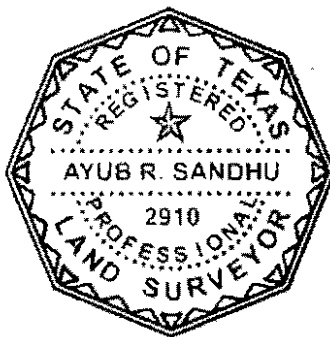
All bearings are referenced to the North Right of Way line of Centurion Way, called S 89°51'55" E, according to the final plat of Lot 3, Surveyor Addition, recorded in Vol. 77173, Page 135, Deed Records of Dallas County, Texas.

A plat of even survey date herewith accompanies this description.

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

Ayub R. Sandhu 11-12-99

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



25th
Anniversary
1978-2003

COWLES & THOMPSON
A Professional Corporation
ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

February 6, 2004

Mr. Steve Chutchian
Assistant City Engineer
Town of Addison
P.O. Box 9010
Addison, TX 75001-9010

RE: Parcel 5 (Heritage Inn), Arapaho Extension of Road Project

Dear Steve:

Enclosed for your file is the Purchaser's Closing Binder for the above-referenced property. Once I receive the original recorded conveyance documents and the owner's policy from the Title Company, I will forward those to Gayle Walton for the Town's records. If you have any questions, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr
Enclosure

c(w/o Enc.): Mr. Mike Murphy
(w/o Enc.) Mr. Kenneth C. Dippel

25th
Anniversary
1978-2003

COWLES & THOMPSON
A Professional Corporation
ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

January 24, 2003

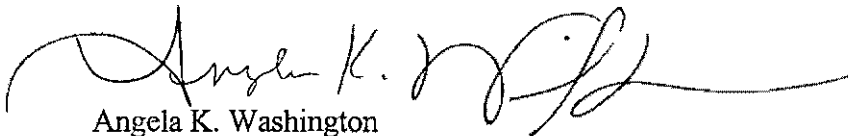
Mr. Mike Murphy
Director of Public Works
Town of Addison
Addison Service Center
16801 Westgrove Drive
Addison, TX 75001-5190

RE: Parcel 6 (Motel 6), Arapaho Road Project

Dear Mike:

Enclosed is a copy of the Petition in Condemnation for the above-referenced property which was filed Tuesday, January 21, 2003. The case has been assigned to County Court at Law No. 2. Commissioners have not yet been appointed. We will keep you apprised regarding this matter.

Sincerely,


Angela K. Washington

AKW/yjr
Enclosure

c(w/o Enclosure): Mr. Steve Chutchian
Mr. Kenneth Dippel, City Attorney

CAUSE NO. 03-00711-B

TOWN OF ADDISON

§
§
§
§
§

IN THE COUNTY COURT

V.

AT LAW NUMBER

MOTEL 6 OPERATING, L.P., ET AL.

DALLAS COUNTY, TEXAS

AM 12:29
CLERK
DALLAS COUNTY

PLAINTIFF'S ORIGINAL PETITION IN CONDEMNATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Town of Addison, hereinafter referred to as Plaintiff, having by law the right of eminent domain and power of condemnation, acting herein by and through its duly elected City Council (the "Council"), for and on behalf of the Town of Addison, complaining herein of Motel 6 Operating, L.P.; Motel 6 G.P., Inc.; Georges Le Mener, individually and as officer of Motel 6, G.P., Inc.; and JoJos Restaurants, Inc., hereinafter referred to as Defendants; and for cause of action Plaintiff respectfully represents to the Court as follows:

I.

The Plaintiff, Town of Addison, a municipal corporation, has determined that the public necessity requires that certain land should be acquired from the Defendants herein.

II.

The Defendants are owners or claimants of some interest in the property being acquired who have been identified by diligent search by Plaintiff. Their respective addresses for service of process are:

Motel 6 Operating, L.P.
14651 Dallas Parkway
Suite 500
Dallas, Texas 75254

Motel 6 G.P., Inc.
14651 Dallas Parkway
Suite 500
Dallas, Texas 75254

Georges Le Mener
14651 Dallas Parkway
Suite 500
Dallas, TX 75254

JoJos Restaurants, Inc.
203 E. Main Street P-11-5
Spartanburg, South Carolina 29319-0001

C T Corporation System
Registered Agent for Motel 6, Inc.
1601 Elm Street
Dallas, Texas 75201

C T Corporation System
Registered Agent for JoJos Restaurants, Inc.
350 N. St. Paul Street
Dallas, Texas 75201

Dallas County, Texas
Earl Bullock, County Clerk
Records Building, 2nd Floor
Dallas, TX 75202

Dallas Independent School District
3700 Ross Avenue
Dallas, TX 75204

III.

The public purpose of the acquisition is for the construction, relocation and extension of Arapaho Road, a public street in Addison, Texas.

IV.

The Addison City Council has by resolution determined that a fee simple estate is necessary for the construction, relocation and extension of the above-specified new street project. The land to be acquired in fee will be used for such purposes as specified herein.

V.

Plaintiff is entitled to condemn the fee title in such land for said purposes and asks that it be condemned for such purposes.

VI.

The fee simple estate being acquired for the street is described in Exhibit A, attached hereto and made a part of this petition for all purposes.

VII.

Plaintiff would show, that through its duly authorized agents, it made bona fide attempts to purchase the required property from the defendant owners, that Plaintiff offered the fee owner fair market value as compensation for the property to be acquired, including damages to the remainder, if any, and that the parties have been unable to agree upon the sums to be paid for the purchase of this land or damages occasioned by the acquisition of the land and improvements, if any, and asks that special commissioners be appointed as provided by law to assess all amounts due to Defendants for the part taken and damages, if any.

VIII.

Plaintiff has named all known record owners of the land to be condemned. Plaintiff reserves the right to add additional parties if such interests should later appear.

IX.

On August 27, 2002, the City Council of the Town of Addison passed a resolution declaring that public convenience and necessity require that the property described in Exhibit A be acquired for the public purpose of construction, relocation, and extension of a public street, to wit Arapaho Road. The resolution further authorized the filing of the condemnation suit on behalf of the Plaintiff as provided by law.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Special Commissioners be appointed to determine the compensation to be awarded to the Defendants, that a hearing be held after the parties are properly noticed and the Commissioners render an award to be filed with the Court, that writ of possession issue to Plaintiff and that upon final trial Plaintiff be awarded a judgment vesting fee simple title to the land described in Exhibit A in the Town of Addison, and that fair market compensation including damages, if any, be awarded to Defendants.

Plaintiff further prays for costs of court and for such other and further relief, both general and special, as Plaintiff may be entitled to receive.

Respectfully submitted,

COWLES & THOMPSON, P.C.

901 Main Street, Suite 4000

Dallas, Texas 75202

(214) 672-2000

Fax: (214) 672-2020

Ken C. Dippel

City Attorney for Town of Addison

State Bar No. 05893000

Angela K. Washington

Assistant City Attorney for Town of Addison

State Bar No. 20897155

LAW OFFICES OF BOYLE & LOWRY, P.C.

By:



Douglas H. Conner

State Bar No. 04694000

4301 Wingren, Suite 108

Irving, Texas 75062

(972) 650-7100

Fax: (972) 650-7105

**TRIAL ATTORNEY FOR PLAINTIFF
TOWN OF ADDISON, TEXAS**

EXHIBIT A

Parcel 6
Field Note Description
Arapaho Road Project
Town of Addison
Dallas County, Texas

BEING a description of a 0.6430 acre (28,008 square foot) tract of land situated in the Edward Cook Survey, Abstract Number 326, Town of Addison, Dallas County, Texas, and being a portion of a called 4.9814 acre tract of land as conveyed to Motel 6 Operating L.P. on February 1, 1990 and recorded in Volume 90024, Page 0779 of the Deed Records of Dallas County, Texas, said called 4.9814 tract being all of the Rodeway Inn, an addition to the Town of Addison, as evidenced by the plat dated January 16, 1981 and recorded in Volume 81052, Page 0775 of said Deed Records, said 0.6430 acre tract of land being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2 inch iron rod found in the proposed North right of way of Arapaho Road and the South right of way line of a 100 foot wide railroad right of way as conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (herein referred to as DART) on December 27, 1990 and recorded in Volume 91008, Page 1390 of said Deed Records, said point being the common Northwest corners of said called 4.9814 acre tract and said Rodeway Inn and Northeast corner of a called 3.334 acre tract of land as conveyed to Addison, R.E. on September 15, 1995 and recorded in Volume 95181, Page 03931 of said Deed Records, said called 3.334 acre tract being all of the Iceoplex Addition, an addition to the Town of Addison, as evidenced by the plat dated on September 20, 1995 and recorded in Volume 95210, Page 03012 of said Deed Records;

THENCE, SOUTH 89°58'49" EAST, along the common proposed North right of way line of Arapaho Road, North line of said called 4.9814 acre tract and South right of way line of said DART railroad, a distance of 268.11 feet (said line being called South 88°51'59" East - 76.23 feet and South 89°11'14" East - 216.99 feet) to a 5/8 inch iron rod set for the beginning of a tangent curve to the left;

Exhibit A

PARCEL 6 - ARAPAHO ROAD PROJECT

THENCE, EASTERLY, continuing along said common line and along the arc of said curve to the left having a radius of 2,914.79 feet, a central angle of $2^{\circ}03'16''$, a chord bearing North $88^{\circ}59'33''$ East for 104.51 feet, for an arc distance of 104.52 feet (said curve being called North $84^{\circ}35'23''$ East - 79.73 feet) to a 5/8 inch iron rod set for the common Northeast corner of said called 4.9814 acre tract and Northwest corner of a called 4.1525 acre tract of land as conveyed to Heritage Inn Number XIII on January 24, 1997 and recorded in Volume 97018, Page 00073 of said Deed Records, said called 4.1525 acre tract being a portion of Addison Restaurant Park, a addition to the Town of Addison, dated March 9, 1988 and recorded in Volume 88066, Page 4219 of said Deed Records;

THENCE, SOUTH $00^{\circ}24'10''$ EAST (called South $00^{\circ}27'09''$ East), departing said common line and along the common East line of said called 4.9814 acre tract and West line of said called 4.1525 acre tract, a distance of 80.83 feet to a 5/8 inch iron rod set in the proposed South right of way line of Arapaho Road;

THENCE, NORTH $89^{\circ}58'49''$ WEST, departing said common line and along the proposed South right of way of Arapaho Road, a distance of 296.05 feet to a 5/8 inch iron rod set in the common West line of said called 4.9814 acre tract and East line of said called 3.334 acre tract;

THENCE, NORTH $00^{\circ}31'18''$ WEST (called North $00^{\circ}28'23''$ West), departing said line and along the said common West line of said called 4.9814 acre tract and East line of said called 3.334 acre tract, a distance of 19.13 feet to a 1/2 inch iron rod found for a common interior ell corner of said called 4.9814 acre tract and the most Easterly Northeast corner of said called 3.334 acre tract;

THENCE, SOUTH $89^{\circ}55'39''$ WEST (called North $88^{\circ}51'59''$ West), along a South line of said called 4.9814 acre tract and a North line of said called 3.334 acre tract, a distance of 75.91 feet (called 75.60 feet) to a 1/2 inch iron rod found for the common most Westerly Southwest corner of said called 4.9814 acre tract and an interior ell corner of said called 3.334 acre tract;

THENCE, NORTH $00^{\circ}59'43''$ WEST (called North $01^{\circ}04'54''$ West), along the common West line of said called 4.9814 acre tract and East line of said called 3.334 acre tract, a distance of 59.96 feet (called 60.10 feet) to the **POINT OF BEGINNING;**

PARCEL 6 - ARAPAHO ROAD PROJECT

CONTAINING an area of 0.6430 acres or 28,008 square feet of land within the metes recited.

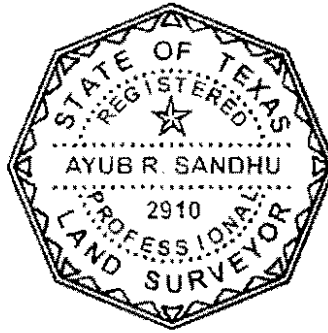
All bearings are referenced to the North Right of Way line of Centurion Way, called S 89°51'55" E, according to the final plat of Lot 3, Surveyor Addition, recorded in Vol. 77173, Page 135, Deed Records of Dallas County, Texas.

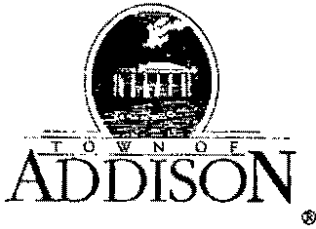
A plat of even survey date herewith accompanies this description.

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

Ayub R. Sandhu 11-12-99

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





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

(972) 450-2871 FAX (972) 450-2837
16801 Westgrove

January 16, 2003

Mr. Randy Lee
Vice President / Real Estate Development
Accor North America
14651 Dallas Parkway
Suite 500
Dallas, Texas 75254

RE: Motel 6 / Arapaho Road

Dear Mr. Lee:

Thank you for your response of January 9, 2003, to our letter dated December 20, 2002. The Town of Addison has reviewed your latest proposal. Due to the large difference in our offer that is based on "Fair Market Value" and your counter offer, it is the Town's opinion that we will not be able to reach an agreement that is satisfactory to both parties.

Therefore, in order not to delay the progress of this project any longer, the Town has directed its Attorneys to move forward with Eminent Domain Proceedings toward the acquisition of this necessary Right of Way for the extension of Arapaho Road.

Sincerely,

Michael E. Murphy, PE
Director of Public Works



FAX TRANSMITTAL

Accor North America

14651 Dallas Parkway
Suite 500
Dallas, TX 75254

TO: Michael Murphy
Fax: 972-460-2837
Company: _____

DATE: 1-9-03
TIME: _____
NO. PAGES: _____
(including cover sheet)

FROM: Randylee
Phone: 972-702-6823
Fax: 972-716-6455

- Urgent For Review Please Comment Please Reply Please Recycle

RE:
Notes/Comments:

The information contained in this facsimile transmission is confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking any action in reliance on the contents of this facsimile transmission is strictly prohibited and may violate applicable law. If you have received this facsimile in error, please notify sender immediately by telephone to arrange for the return of the original transmission to this company.



January 9, 2003

Accor North America

14651 Dallas Parkway
Suite 500
Dallas, TX 75254

Mr. Michael Murphy, P.E.
Director of Public Works
Town of Addison
16801 Westgrove
Addison, TX 75001-9010
Via Fax 972-450-2837

RE: Motel 6 / Arapaho Road

Dear Michael:

Thank you for sharing the Town of Addison's Appraisal of Motel 6's damages as a result of the extension of Arapaho Road. I am responding to your letter of December 20, 2002 and our concerns in general about the project.

We do not accept a reduced value (\$7 per square foot) of the property that is encumbered by the water line easement. Your appraisers comparable values and the Dallas County Appraisals District assessed value support \$14 per square foot for the entire parcel value, not just that area that is not encumbered by easements. The appraisers comps would surely have easements thereon as well. It's worth noting that the waterline is in an area typically un-buildable due to setbacks as well. **We request you add to your offer \$7 per square foot / \$ 39,130 for a total consideration for the land of \$ 392,112.**

I believe the Town of Addison should provide Motel 6 the funds to replace the lighting to its reasonable standard once the existing lighting is removed as part of this project. **We have estimated this to be and request you add to your offer \$ 19,500 for this.**

For the purposes of ease and settlement we will accept the appraisers depreciated value for the tennis courts (concrete and fencing). We'll also agree to allow the Town of Addison to repair and replace landscaping and irrigation for damages caused by this project in a side agreement as long as we have reasonable approval of all plans and its done in a timely manner.

However, we believe the following two items are reasonable in request and simply accommodated by the Town of Addison:

1. The Town of Addison to issue the necessary permits now for similar signage on the back of the property as we have on Bellline road. I don't want to project to the community via the Arapaho Road frontage an alley/ backyard view. We will pay for the sign we install.
2. The Town of Addison's City Council re-certify the PD for the property post construction of the Arapaho Road Improvements. It is not reasonable in my opinion to have at risk this issue in the future as it potentially makes the property non conforming and therefore less salable and more difficult to finance.

We are convinced that this Motel 6 is permanently damaged by the installation of Arapaho Road. The traffic and its noise immediately adjacent to a significant number of our guest -rooms will render those rooms less desirable and likely un-marketable in the future. We request you add to your offer \$100,000 for a one-time payment for this loss of business value. We would appreciate receiving a copy of the noise impact study conducted on the property.

In closing, I remain confident that the above is reasonable and that economic consideration not to include repairs made by the Town of Addison should be \$571,874 from your appraisal and my input above.

I remain available to talk to you or others within the Town of Addison with reasonable notice.

It is understood that this is an offer to settle the matter in dispute. The parties agree that this letter or its contents shall not be used by either party in the event of litigation.

Sincerely



Randy Lee
Vice President
Real Estate & Development.

COWLES & THOMPSON.

A Professional Corporation

ATTORNEYS AND COUNSELORS



ANGELA K. WASHINGTON
214.672.2144
AWASHINGTON@COWLESTHOMPSON.COM

December 2, 2002

Mr. Mark Knudson
Tharaldson Company
1201 Pege Drive
Fargo, ND 58103

**Re: Lots 4 and 5, Addison Restaurant Park
Heritage Inn #13/Tharaldson Development**

Dear Mr. Knudson:

Enclosed are three originals of the Contract of Sale for the above referenced property. Paragraph 8.1 of Article VIII of the contract has been amended pursuant to our discussion earlier today. Please have Mr. Tharaldson execute all three originals and return the documents to me. If he is not the correct party, please let me know and I will make the necessary adjustments. Also, please fill in the address for notice purposes on Page 6 of the Agreement. Once I receive the completed and executed documents, I will then have the Town of Addison City Manager Ron Whitehead execute the documents and return an original to you along with originals of the Right-of-Way Deed and Temporary Construction Easement documents to be executed by the appropriate parties. We will then have our title company take the necessary steps to complete this transaction.

It has been a pleasure working with you. I look forward to hearing from you soon. Please let me know if you have any questions or concerns.

Sincerely,

Angela K. Washington

AKW/db
Enclosure

c w/o enclosure: Mike Murphy
Steve Chutchian
Ken Dippel

10/29/02 FedEx



PUBLIC WORKS DEPARTMENT

(972) 450-2871

Post Office Box 9010 Addison, Texas 75001-9010

16801 Westgrove

October 28, 2002

Mr. Rick Larsen
Tharaldson Development
1201 Page Drive
Fargo, North Dakota 58103

Re: Lots 4 & 5, Addison Restaurant Park
Heritage Inn Number XIII/Tharaldson Development

Dear Mr. Larsen:

Pursuant to our recent conversation, regarding acquisition of right-of-way from Lots 4 & 5, Addison Restaurant Park, the Town of Addison agrees to perform certain improvements in addition to those stated in the Contract of Sale. Specifically, the Town will provide necessary pavement striping to establish a designated fire lane/joint access drive between the existing Quality Suites site and the adjacent property to the west. In addition, the Town will create a "leave-out" in the existing curb along the west line of the existing parking lot. This should permit future development of the adjacent property to have joint access to Arapaho Road. However, should ownership of the adjacent property change prior to development of the site, a joint access easement will be required by separate instrument prior to issuance of a construction permit.

Your written concurrence regarding these proposed additional improvements is necessary. Should you have any additional questions, please call me at 972-450-2878.

Sincerely,

Michael Murphy, P.E.
Director of Public Works

PLEASE FED EXP.

MAKE COPY FOR OUR
FILE.

From Please print and press hard.
 Date **10-29-07** Sender's FedEx Account Number
 Sender's Name **Mike Murphy** Phone **972 480 2878**
 Company **16801 West grove**
 Address _____ Dept./Room/Suite/Floor _____
 City **Addison** State **TX** ZIP **75001**
Your Internal Billing Reference
 First 24 characters will appear on invoice.
 To Recipient's Name **Rick LARSEN** Phone **(701) 235 1167**
 Company **THARALDSON Dev.**
 Address **1201 Page Dr.**
 Address **FARGO, N.D.** Dept./Room/Suite/Floor _____
 City _____ State _____ ZIP **58103**

4a Express Package Service Packages up to 150 lbs.
 FedEx Priority Overnight Next business morning
 FedEx Standard Overnight Next business afternoon
 FedEx First Overnight Earliest next business morning delivery to select locations

4b Express Freight Service Packages over 150 lbs.
 FedEx 1Day Freight* Next business day
 FedEx 2Day Freight Second business day
 FedEx 3Day Freight Third business day

5 Packaging *Declared value April \$500
 FedEx Envelope*
 FedEx Pak* Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak
 Other

6 Special Handling Include FedEx address in Section 3.
 SATURDAY Delivery Available ONLY for FedEx Priority Overnight and FedEx 2Day to select ZIP codes
 HOLD Weekday at FedEx Location NOT Available for FedEx First Overnight
 HOLD Saturday at FedEx Location Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations
 Does this shipment contain dangerous goods?
 No Yes As per attached Shipper's Declaration Yes Shipper's Declaration not required Dry Ice Dry Ice, 3, UN 1845
 Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packaging. Cargo Aircraft Only

7 Payment Bill to: Enter FedEx Acct. No. or Credit Card No. below.
 Sender Acct. No. in Section 1 will be billed
 Recipient Third Party Credit Card Cash/Check
 FedEx Acct. No. **524050N4N895976** Exp. Date **05/04**
 Total Packages **1** Total Weight _____ Total Declared Value* \$ _____ .00

*Our liability is limited to \$100 unless you declare a higher value. See back for details. FedEx Use Only

8 Release Signature Slip to authorize delivery without obtaining signature.
 By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.
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RETAIN THIS COPY FOR YOUR RECORDS.

6

Michael Murphy

From: Robin Jones
Sent: Thursday, October 17, 2002 8:49 AM
To: Chris Terry; Don Franklin; Jim Pierce; Lea Dunn; Michael Murphy; Ron Davis; Ron Whitehead; Robert Bourestom; Mark Acevedo; Randy Moravec; Noel Padden; Greg Layman; Gordon Robbins; Joni Ramsey; Janet Cowart
Cc: Al Dent; Dave Wilde
Subject: Belt Line Road Closure

The Street Department will begin closing Belt Line contractor reconstructing the railroad crossing until the job is complete which can be late Sunday

There will be a Street Department employee at the project. Dave Wilde and I will assist him. Below are the affected Belt Line Road Businesses, complete with

The last time we replaced this crossing was in 1991 and many employees affected by this road closure.

Robin Jones
Pager 972 500-0241
Cell 214 906-2161

Al Dent
Pager 972 500-0235
Cell 972 489-7370

Dave Wilde
Pager 972 500-0246
Cell 214 215-6528

*From: PAT Haggerty
9:45 AM*

*NOTEL @
Michael Ferraro
9-386-6161*



Belt Line RXR Railroad Crossing Reconstitour-map.pp

August 22, 2002

Mr. Riek Earsen
Tharaldson Development
1201 Page Drive
Fargo, North Dakota 58103

Re: Lots 4&5, Addison Restaurant Park
Heritage Inn Number XIII/Tharaldson Development

Dear Mr. Earsen:

During the Town of Addison City Council meeting August 13, 2002 your "counter-offer", as described in a letter dated July 22, 2002, was presented for discussion and action.

Therefore, I have been authorized to offer you're the following:

1. The appraised value of the property at \$138,754.00.
2. Compensation for the Temporary Construction Easement at \$1,946.00.
3. Compensation for settlement agreement at \$37,842.00.
4. One Curb cut, including construction of Deceleration, Acceleration and Left turn lanes from Arapaho Road (location of bridge, size of property will only allow for one curb cut).
5. We do not feel that a sign variance is needed because your property, as a result of Arapaho Road Street frontage, will be entitled to erect a sign with dimensions similar to attached sketch. However, you will be required to submit an application with the Town of Addison Building Official for a permit to install and/or construct the proposed sign.

The Town of Addison requests that you respond to this offer of purchase within fifteen (15) days of the date of receipt of this letter. If we do not hear from you within the fifteen (15) days, the Town will consider its offer rejected and we will initiate eminent domain proceedings to acquire the necessary property.

Should you have any questions, please feel free to contact Mr. Mike Murphy, Director of Public Works, at (972) 450-2871, or myself.

Sincerely,

Ron Whitehead
City Manager

CAUSE NO. 03-00711-B

TOWN OF ADDISON)	IN THE COUNTY COURT AT
)	
Plaintiff,)	
)	
vs.)	LAW NO. 2
)	
MOTEL 6 OPERATING, L. P., et al.)	DALLAS COUNTY, TEXAS
)	
Defendants.)	
)	

To:

REVISED NOTICE OF COMMISSIONER'S HEARING

You are hereby notified that the Town of Addison, acting by and through its City Attorney, on January 21, 2003, filed its First Amended Petition in Condemnation with the Clerk in the above-referenced Court of Dallas County, Texas wherein it sought the condemnation of certain land, a true copy of which Petition has been previously provided to all defendants named herein to which reference is made for description of the land sought to be condemned, for a statement of the purposes of condemnation, and for all other legal purposes.

This Honorable Court has appointed three Special Commissioners who have conferred and determined that they would like to set this MATTER FOR HEARING AT THE TIME AND PLACE HEREIN PROVIDED, such hearing to commence at 10:00 a.m. o'clock on the 19th day of March, 2003 at the Dallas County Records Building in the Courtroom of the Honorable Judge John Peyton, 3rd Floor, 500 Main Street, Dallas, Texas 75202. At the time of this hearing, the Landowners' through their attorney, David C. Kent has sought and asked for a resetting of this hearing to the week of April 21, 2003. The Commissioners fully considering Landowners' request find such is well taken and herewith agrees to reschedule this hearing to a later date.

All parties of record having interest in the subject property are hereby notified to appear at the time and place after set for the purpose of offering any evidence they desire on the issue as to the damages to be assessed against the Town of Addison and to be paid