NOVEMBER 3, 2015 CITY COUNCIL BRIEFING AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated November 3, 2015. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

A.C. Gonzalez
City Manager

10/30/15
Date

Jeanne Chipperfield
Chief Financial Officer

10/30/2015
Date

RECEIVED
2015 OCT 30 PM 5:53
CITY SECRETARY
DALLAS, TEXAS

COUNCIL BRIEFING AGENDA

November 3, 2015
Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. ***The Council agenda is available in alternative formats upon request***.

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilties Act*. ***La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita***.

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben de abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*pagers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

AGENDA
CITY COUNCIL BRIEFING MEETING
TUESDAY, NOVEMBER 3, 2015
CITY HALL
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M.

9:00 am Invocation and Pledge of Allegiance 6ES

Special Presentations

Open Microphone Speakers

VOTING AGENDA 6ES

1. Approval of Minutes of the October 21, 2015 City Council Meeting

2. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

ITEM FOR INDIVIDUAL CONSIDERATION

Sustainable Development and Construction

3. An appeal of the City Plan Commission’s decision to affirm the director’s apportionment determination associated with Plat No. S145-070 to dedicate 10 feet of right-of-way along Mockingbird Lane on property at the northeast corner of East Mockingbird Lane and Skillman Street - Financing: No cost consideration to the City

BRIEFINGS 6ES

A. Center for Performance Excellence (CPE) Update

B. Youth Commission

Lunch

AGENDA
CITY COUNCIL BRIEFING MEETING
TUESDAY, NOVEMBER 3, 2015

BRIEFINGS (Continued) 6ES

C. Small Cell & Distributed Antenna Systems License Agreements with the City of Dallas

D. City Manager Update (CuSP Report)
- Development Review Process Improvement Initiative

Closed Session 6ES
Attorney Briefings (Sec. 551.071 T.O.M.A.)
- City of Dallas v. The Sabine River Authority of Texas, Appeal No. 03-15-00371-CV; City of Dallas v. Cary "Mac" Abney et al., Cause No. D-150045-C; and related legal issues.
- City of Dallas v. Main Capital Partners, LP, et al., Cause No. CC-13-00525-A.

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.
Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.

2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.

3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.

4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.

5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.

6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

AGENDA ITEM # 3

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 3, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 36 L

SUBJECT

An appeal of the City Plan Commission's decision to affirm the director's apportionment determination associated with Plat No. S145-070 to dedicate 10 feet of right-of-way along Mockingbird Lane on property at the northeast corner of East Mockingbird Lane and Skillman Street - Financing: No cost consideration to the City

BACKGROUND

On January 7, 2015, a plat application (S145-070) was submitted for the northeast corner of East Mockingbird Lane and Skillman Street. During review of the application, staff determined the dedication of 10 feet of right-of-way along Mockingbird Lane was required by Chapter 51A-8.602(c)(1)(B) of the Development Code.

The applicant appealed the requirement for the dedication to City Plan Commission. On August 6, 2015, the City Plan Commission upheld the director's determination for the dedication.

The applicant appealed the City Plan Commission's decision to City Council. The City Council shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration.

Attached is the record from the City Plan Commission appeal, the subdivision file, and a brief from the appellant and the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On July 23, 2015, the City Plan Commission held this item under advisement until August 6, 2015, with the public hearing open.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

On August 6, 2015, the City Plan Commission affirmed the director's decision to require dedication of 10 feet of right-of-way along Mockingbird Lane.

FISCAL INFORMATION

No cost consideration to the City.

S145-070
SUBDIVISION FILE

Skillman-Mockingbird Lots 1 & 2, Block F/2953

City of Dallas

APPLICATION FOR LAND SUBDIVISION

DEVELOPMENT SERVICES, SUBDIVISION SECTION
320 E. JEFFERSON BLVD., ROOM 115
DALLAS, TX 75203
TELEPHONE: (214) 948-4335

FOR OFFICE USE ONLY

FILE NUMBER: S 145-070	PREVIOUS FILE NUMBER (IF ANY)
CPC DATE: 2-5-15	NOT APPLICABLE IF ADMINISTRATIVE PLAT: ☐
REPLY DATE: 1-15-15	
PRELIM. $2,716.00 DATE: 1/7/15	FINAL: $ DATE:
REVISED: $ DATE:	CORRECTION: $ DATE:
NOTES:	

OWNER 6101 MOCKINGBIRD, LLC	APPLICANT 6101 MOCKINGBIRD, LLC
TELEPHONE: 214-520-9000	**(NOT THE SURVEYOR/ENGINEER UNLESS OWNER)**
Email Address:	TELEPHONE: 214-520-9000
ADDRESS:	Email address:
CITY: DALLAS	ADDRESS 8214 WESTCHESTER DRIVE, SUITE 550
STATE/ZIP: TX 75225	CITY: DALLAS
PREVIOUS OWNER: Mockingbird Skillman Mobil, Inc.	STATE/ZIP: TX, 75225

SURVEYOR/ENGINEER: TEXAS HERITAGE SURVEYING, LLC	REPRESENTATIVE: Robert Reeves
TELEPHONE: 214-340-9700	TELEPHONE: 214-749-0530
Email Address:	Email address:
ADDRESS:	ADDRESS:
CITY: DALLAS	CITY: Dallas
STATE/ZIP: TX, 75243	STATE/ZIP: TX. 75202
CONTACT PERSON: DOUG STEWART	SIGNATURE:

ADDITION NAME: SKILL-MOCK SUBDIVISION

LOCATION: 6101 & 6119 E. MOCKINGBIRD LANE

EXISTING LOT#: TRACTS 1 & 17 BLOCK#: F/2953

ACRES:0.9066 ZONING DISTRICT CR

COUNCIL DISTRICT: 14 ✓

SCHOOL DISTRICT: DALLAS

IS THIS PROPERTY NOW OR HAS IT EVER BEEN:

- A CEMETERY? YES ☐ NO ☒
- A LANDFILL? YES ☐ NO ☒
- A BROWNFIELD SITE? YES ☐ NO ☒
- MILL CREEK STORMWATER HAZARD AREA? YES ☐ NO ☒
- WITHIN THE 65 LDN CONTOUR OF LOVE FIELD, ADDISON MUNICIPAL AIRPORT, DALLAS EXECUTIVE AIRPORT or NAVAL AIR STATION (Hensley Field)? YES ☐ NO ☒
- HISTORIC OR CONSERVATION DISTRICT? YES ☐ NO X ☐
- ARE ANY EXISTING OR PROPOSED STREETS ON THE PLAT LISTED IN THE THOROUGHFARE PLAN? YES ☐ NO ☒

PURPOSE OF PLAT: TO CREATE TWO LOTS

NUMBER OF LOTS
EXISTING: TWO TRACTS PROPOSED: 2

EXISTING LAND USE: SERVICE STATION

PROPOSED LAND USE: Commercial

ZONING MAP NO: H-8 MAPSCO PAGE; 36-L

REPLAT YES ☐ NO X

FOR ALL REPLATS, PROVIDE A CERTIFIED COPY OF THE ORIGINAL & THE MOST RECENT RECORDED SUBDIVISION/ ADDITION PLAT(S) FROM THE PERTINENT COUNTY COURTHOUSE

RESIDENTIAL REPLAT: YES ☐ NO X

IF YES, SUBMIT THE FOLLOWING: CERTIFIED COPY OF DEED RESTRICTIONS THAT LIMIT THE USE OF THE PROPERTY TO SINGLE FAMILY AND/OR DUPLEX USE

ADMINISTRATIVE PLAT (COMPLETE CHECKLIST ON REVERSE SIDE)

YES ☐ NO X

ESCARPMENT AREA: YES ☐ NO X

IF YES, OBTAIN APPROVAL FROM C...EF CITY ENGINEER PRIOR TO SUBMITTAL OF PLAT.

ABANDONMENT OR PRIVATE LICENSE REQUEST:

YES ☐ NO X

IF THE PLAT INVOLVES ONLY PART OF A PLATTED LOT, IS THERE A STRUCTURE ON THE REMAINDER OF THE LOT?

YES ☐ NO X

CD REQUIRED UPON PRELIMINARY PLAT SUBMITTAL

Job 083432895-001 (150)70005)

Job Edit

Miscellaneous Transaction
Job 083432895-001 (1501070005)

S145-070

Status: Complete Created By: EWALLACE Date Created: Jan 07, 2015

Date Completed: Jan 07, 2015

Parent Job:

Specific Location:

Details

Customer 6101 MOCKINGBIRD, LLC

214/520-9000

Fee Amount

FeeType

Details

Customer: 6101 MOCKINGBIRD, LLC

Fees

Description / Posted Date	Amount	Tax	Total	Balance
Subdivision Fees				
	$2,716.00	$0.00	$2,716.00	$0.00
Receipt Number: 177625 $2,716.00				
	($2,716.00)	$0.00	($2,716.00)	
				$0.00

Processes

Assigned To	Status	Outcome	Scheduled Start	Scheduled Completed	Actual Start	Actual Completed
System Fee Collection						
SICASHIERINTERFACE	Complete	Collected				Jan 07, 2015 09:46:31
Auto generated System Fee Collection						

SUBDIVISION PLAT STATUS LOG

PLAT # S. 145-070

DEPARTMENT	FINAL PLAT RELEASE	RELEASE DATE	RELEASE BY (staff initial)
Engineering 2/948-4205	Yes No		
Water (Kathy Branson.) 2/948-4607	(Yes) No	4/23/15	GR
GIS Lot & Block (B. Self) 2/948-4586	(Yes) No	6-4-15	BS
Survey (J. Stepp) 2/948-4497	Yes No		
Street Light (B. Moss) 2/670-1229	(Yes) No	1-9-15	BM
GIS St. Name Coord. D. Taylor 2/671-9057	(Yes) No	1-15-15	DT
Real Estate (Garrett Murphee) 2/948-4100	(Yes) No	1-14-15	LW
Arborist C. Walker – 2/948-4471	(Yes) No	1-14-15	TS
Park & Rec. Jason Ney 2/671-5012	Yes No		
Bldg. Insp. – Todd Duerksen (Rm. 105)	Yes No		
ATMOS - (Sue Inurrigarro)	(Yes) No	TJH	1-12-15
AT&T (John Hollingsworth) 2/464-4095	Yes No		
Building Code – Ved Gupta	(Yes) No	1-8-15	VG
	Yes No		
PRE- FINAL PLAT RELEASE			
Engineering _____	___ Yes No___	_____	_____
Water - _____	___ Yes No___	_____	_____
Survey - _____	___ Yes No___	_____	_____
St. Lights - _____	___ Yes No___	_____	_____
St. Name Coord. - _____	X Yes No___	4-6-15	DT
Arborist - _____	X Yes No___	3-31-15	TS
Fire - _____	___ Yes No___	_____	_____
GIS Lot / Block _____	___ Yes No___	_____	_____

DATE	NOTES	STAFF
	Plat sent to Council District # 14	
	Early Release applied: Early Release approved:	
5/7/15	MONUMENT VERIFICATION NOT APPROVED	SH/mo
5/22/15	MONUMENT VERIFICATION APPROVED	SH/mo

June 4, 2015

CITY OF DALLAS

To Whom It May Concern:

This letter is to inform you that the following preliminary plat has been released from our office and fully satisfies all of our requirements.

City Plan File Number: **S145-070**
Addition Name: **SKILL-MOCK**

Block/Lot Number: **BLOCK F/2953 LOT 16**

If you have any questions regarding this matter, please contact our offices at the following:

Bobby R. Self

Bob Self
Sr. GIS Tech.
Development Services
320 E. Jefferson Street, Room LL07
Dallas, Texas 75203
214-948-4586

RECEIVED
JUN 05 2015
SUB
DIVISION

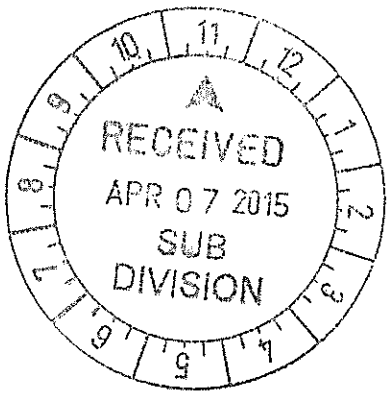
Lewis, Faye

From: Taylor, Albert
Sent: Monday, April 06, 2015 9:31 AM
To: Bergeron, Maggie; Bordbar, Mohammad; Brown, Richard D.; Burns, Kevin; Cruz, Genesis; Delgado, Julio; Drake, Ronald; Dryden, Bryan (Ed); Enriquez, Blanca; Forsythe, Douglas; Fugate, Danny; Green, LaShawn; Holt, Scott; Hurd, Sharon; Lewis, Faye; Loftis, John; Miller, Michael R; Murphree, Garrett; Nelson, Paul M.; Pickett, Jerry; Schimka, Dennis; Smith, Kimberly; Spray, Laura; Stepp, John; Wallace, Ellen
Cc: Doug Stewart
Subject: Plat release for street names: Prefinal plat: S145-070; SKILL-MOCK SUBDIVISION

Please release the plat File No. S145-070 from any hold for street names. A prefinal plat has been received from Subdivision which satisfies any conditions.

Thank you,

Dwayne Taylor; Street Name Coordinator



Memorandum

CITY OF DALLAS

DATE May 22, 2015

TO Paul Nelson, CPTED Specialist
Subdivision Administrator
Department of Sustainable Development and Construction

SUBJECT **S145-070:** "SKILL-MOCK ADDITION"

Gary E. Johnson, RPLS #5299, with Texas Heritage Surveying, LLC, submitted to Public Works, Survey Division, a letter stating that the corrections, changes and additions identified in the initial review of this submittal have been completed, and requesting a field follow-up inspection and verification survey.

Survey personnel have performed a field survey and inspection, and find that all corrections, changes and additions noted in the first verification review and survey of this plat have been completed.

This submittal is approved for monument verification.

If you have any questions regarding this matter, please contact our offices at 948-4137.

Scott Holt

Scott Holt, RPLS
Survey Program Manager
Office of the Chief City Surveyor
Public Works Department

Attachments
N:\ENGR\SURVEY\HOLT\Plat Submittals\S145-070\Verification Response II.doc

REQUEST FOR VERIFICATION OF SUBDIVISION BOUNDARY MONUMENTS

DATE: May 12, 2015

TO: Scott Holt, R.P.L.S.
Survey Program Manager
Office of the Chief City Surveyor
Department of Public Works
320 E. Jefferson, Room 318
Dallas, Texas 75203-2699

RE: ***S145-070 SKILL-MOCK SUBDIVISION***

Dear Mr. Holt:

The monumentation requirement listed under City Ordinance No. 24846, Section 51A-8.617 has been met for the above referenced S145-070 SKLII-MOCK SUBDIVISION. This letter is the request for Field Inspection and Verification for the release of said Skill-Mock Subdivision plat.

A copy of the plat is included with this submittal for your use in the Inspection and Verification process.

If you have any questions, please contact our offices at -*Office*- (214)340-9700.

Gary E. Johnson, R.P.L.S.
Texas Registered Professional Land Surveyor No. 5299
Texas Heritage Surveying, L.L.C.

RECEIVED
MAY 13 2015
SD21789
PUBLIC WORKS & SURVEY SECTION

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 12th day of May, 2015.

Notary Signature

NOTARY PUBLIC STATE OF TEXAS
DAVEY EARL DAVIS
My Commission Expires
December 23, 2017

my commission expires

PRE-FINAL PLAT
REPORT/RELEASE FORM

File S145-070
Date 3-20-15
Reply Date 4-4-15

Attached is a plat of the subdivision named below for the review of the proposed layout in terms of the requirements of your Division. Please return your comments to the Subdivision Section no later than the date shown at the right in order to apply your comments and requirements for Plan Commission consideration.

Addition Name Skill-mock

Location 6101 E. Mockingbird Ln

Land Use Comm.

Area 0.9066

City Map No. H-8 Mapsco No. 36L Zoning CR

Engr/Surveyor Texas Heritage Surveying, LLC

Address: 214-340-9700

_____ Recommended Denial.

_____ Plat is released for filing and fully satisfied the requirements of this Division.

_____ Plat cannot be released for filing until the following attached conditions have been submitted by the applicant and approved by the Division.

_____ See notes on the attached plat.

_____ Street names and locations approved.

Date _____ Signature _____ Dept. _____

( ) FILE COPY ( ) Water: 1 ( ) Survey: 1 ( ) Arborist: 1 ( ) St Name Coord: 1

( ) Engineering: 1 ( ) Lot/Block: 1 ( ) St. Lights: 1 ( ) Fire: 1 ( ) Addressing: 1

Changed from 2 lots to 1 Lot. Extra
Same boundary

PRE-FINAL PLAT
REPORT/RELEASE FORM

File S145-070
Date 3-20-15
Reply Date 4-4-15

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Land Use Comm.

Area 0.9066

City Map No. H-8 Mapsco No. 36L Zoning CR

Engr/Surveyor Texas Heritage Surveying, LLC

Address: 214-340-9700

_____ Recommended Denial.

_____ Plat is released for filing and fully satisfied the requirements of this Division.

X Plat cannot be released for filing until the following attached conditions have been submitted by the applicant and approved by the Division.

_____ See notes on the attached plat.

→ Need full Engineering plans.
H-PD-Fwd 3-23-2015

_____ Street names and locations approved.

Date _____ Signature _____ Dept. _____

( ) FILE COPY ( ) Water: 1 ( ) Survey: 1 ( ) Arborist: 1 ( ) St Name Coord: 1

(X) Engineering: 1 ( ) Lot/Block: 1 ( ) St. Lights: 1 ( ) Fire 1 ( ) Addressing: 1

Z PRE-FINAL ROUTING SHEET Pre Final Review Release.doc

Changed from 2 lots to 1 Lot.
Same boundary

SE

PRE-FINAL PLAT
REPORT/RELEASE FORM

File S145-070
Date 3-20-15
Reply Date 4-4-15

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Area 0.9066

City Map No. H-8 Mapsco No. 36L Zoning CR

Engr/Surveyor Texas Heritage Surveying, LLC

Address: 214-340-9700

____ Recommended Denial.

X Plat is released for filing and fully satisfied the requirements of this Division.

____ Plat cannot be released for filing until the following attached conditions have been submitted by the applicant and approved by the Division.

____ See notes on the attached plat.

____ Street names and locations approved.

Date 3/31/15 Signature B Dept. SDC

( ) FILE COPY ( ) Water: 1 ( ) Survey: 1 (X) Arborist: 1 ( ) St Name Coord: 1

( ) Engineering: 1 ( ) Lot/Block: 1 ( ) St. Lights: 1 ( ) Fire: 1 ( ) Addressing: 1

Z: PRE-FINAL ROUTING SHEET Pre Final Review Release.doc

Changed from 2 lots to 1 Lot.
Same Inundation

Sustainable Development & Construction Dept.
Subdivision Section
Dallas, TX 75203

FILE NO. S 145-070
Date Received: 01-07-15
Hearing Date: 02-05-15
Reply by Date 01/15/15

Coordinator: ( ) La Shawn Green---------lashawn.green@dallascityhall.com
(x) Ellen Wallace ----------ellen.wallace@dallascityhall.com
( ) Mohammad Bordbar ---mohammad.bordbod@dallascityhall.com
Planner: ( ) Paul Nelson ---------- paul.nelson@dallascityhall.com
(x) Sharon Hurd---------- sharon.hurd@dallascityhall.com
Assistant: (x) Fay Lewis ---------- hilda.lewis@dallascityhall.com

Addition Name SKILL-MOCK SUBDIVISION Res. Replat ( ) Yes (X) No

Land Use: commercial # of Lots 2 Mapsco 36.L

PRELIMINARY PLAT REPORT

Attached is a plat of a subdivision (copy of application on the reverse of this page) for review of the proposed layout in terms of the requirements of your division/section. Please return your comments to the Subdivision Administrator no later than the date shown above in order for your comments and requirements to be considered by the City Plan Commission. **If we do not receive a response by the reply date listed above, we will record your response as "approved, with no conditions".**

RECOMMENDATIONS

( ) Deny ( ) Approved, with no conditions ( ) Approved, subject to the following conditions:

( ) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No

REVIEWER

Print Name:

Date: Signature:

Department:

ROUTING FULL SIZE PLATS

(1) FILE COPY
(1) Water
(2) Survey
(1) Addressing
(1) Bldg Code
(2) GIS Lot/Block
(1) Engineering
(1) Scott Holt (COD property plats only)
(1) District Council
(1) Real Estate
(1) Extra Plats

EXTRA COPY

Sustainable Development & Construction Dept.
Subdivision Section
Dallas, TX 75203

FILE NO. S 145-070
Date Received: 01-07-15
Hearing Date: 02-05-15
Reply by Date 01/15/15

By

Coordinator: ( ) La Shawn Green---------lashawn.green@dallascityhall.com
(x) Ellen Wallace ----------ellen.wallace@dallascityhall.com
( ) Mohammad Bordbar ---mohammad.bordbod@dallascityhall.com
Planner: ( ) Paul Nelson ---------- paul.nelson@dallascityhall.com
(x) Sharon Hurd---------- sharon.hurd@dallascityhall.com
Assistant: (x) Fay Lewis ---------- hilda.lewis@dallascityhall.com

Addition Name SKILL-MOCK SUBDIVISION Res. Replat ( ) Yes (X) No

Land Use: commercial # of Lots 2 Mapsco 36.L

PRELIMINARY PLAT REPORT

Attached is a plat of a subdivision (copy of application on the reverse of this page) for review of the proposed layout in terms of the requirements of your division/section. Please return your comments to the Subdivision Administrator no later than the date shown above in order for your comments and requirements to be considered by the City Plan Commission. **If we do not receive a response by the reply date listed above, we will record your response as "approved, with no conditions".**

RECOMMENDATIONS

OK TO Release

( ) Deny ( ) Approved, with no conditions ( ) Approved, subject to the following conditions:

OK TO FILE FINAL PLAT FOR RECORD WITHOUT FURTHER CLEARANCE FROM THIS OFFICE

DO NOT RELEASE FINAL PLAT FOR FILING FOR RECORD UNTIL CLEARED BY THIS OFFICE

( ) Please see notes on plat. I would like to see second preliminary ( ) Yes ( ) No.

REVIEWER

Print Name: Gordon Robinson

Date: 1/15/15 Signature: 1/23/15

Department: SDC-WATER

ROUTING FULL SIZE PLATS

(1) FILE COPY

(1) Water (1) Engineering

S 145-070

Division 51A-4.400. Yard, Lot, and Space Regulations.

SEC. 51A-4.401. MINIMUM FRONT YARD.

(a) General provisions.

(1) Required front yards must be open and unobstructed except for fences. Except as otherwise provided in this section, ordinary projections of window sills, belt courses, cornices, and other architectural features may not project more than 12 inches into the required front yard. A fireplace chimney may project up to two feet into the required front yard if its area of projection does not exceed 12 square feet. Cantilevered roof eaves and balconies may project up to five feet into the required front yard.

(2) The front yard setback is measured from the front lot line of the building site or the required right-of-way as determined by the thoroughfare plan for all thoroughfares, whichever creates the greater setback. On minor streets, the front yard setback is measured from the front lot line of the building site or the existing right-of-way, whichever creates the greater setback. When the city council by ordinance establishes a specific right-of-way line for a street, the front yard setback is measured from that right-of-way line.

(3) If a building line that is established by ordinance requires a greater or lesser front yard than prescribed by this section, the building line established by ordinance determines the minimum required front yard.

(4) A uniform or staggered building line may establish a front yard less than prescribed by this section if the building line:

(A) provides a front yard of ten feet or more;

(B) is established by a plat approved by the commission and recorded with the county clerk; and

(C) is part of a plan for the orderly development of the subdivision.

(5) If a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets. If access is prohibited on one frontage by plat or by the city, the following structures or portions of structures in the yard along that frontage are governed by the rear yard regulations in Section 51A-4.403:

(A) Swimming pools.

(B) Game courts.

(C) Fences.

(D) Garages.

(E) Accessory storage buildings.

(6) If street frontage within a block is divided by two or more zoning districts, the front yard for the entire block must comply with the requirements of the district with the greatest front yard requirement.

(7) Reserved.

(8) The minimum front yard requirements in a planned development district are controlled by the planned development district regulations.

(9) In an A(A), multifamily, MH(A), office, retail, CS, LI, IR, IM, central area, mixed use, or multiple commercial district, the board of adjustment may allow a special exception from the front yard requirements of this section to permit the erection of a permanently constructed porte-cochere, covered walkway or canopy if the structure is rectilinear in shape and does not exceed 25 feet in width at the building line, and if the board finds that the structure will not adversely affect neighboring property.

(b) Front yard provisions for residential districts.

(1) If a corner lot in a single family, duplex, or agricultural district has two street frontages of equal distance, one frontage is governed by the front yard regulations of this section, and the other frontage is governed by the side yard regulations in Section 51A-4.402. If the corner lot has

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Addition Name **SKILL-MOCK SUBDIVISION** **Res. Replat ( ) Yes (X) No**

Land Use: **commercial** # of Lots **2** Mapsco 36.L

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RECOMMENDATIONS

(X) Deny ( ) Approved, with no conditions ( ) Approved, subject to the following conditions:

Mockingbird requires 100' of right-of-way as designated by the City of Dallas Thoroughfare Plan (City Code Section 51-9.101); and Maintain all existing right-of-way on Skillman

( ) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No

REVIEWER

Print Name: Kimberly Smith

Date: 1/13/2015 Signature: *Kimberly Smith*

Department: PNV-Mobility Planning

RECEIVED
JAN 13 2015
SUB
DIVISION

ROUTING FULL SIZE PLATS

(1) **FILE COPY**

(1) Water
(2) Survey
(1) Addressing
(1) Bldg Code
(2) GIS Lot/Block
(1) Engineering
(1) Scott Holt (COD property plats only)
(1) District Council
(1) Real Estate
(1) Extra Plats

Nelson, Paul M.

From: Nelson, Paul M.
Sent: Sunday, February 08, 2015 8:37 AM
To: Villegas, Lilia
Cc: Holmes, Lashondra
Subject: RE: RE: S145-070; Skill-Mock Subdivision, L. 1 & 2, B. F/2953;
Attachments: S145-070.PDF; S145-070.PDF; S145-070.doc; S145-07Routing sheet.doc; S145-070correctionadminaprvl.docx; S145-070adminaprvl.docx

Lilia: above are the documents related to S145-070. The draft correction letter has been sent to Bert Vandenberg but no one else; I am waiting for his instruction as to when to send the letter, if ever.
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Paul Nelson

From: Villegas, Lilia
Sent: Friday, February 06, 2015 2:20 PM
To: Nelson, Paul M.
Subject: RE: S145-070; Skill-Mock Subidivision, L. 1 & 2, B. F/2953;

Good afternoon Paul,

Chris Caso asked that I get in touch with you regarding the matter of 6101 Mockingbird LLC to see who are the City employees who typically touch files on these matters so we can include in a litigation hold memo?

Could you help me on this matter? Please let me know. Thank you.

Lilia Villegas
Paralegal
City of Dallas
City Attorney's Office
1500 Marilla, 7th floor, 7DN
Dallas, Texas 75201
Telephone: (214) 670-3519
Direct Line: (214) 670-7801
Facsimile: (214) 670-0622
lilia.villegas@dallascityhall.com

Dallas-Together we do it better

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AA

Preliminary Plat Report Form
Sustainable Development & Construction Engineering – Paving & Drainage

Reviewed By: SAM **Date:** 1/12/15

City File Plan Number: S 145-070 **Zoning:** CR

Addition Name: Skill-Mock Subdivision

Location: 6101 & 6119 E. Mockingbird Ln. **Area:** 0.9066 Ac.

Engineer / Surveyor: Monk / Texas Heritage

Paving and Drainage:

- ☒ Please submit drainage and/or paving plans, prepared per City Standards by a licensed Professional Engineer to Engineering Division in Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.
- ☐ Detention may be required if the capacity of available outfall is not adequate to carry the developed runoff.
- ☒ Lot-to-Lot drainage will not be allowed without proper approval (Note must be on Plat).
- ☐ Provide a detailed lot grading plan prepared by a Professional Engineer.

Right of Way Requirements:

- ☐ Dedicate 50' (ROW) / ~~Street Easement~~ / ~~Public Utility, Sidewalk Easement~~ from the established center line of Mockingbird Ln.
- ☐ Dedicate _____ ROW from established center line of _____
- ☒ Dedicate 20'X20' corner clip at Mockingbird Ln & Skillman St.
- ☒ Dedicate 15' by 15' alley sight easement at Skillman St. & Alley
- ☐ Provide Right–Of-Way, design and construction for a Deceleration/Acceleration Lane if the Traffic Impact Study (TIS) justifies this need.
- ☐ TXDOT approval may be required for any driveway modifications or new access.
- ☐ Provide turn around per City of Dallas Standards at the end of _____
- ☐ Comply with _____ LDN Contour Noise Requirements.
- ☐ _____

Flood Plain:

- ☐ Determine the 100-year water surface elevation across this addition.
- ☐ Dedicate floodway easement, floodway management area or floodway easement (within common area), with the appropriate easement statement included on the face of the Plat.
- ☐ Include additional paragraph in Owner's Certificate (pertaining to the floodplain).
- ☐ Specify minimum fill and minimum finished floor elevations if Fill Permit exists.
- ☐ Show natural channel set back from the crest of the natural channel.
- ☐ Set floodway monument markers and provide documentation.
- ☐ Provide information regarding Fill Permit or Floodplain Alteration Permit if applied for.
- ☐ Location is in _____ Sump. Water Surface Elevation (WSE) = _____. All Construction for any proposed development must be above the WSE. Any improvement proposed in the areas where the existing elevation is below the WSE requires a fill permit applied for and approved by Public Works and Transportation Department. A minimum finish floor elevation for those areas will have to be established during the process.
- ☐ Comply with Mill Creek drainage requirements. Finish floor elevation must be 3' above nearest inlet, top of curb.
- ☐ Comply with Peaks Branch drainage requirements. Finish floor elevation is recommended to be 3' above nearest inlet, top of curb.

Additional Comments:

- ☐ Comply with PD _____
- ☐ Provide guest parking with adequate maneuverability and other shared access development requirements.

Eng-14-1120

Staff Surveyor Name: Danny Fugate

Preliminary Plat Review Form
City of Dallas
Sustainable Development and Construction
Survey Plat Review Group

Date: 02-05-2015

City Plan File No. S145-070

Addition Name: _____

Surveyor/Engineer: _____

Comments:

☑ No Comments

- ☐ Show how all adjoining right-of-way was created.
- ☐ Show recording information on all existing easements within 150' of property.
- ☐ Show all additions or tracts of land within 150' of property with recording information.
- ☐ Show correct recording information for subject property.
- ☐ Monument all set corners per monumentation ordinance.
- ☐ Show two control monuments.
- ☐ Access easement must be recorded by separate instrument.
- ☐ Need new/different plat name.
- ☐ Show/List prior plat on map, in legal, and/or title block.
- ☐ All utility easement abandonments must be shown with recording information.
- ☐ List utility easements as retained within street abandonments when stated in ordinance, or follow the City of Dallas' standard affidavit requirements.
- ☐ Remove building line(s) from plat.
- ☐ Need Lien Holder's Subordination Agreement.
- ☐ Show distances/width of right-of-way across _____.

_____

_____

_____

_____

Nelson, Paul M.

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Sent: Sunday, February 08, 2015 8:37 AM
To: Villegas, Lilia
Cc: Holmes, Lashondra
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2/6/15

Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.

11. Place a note on the final plat "Lot-to-lot drainage is not permitted without Engineering Section approval."

12. On the final plat dedicate 50 feet of right-of-way from the established center line of Mockingbird Lane.

13. On the final plat maintain 50 feet of right-of-way from the established center line of Skillman Avenue. Engineering did NOT ask for this!

14. On the final plat, dedicate a 20 foot by 20 foot corner clip at Mockingbird Lane and Skillman Street.

15. On the final plat, dedicate a 15 foot by 15 foot Alley Sight Easement at Skillman Street and the alley.

16. A site plan must be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed new buildings, development, and proposed water and wastewater service locations with service sizes.

17. Wastewater main extension may be required.

18. On the final plat identify the property as Lots 16, and 17 in City Block F/2953.

RBD
2-6-15

These conditions represent additional requirements for preparing the final plat. It will be necessary for your engineer or your surveyor to work directly with the various city departments and public utilities involved in the platting process to determine their individual requirements.

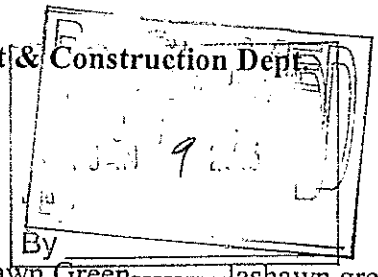
If you have any questions concerning this action, please contact me at (214) 948-4452.

Sincerely,

Paul Nelson

Paul Nelson, Subdivision Administrator
Subdivision Section, Current Planning Division
Sustainable Development and Construction Department
Dallas, Texas 75203

Sustainable Development & Construction Dept.
Subdivision Section
Dallas, TX 75203



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Addition Name SKILL-MOCK SUBDIVISION Res. Replat ( ) Yes (X) No

Land Use: commercial # of Lots 2 Mapsco 36.L

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DO NOT RELEASE FINAL PLAT FOR FILING FOR RECORD UNTIL CLEARED BY THIS OFFICE.

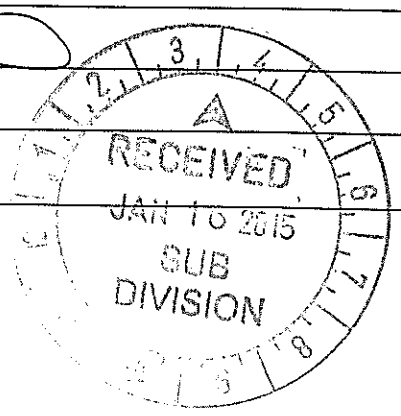
( ) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No.

REVIEWER

Print Name: Gordon Robinson

Date: 1/15/15 Signature:

Department: SDC-WATER



ROUTING FULL SIZE PLATS

(1) FILE COPY

(1) Water (1) Engineering

S 145-070

Memorandum

DATE 1/15/15

TO Paul Nelson
Planning & Development

CITY OF DALLAS

SUBJECT S-145.070

Paul,

Building Inspection on behalf of the Dallas Water Utilities approves the above preliminary plat subject to the following noted conditions:

X Site plan needs to be submitted showing proposed new buildings, development, and proposed water and wastewater service locations & SIZES CHAPTER 49-60(g)1

___ Existing Water and Waste Water mains should be shown on plat per Chapter 51A - 8.403(A)(1)(a) xii

___ Existing water and/or wastewater easements need to be shown and/or increased to conform to current design standards. NOTICE: Minimum DWU easement size is 20' for one utility and 25'for both water and sewer.

___ New water and/or wastewater easements need to be shown.

___ Fire protection is questionable.

- A "**Fire Protection Certificate**" must be signed and approved by the Building Inspection Chief Plans Examiner (or assigned representative) in room105 at the Oak Cliff Municipal Center - 320 E. Jefferson St.
- The signed fire protection certificate must be submitted to the manager of Water and Sewer Engineering in room 200 - 320 E. Jefferson, prior to the submittal of the **final plat** for signature by the Chairman of the City Plan Commission.
- A signed fire protection certificate is also required prior to the approval of an "**Early Release Building Permit**" application.

___ Capacity of existing wastewater system is questionable. Submit proposed G.P.M. of development for investigation.

___ If water meter size will be the same size as the public main, submit proposed G.P.M. and P.S.I. needs for development for investigation.

X Water/Wastewater main extension is required by Private Development Contract. MAY BE

___ Fire Hydrant required by Private Development Contract. CHAPTER 49-62(f)1

___ Other:_____

Please incorporate the above noted items in your response to the owner as Dallas Water Utilities requirements for releasing final plat. Any submittals requested should be forwarded to me.

Gordon Robinson
Private Development Coordinator
Development Services – Water Engineering

c: File

Lewis, Faye

From: Taylor, Albert
Sent: Thursday, January 15, 2015 4:36 PM
To: Bergeron, Maggie; Bordbar, Mohammad; Burns, Kevin; Cruz, Genesis; Delgado, Julio; Drake, Ronald; Fugate, Danny; Green, LaShawn; Holt, Scott; Hurd, Sharon; Lewis, Faye; Loftis, John; Miller, Michael R; Murphree, Garrett; Nelson, Paul M.; Smith, Kimberly; Spray, Laura; Stepp, John; Wallace, Ellen
Subject: Plat Review of Street Names 1/15/2015
Attachments: 08-2778.pdf

No Conditions.
S145-070
S145-073
S145-075
S145-076
S145-078

Has conditions:
S145-071
Change "GATWOOD ROAD" to "GAYWOOD ROAD", per City Code *SEC. 51A-8.403. (a) (1) (xii).*
S145-072
Indicate and label any existing or planned improvements for "AKARD STREET", west of the subject area, and "FIELD STREET", southwest of the subject area, per City Code *SEC. 51A-8.403. (a) (xiii).*
S145-074
Show and label "SYCAMORE STREET", per City Code *SEC. 51A-8.403. (a) (1) (xii).*
Contact the street name coordinator for help selecting an appropriate street name for the new mutual access easement; the name "URBAN PLACE" is not acceptable, per City Code *SEC. 51A-8.403. (a) (1) (xiv); SEC. 51A-8.506. (e).*
S145-077
Change "KORGAN COURT" to "KORGAN STREET", per City Code *SEC. 51A-8.403. (a) (1) (xii).*
Also, see attached Resolution 08-2778.

Thank you,

Dwayne Taylor; Street Name Coordinator

Sustainable Development & Construction Dept.
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( ) Deny (x) Approved, with no conditions ( ) Approved, subject to the following conditions:

No trees

( ) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No

REVIEWER

Print Name: Tina S

Date: 1/14/15 Signature: TS

Department: SDC

RECEIVED JAN 14 2015 SUB DIVISION

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( ) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No

REVIEWER

Print Name: Lolita Williams

Date: 1/14/2015 Signature: Lolita Williams

Department: SDC-Real Estate

RECEIVED
JAN 15 2015
SUB DIVISION

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Hearing Date: 02-05-15
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Coordinator: ( ) La Shawn Green---------lashawn.green@dallascityhall.com
(x) Ellen Wallace ----------ellen.wallace@dallascityhall.com
( ) Mohammad Bordbar ---mohammad.bordbod@dallascityhall.com
Planner: ( ) Paul Nelson ---------- paul.nelson@dallascityhall.com
(x) Sharon Hurd---------- sharon.hurd@dallascityhall.com
Assistant: (x) Fay Lewis ---------- hilda.lewis@dallascityhall.com

Addition Name SKILL-MOCK SUBDIVISION **Res. Replat ( ) Yes (X) No**

Land Use: commercial # of Lots 2 Mapsco 36.L

PRELIMINARY PLAT REPORT

Attached is a plat of a subdivision (copy of application on the reverse of this page) for review of the proposed layout in terms of the requirements of your division/section. Please return your comments to the Subdivision Administrator no later than the date shown above in order for your comments and requirements to be considered by the City Plan Commission. **If we do not receive a response by the reply date listed above, we will record your response as "approved, with no conditions".**

RECOMMENDATIONS

( ) Deny (x) Approved, with no conditions ( ) Approved, subject to the following conditions:

( ) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No

REVIEWER

Print Name: T.J. Hunter

Date: 1/12/15 Signature: T.J. Hunter

Department: Atmos Energy Corporation

RECEIVED
JAN 12 2015
SUB
DIVISION

ROUTING FULL SIZE PLATS

(1) **FILE COPY**

(1) Water
(2) Survey
(1) Addressing
(1) Bldg Code
(2) GIS Lot/Block
(1) Engineering
(1) Scott Holt (COD property plats only)
(1) District Council
(1) Real Estate
(1) Extra Plats

Sustainable Development & Construction Dept.
Subdivision Section
Dallas, TX 75203

FILE NO. S 145-070
Date Received: 01-07-15
Hearing Date: 02-05-15
Reply by Date 01/15/15

Coordinator: ( ) La Shawn Green---------lashawn.green@dallascityhall.com
(x) Ellen Wallace ----------ellen.wallace@dallascityhall.com
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Addition Name SKILL-MOCK SUBDIVISION **Res. Replat ( ) Yes (X) No**

Land Use: commercial # of Lots 2 Mapsco 36.L

PRELIMINARY PLAT REPORT

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RECOMMENDATIONS

( ) Deny (X) Approved, with no conditions ( ) Approved, subject to the following conditions:

( ) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No

REVIEWER

Print Name: BRAD MOSS

Date: 1/9/2015 Signature:

Department: STREET LIGHTING

RECEIVED
JAN 09 2015
SUB
DIVISION

ROUTING FULL SIZE PLATS

(1) **FILE COPY**

(1) Water
(2) Survey
(1) Addressing
(1) Bldg Code
(2) GIS Lot/Block
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Sustainable Development & Construction Dept.
Subdivision Section
Dallas, TX 75203

FILE NO. S 145-070
Date Received: 01-07-15
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Coordinator: ( ) La Shawn Green---------lashawn.green@dallascityhall.com
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Addition Name SKILL-MOCK SUBDIVISION **Res. Replat ( ) Yes (X) No**

Land Use: commercial # of Lots 2 Mapsco 36.L

PRELIMINARY PLAT REPORT

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RECOMMENDATIONS

( ) Deny (/) Approved, with no conditions ( ) Approved, subject to the following conditions:

( ) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No

REVIEWER

Print Name: Mohamad Bakh

Date: 1/8/15 Signature: MBH

Department: STS/TRN

ROUTING FULL SIZE PLATS

(1) **FILE COPY**

(1) Water
(2) Survey
(1) Addressing
(1) Bldg Code
(2) GIS Lot/Block
(1) Engineering
(1) Scott Holt (COD property plats only)
(1) District Council
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(1) Extra Plats

RECEIVED
JAN 0 8 2015
SUB DIVISION

Sustainable Development & Construction Dept.
Subdivision Section
Dallas, TX 75203

FILE NO. S 145-070
Date Received: 01-07-15
Hearing Date: 02-05-15
Reply by Date 01/15/15

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Assistant: (x) Fay Lewis ---------- hilda.lewis@dallascityhall.com

Addition Name SKILL-MOCK SUBDIVISION **Res. Replat ( ) Yes (X) No**

Land Use: commercial # of Lots 2 Mapsco 36.L

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RECOMMENDATIONS

( ) Deny (X) Approved, with no conditions ( ) Approved, subject to the following conditions:

( ) Please see notes on plat I would like to see second preliminary ( ) Yes (X) No

REVIEWER

Print Name: VED GUPTA

Date: 1/8/15 Signature: VG
Department: BLDG. CODE

ROUTING FULL SIZE PLATS

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(1) Water
(2) Survey
(1) Addressing
(1) Bldg Code
(2) GIS Lot/Block
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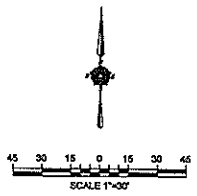
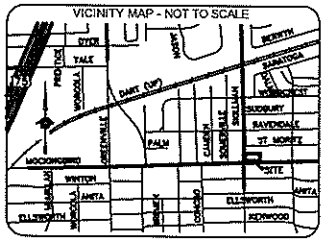
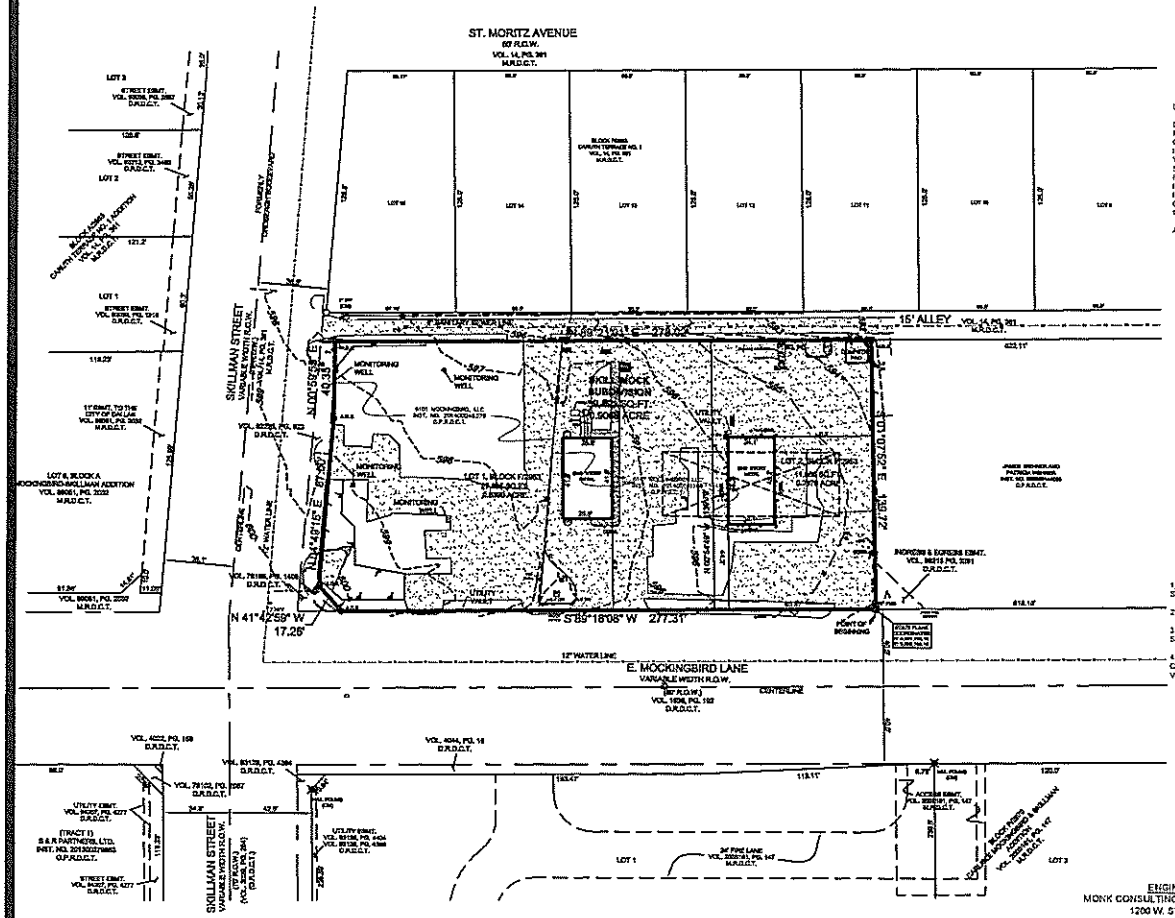
RECEIVED
JAN 08 2015
SUB DIVISION







LEGEND

DRDCT	DEED RECORDS, DALLAS COUNTY, TEXAS
MRDCT	MAP RECORDS, DALLAS COUNTY, TEXAS
OPRDCT	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST. NO	INSTRUMENT NUMBER
VOL, PG	VOLUME, PAGE
SQFT	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
I.R.F.	IRON ROD FOUND
I.P.F.	IRON PIPE FOUND
C.M.	CONTROL MONUMENT
M.D.S.	3" METAL ID DISC STAMPED "S.M.S. & RPLS 5239 TAINS" SET FOR CORNER
A.D.S.	2 1/2" METAL ID DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5239 TAINS" SET FOR CORNER

- HANDICAPPED SPACE
- PARKING SPACE
- IRON ROD FOUND
- IRON ROD SET
- IRON PIPE FOUND
- FENCE POST CORNER
- "X" FOUND / SET
- SANITARY SEWER MANHOLE COVER
- LIGHT POLE
- POWER POLE
- BRICK COLUMN
- AC AIR CONDITIONING
- FIRE HYDRANT
- ELECTRIC METER
- ASPHALT PAVING
- COVERED PORCH, DECK OR CARPORT
- CONCRETE PAVING
- WV- WATER VALVE
- WM- WATER METER
- BOL- BOLLARD
- OES — OVERHEAD ELECTRIC SERVICE
- OHP — OVERHEAD POWER LINE
- SS — SANITARY SEWER LINE
- W — WATER LINE

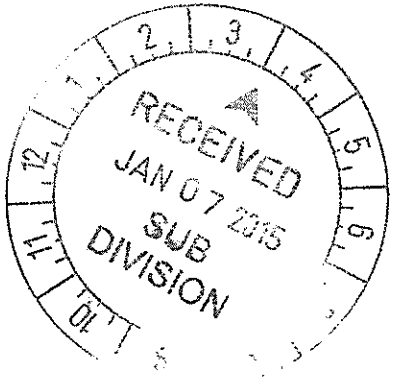
GENERAL NOTES

1) BEARINGS ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (2011)

2) THE SOLE PURPOSE OF THIS PLAT IS TO CREATE TWO LOTS

3) LOT-TO-LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL

4) COORDINATES SHOWN ARE STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES. NO SCALE AND NO PROJECTION



ENGINEER
MONK CONSULTING ENGINEERS, INC.
1200 W. STATE ST.
GARLAND, TEXAS 75040
P. 972.272.1763

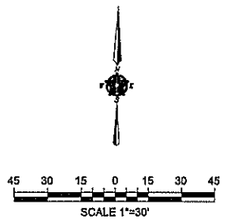
OWNER
6101 MOCKINGBIRD, LLC

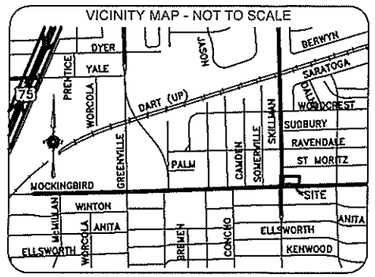
SURVEYOR
TEXAS HERITAGE SURVEYING, LLC
10610 Metric Drive, Suite 134, Dallas, TX 75243
Office 214-349-9709 Fax 214-349-9710
txheritage.com
Firm #10193300

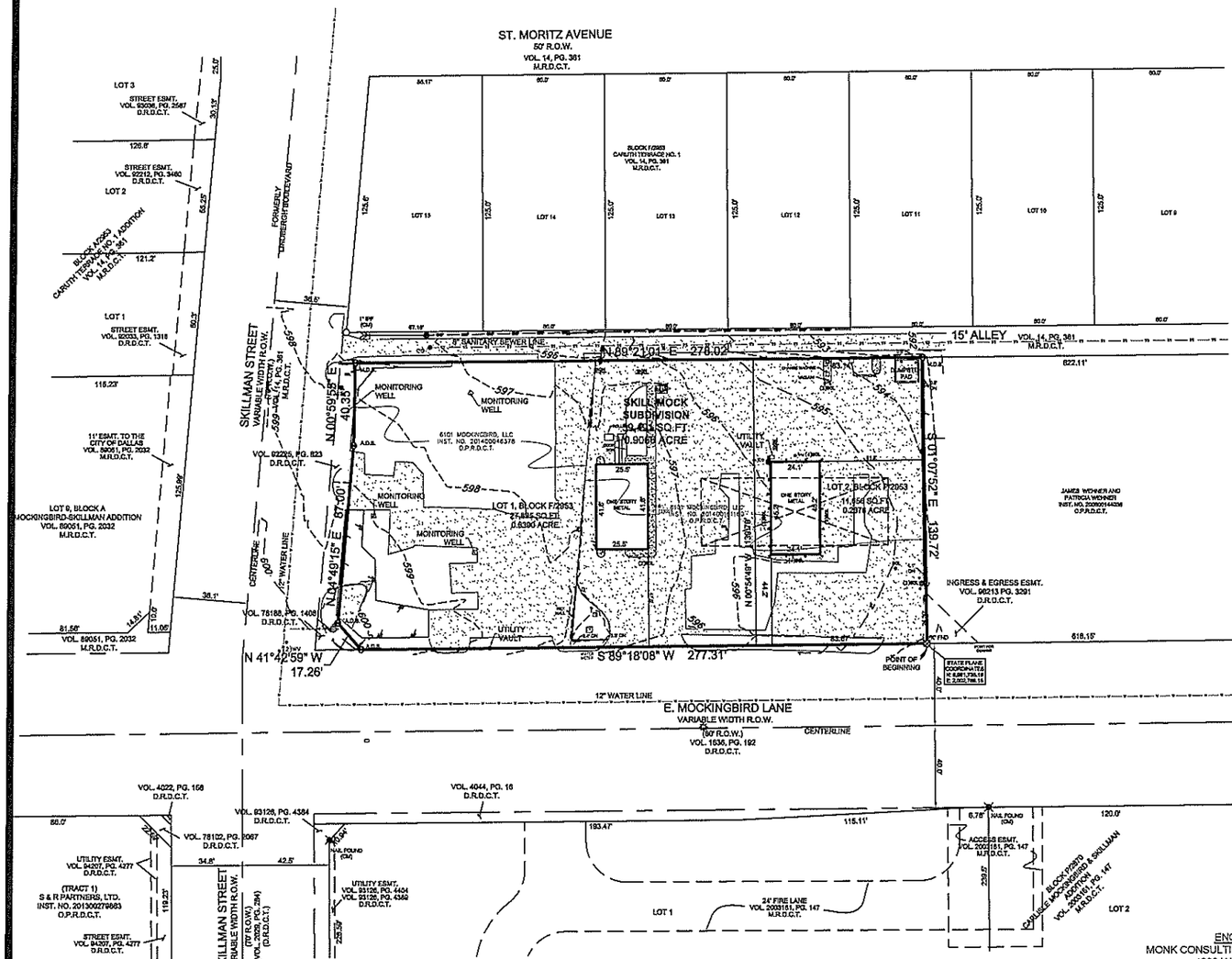
PRELIMINARY PLAT
SKILL-MOCK SUBDIVISION
LOTS 1 & 2, BLOCK F/2953
WILLIAM P. CORDER SURVEY, ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. _____

DATE: 12/23/14 / JOB # 1404548-1 / SCALE - 1" = 30' MC

S 145-070







OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, 6101 Mockingbird, LLC, a Texas limited liability company are the owner of two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046376, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400161186, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found for corner in the North line of E. Mockingbird Lane (a variable width right-of-way), said point being the Southwest corner of a tract of land conveyed to James Wehner and Patricia Wehner by Special Warranty Deed recorded in Instrument No. 20090144208, Official Public Records, Dallas County, Texas,

Thence South 89 degrees 18 minutes 08 seconds West along the North line of said E. Mockingbird Land, a distance of 277.31 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 41 degrees 42 minutes 59 seconds West, a distance of 17.26 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the East line of Skillman Street (a variable width right-of-way);

Thence North 04 degrees 49 minutes 15 seconds East along the East line of said Skillman Street, a distance of 87.00 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 00 degrees 59 minutes 55 seconds East continuing along the East line of said Skillman Street, a distance of 40.35 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the South line of a 15 foot alley right-of-way;

Thence North 89 degrees 21 minutes 01 seconds East along the South line of said alley, a distance of 278.02 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being the Northwest corner of aforementioned Wehner tract;

Thence South 01 degrees 07 minutes 52 seconds East along the West line of said Wehner tract, a distance of 139.72 feet to the Point of Beginning and containing 39,491 square feet or 0.9066 of an acre of land.

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ.FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
I.R.F.	IRON ROD FOUND
I.P.F.	IRON PIPE FOUND
C.M.	CONTROL MONUMENT
M.D.S.	5" METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS" SET FOR CORNER
A.D.S.	2 1/2" METALIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 TXHS" SET FOR CORNER

HC HANDICAPPED SPACE
1 PARKING SPACE
IRON ROD FOUND
IRON ROD SET
IRON PIPE FOUND
FENCE POST CORNER
"X" FOUND / SET
ASPHALT PAVING
COVERED PORCH, DECK OR CARPORT
CONCRETE PAVING
OES OVERHEAD ELECTRIC SERVICE
OHP OVERHEAD POWER LINE
SS SANITARY SEWER LINE
W WATER LINE
S SANITARY SEWER MANHOLE COVER
LIGHT POLE
POWER POLE
BRICK COLUMN
AC AIR CONDITIONING
FH FIRE HYDRANT
ELECTRIC METER
WV WATER VALVE
WM WATER METER
BOL BOLLARD

GENERAL NOTES:

1) BEARINGS ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (2011)

2) THE SOLE PURPOSE OF THIS PLAT IS TO CREATE TWO LOTS.

3) LOT-TO-LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.

4) COORDINATES SHOWN ARE STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, 6101 Mockingbird, LLC, acting by and through it's duly authorized agent Robert I. Parks III, does hereby adopt this plat, designating the herein described property as **SKILL-MOCK SUBDIVISION**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb / pavement line, and description of such additional easements herein granted shall be determined by installation as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

WITNESS MY HAND THIS _____ DAY OF _____, 2015.

_____
Robert I. Parks III, manager

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Robert I. Parks III, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

_____
Notary Signature

SURVEYOR'S STATEMENT

I, Gary E. Johnson, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance No. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the _____ day of _____, 2015.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. 01/05/15

Gary E. Johnson
Texas Registered Professional Land Surveyor No. 5299

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

_____
Notary Signature

RECEIVED
JAN 07 2015
SUB
DIVISION

ENGINEER
MONK CONSULTING ENGINEERS, INC.
1200 W. STATE ST.
GARLAND, TEXAS 75040
P. 972.272.1763

OWNER
6101 MOCKINGBIRD, LLC

SURVEYOR
TEXAS HERITAGE SURVEYING, LLC
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10169300

PRELIMINARY PLAT
SKILL-MOCK SUBDIVISION
LOTS 1 & 2, BLOCK F/2953
WILLIAM P. CORDER SURVEY, ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. _____
DATE: 12/23/14 / JOB # 1404548-1 / SCALE - 1" = 30' MC

S 147-070

PRE-FINAL PLAT
REPORT/RELEASE FORM

File S145-070
Date 3-20-15
Reply Date 4-4-15

Attached is a plat of the subdivision named below for the review of the proposed layout in terms of the requirements of your Division. Please return your comments to the Subdivision Section no later than the date shown at the right in order to apply your comments and requirements for Plan Commission consideration.

Addition Name Skill-mock

Location 6101 E. Mockingbird Ln

Land Use Comm.

Area 0.9066

City Map No. H-8 Mapsco No. 36L Zoning CR

Engr/Surveyor Texas Heritage Surveying, LLC

Address: 214-340-9700

____ Recommended Denial.

____ Plat is released for filing and fully satisfied the requirements of this Division.

X Plat cannot be released for filing until the following attached conditions have been submitted by the applicant and approved by the Division.

X See notes on the attached plat.

____ Street names and locations approved.

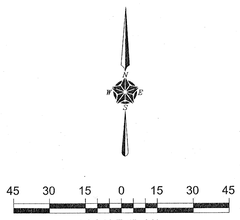
Date 3-26-15 Signature [signature] Dept. LOT/BLK

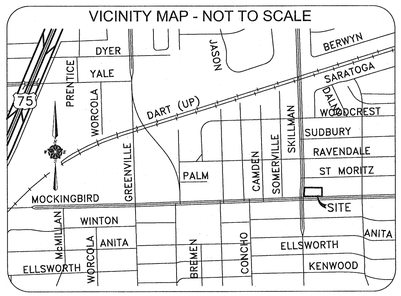
( ) FILE COPY ( ) Water: 1 ( ) Survey: 1 ( ) Arborist: 1 ( ) St Name Coord: 1

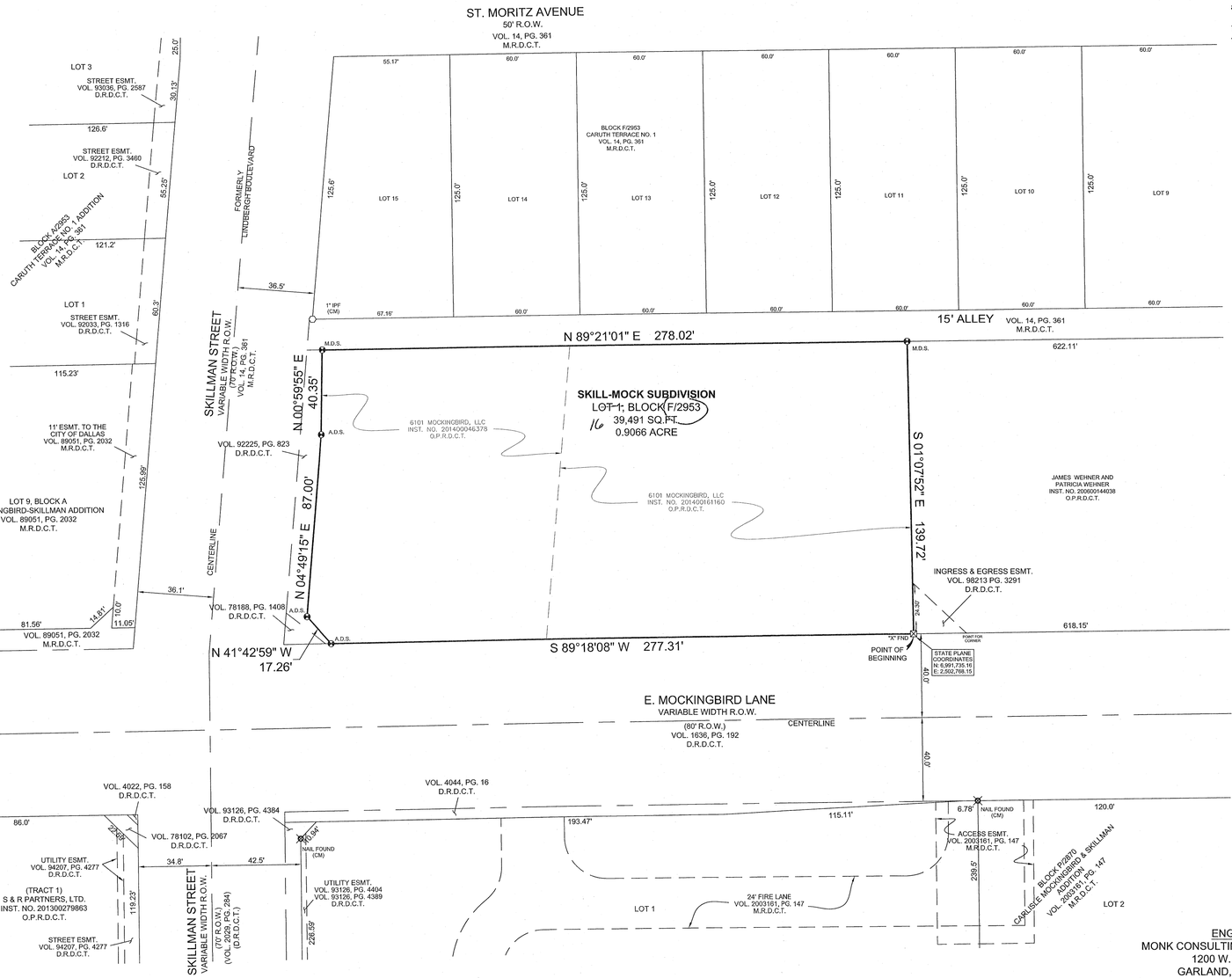
( ) Engineering: 1 (X) Lot/Block: 1 ( ) St. Lights: 1 ( ) Fire: 1 ( ) Addressing: 1

Z PRE-FINAL ROUTING SHEET Pre Final Review Release.doc

Changed from 2 lots to 1 Lot.
Same boundary







OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, 6101 Mockingbird, LLC, a Texas limited liability company are the owner of two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400161160, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found for corner in the North line of E. Mockingbird Lane (a variable width right-of-way), said point being the Southwest corner of a tract of land conveyed to James Wehner and Patricia Wehner by Special Warranty Deed recorded in Instrument No. 200600144038, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 18 minutes 08 seconds West along the North line of said E. Mockingbird Land, a distance of 277.31 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 41 degrees 42 minutes 59 seconds West, a distance of 17.26 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the East line of Skillman Street (a variable width right-of-way);

Thence North 04 degrees 49 minutes 15 seconds East along the East line of said Skillman Street, a distance of 87.00 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 00 degrees 59 minutes 55 seconds East continuing along the East line of said Skillman Street, a distance of 40.35 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the South line of a 15 foot alley right-of-way;

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LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
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- HC HANDICAPPED SPACE
- (1) PARKING SPACE
- IRON ROD FOUND
- IRON ROD SET
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- (S) SANITARY SEWER MANHOLE COVER
- LIGHT POLE
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- WM- WATER METER
- BOL- BOLLARD
- OES — OVERHEAD ELECTRIC SERVICE
- OHP — OVERHEAD POWER LINE
- SS — SANITARY SEWER LINE
- W — WATER LINE

GENERAL NOTES:

1) BEARINGS ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (2011)

2) THE SOLE PURPOSE OF THIS PLAT IS TO CREATE ONE LOT.

3) LOT-TO-LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.

4) COORDINATES SHOWN ARE STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

5) ALL STRUCTURES WILL BE REMOVED

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, 6101 Mockingbird, LLC, acting by and through it's duly authorized agent Robert I. Parks III, does hereby adopt this plat, designating the herein described property as **SKILL-MOCK SUBDIVISION**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

WITNESS MY HAND THIS _____ DAY OF _____, 2015.

_____
Robert I. Parks III, manager

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Robert I. Parks III, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

_____
Notary Signature

SURVEYOR'S STATEMENT

I, Gary E. Johnson, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance No. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the _____ day of _____, 2015.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. 03/19/15

_____
Gary E. Johnson
Texas Registered Professional Land Surveyor No. 5299

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

_____
Notary Signature

S145-070

ENGINEER
MONK CONSULTING ENGINEERS, INC.
1200 W. STATE ST.
GARLAND, TEXAS 75040
P. 972.272.1763

OWNER
6101 MOCKINGBIRD, LLC

SURVEYOR
TEXAS HERITAGE SURVEYING, LLC
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10169300

PRE-FINAL PLAT
SKILL-MOCK SUBDIVISION
LOTS 1, BLOCK F/2953
16
WILLIAM P. CORDER SURVEY, ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S145-070

DATE: 12/23/14 / JOB # 1404548-1 / SCALE - 1" = 30'.MC

RECEIVED
MAR 20 2015
SUB
DIVISION

S 134-070

FILE

Sustainable Development & Construction Dept.
Subdivision Section
Dallas, TX 75203

FILE NO. S 145-070
Date Received: 01-07-15
Hearing Date: 02-05-15
Reply by Date 01/15/15

Coordinator: ( ) La Shawn Green---------lashawn.green@dallascityhall.com
(x) Ellen Wallace ----------ellen.wallace@dallascityhall.com
( ) Mohammad Bordbar ---mohammad.bordbod@dallascityhall.com
Planner: ( ) Paul Nelson ---------- paul.nelson@dallascityhall.com
(x) Sharon Hurd---------- sharon.hurd@dallascityhall.com
Assistant: (x) Fay Lewis ---------- hilda.lewis@dallascityhall.com

Addition Name SKILL-MOCK SUBDIVISION **Res. Replat ( ) Yes (X) No**

Land Use: commercial # of Lots 2 Mapsco 36.L

PRELIMINARY PLAT REPORT

Attached is a plat of a subdivision (copy of application on the reverse of this page) for review of the proposed layout in terms of the requirements of your division/section. Please return your comments to the Subdivision Administrator no later than the date shown above in order for your comments and requirements to be considered by the City Plan Commission. **If we do not receive a response by the reply date listed above, we will record your response as "approved, with no conditions".**

RECOMMENDATIONS

( ) Deny ( ) Approved, with no conditions ( ) Approved, subject to the following conditions:

( ) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No

REVIEWER

Print Name: _____

Date: _____ Signature: _____

Department: _____

ROUTING FULL SIZE PLATS

(1) **FILE COPY**

(1) Water
(2) Survey
(1) Addressing
(1) Bldg Code
(2) GIS Lot/Block
(1) Engineering
(1) Scott Holt (COD property plats only)
(1) District Council
(1) Real Estate
(1) Extra Plats

City of Dallas

APPLICATION FOR LAND SUBDIVISION

DEVELOPMENT SERVICES, SUBDIVISION SECTION
320 E. JEFFERSON BLVD., ROOM 115
DALLAS, TX 75203
TELEPHONE: (214) 948-4335

FOR OFFICE USE ONLY

FILE NUMBER: S 145-070	PREVIOUS FILE NUMBER (IF ANY)
CPC DATE: 2-5-15	NOT APPLICABLE IF ADMINISTRATIVE PLAT: ☐
REPLY DATE: 1-15-15	
PRELIM. $2,716.00 DATE: 1/7/15	FINAL: $ DATE:
REVISED: $ DATE:	CORRECTION: $ DATE:
NOTES:	

OWNER 6101 MOCKINGBIRD, LLC	APPLICANT 6101 MOCKINGBIRD, LLC
TELEPHONE: 214-520-9000	(NOT THE SURVEYOR/ENGINEER UNLESS OWNER)
Email Address:	TELEPHONE: 214-520-9000
ADDRESS:	Email address:
CITY: DALLAS	ADDRESS
STATE/ZIP: TX 75225	CITY: DALLAS
PREVIOUS OWNER: Mockingbird Skillman Mobil, Inc.	STATE/ZIP: TX, 75225

SURVEYOR/ENGINEER: TEXAS HERITAGE SURVEYING, LLC	REPRESENTATIVE: Robert Reeves
TELEPHONE: 214-340-9700	TELEPHONE: 214-749-0530
Email Address	Email address:
ADDRESS:	ADDRESS:
CITY: DALLAS	CITY: Dallas
STATE/ZIP: TX, 75243	STATE/ZIP: TX. 75202
CONTACT PERSON: DOUG STEWART	SIGNATURE:

ADDITION NAME: SKILL-MOCK SUBDIVISION

LOCATION: 6101 & 6119 E. MOCKINGBIRD LANE

EXISTING LOT#: TRACTS 1 & 17 BLOCK#: F/2953

ACRES:0.9066 ZONING DISTRICT CR

COUNCIL DISTRICT: 14 ✓

SCHOOL DISTRICT: DALLAS

IS THIS PROPERTY NOW OR HAS IT EVER BEEN:

- A CEMETERY? YES ☐ NO ☒
- A LANDFILL? YES ☐ NO ☒
- A BROWNFIELD SITE? YES ☐ NO ☒
- MILL CREEK STORMWATER HAZARD AREA? YES ☐ NO ☒
- WITHIN THE 65 LDN CONTOUR OF LOVE FIELD, ADDISON MUNICIPAL AIRPORT, DALLAS EXECUTIVE AIRPORT or NAVAL AIR STATION (Hensley Field)? YES ☐ NO ☒
- HISTORIC OR CONSERVATION DISTRICT? YES ☐ NO X ☐
- ARE ANY EXISTING OR PROPOSED STREETS ON THE PLAT LISTED IN THE THOROUGHFARE PLAN? YES ☐ NO ☒

PURPOSE OF PLAT: TO CREATE TWO LOTS

NUMBER OF LOTS
EXISTING: TWO TRACTS PROPOSED: 2

EXISTING LAND USE: SERVICE STATION

PROPOSED LAND USE: Commercial

ZONING MAP NO: H-8 MAPSCO PAGE; 36-L

REPLAT YES ☐ NO X

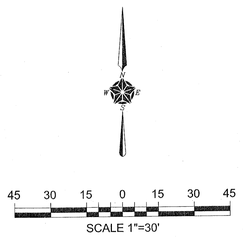
FOR ALL REPLATS, PROVIDE A CERTIFIED COPY OF THE ORIGINAL & THE MOST RECENT RECORDED SUBDIVISION/ ADDITION PLAT(S) FROM THE PERTINENT COUNTY COURTHOUSE

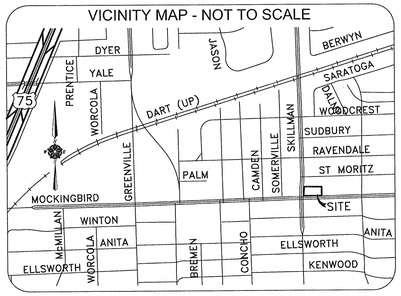
RESIDENTIAL REPLAT: YES ☐ NO X

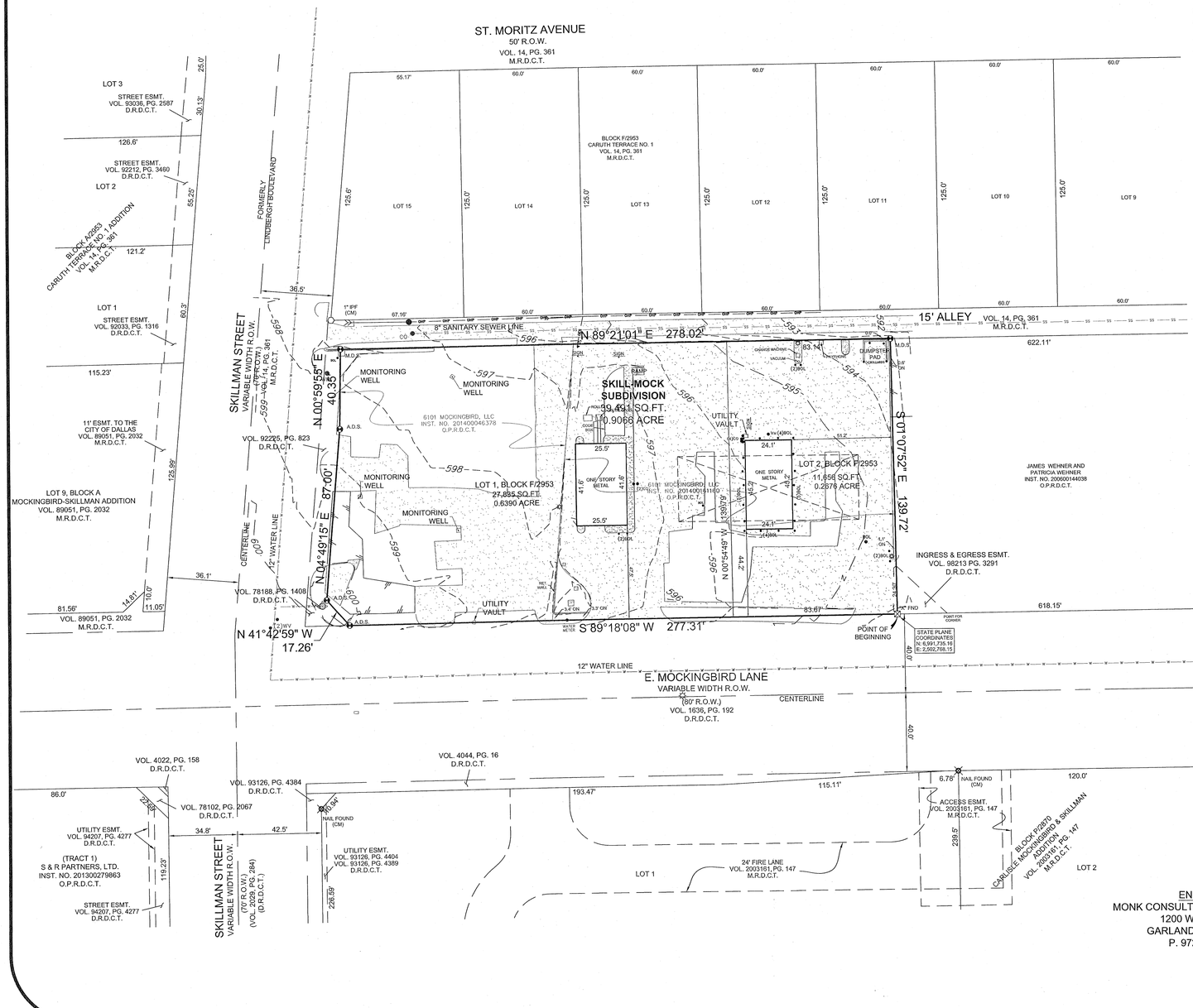
IF YES, SUBMIT THE FOLLOWING: CERTIFIED COPY OF DEED RESTRICTIONS THAT LIMIT THE USE OF THE PROPERTY TO SINGLE FAMILY AND/OR DUPLEX USE

ADMINISTRATIVE PLAT (COMPLETE CHECKLIST ON REVERSE SIDE)

YES ☐ NO X







LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ.FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
I.R.F.	IRON ROD FOUND
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5. All structures to be removed. RP

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, 6101 Mockingbird, LLC, a Texas limited liability company are the owner of two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400161160, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found for corner in the North line of E. Mockingbird Lane (a variable width right-of-way), said point being the Southwest corner of a tract of land conveyed to James Wehner and Patricia Wehner by Special Warranty Deed recorded in Instrument No. 200600144038, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 18 minutes 08 seconds West along the North line of said E. Mockingbird Land, a distance of 277.31 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 41 degrees 42 minutes 59 seconds West, a distance of 17.26 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the East line of Skillman Street (a variable width right-of-way);

Thence North 04 degrees 49 minutes 15 seconds East along the East line of said Skillman Street, a distance of 87.00 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 00 degrees 59 minutes 55 seconds East continuing along the East line of said Skillman Street, a distance of 40.35 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the South line of a 15 foot alley right-of-way;

Thence North 89 degrees 21 minutes 01 seconds East along the South line of said alley, a distance of 278.02 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being the Northwest corner of aforementioned Wehner tract;

Thence South 01 degrees 07 minutes 52 seconds East along the West line of said Wehner tract, a distance of 139.72 feet to the Point of Beginning and containing 39,491 square feet or 0.9066 of an acre of land.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, 6101 Mockingbird, LLC, acting by and through it's duly authorized agent Robert I. Parks III, does hereby adopt this plat, designating the herein described property as **SKILL-MOCK SUBDIVISION**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the the utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

WITNESS MY HAND THIS _____ DAY OF _____, 2015.

_____
Robert I. Parks III, manager

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Robert I. Parks III, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

_____
Notary Signature

SURVEYOR'S STATEMENT

I, Gary E. Johnson, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance No. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the _____ day of _____, 2015.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. 01/05/15

_____
Gary E. Johnson
Texas Registered Professional Land Surveyor No. 5299

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

_____
Notary Signature

FILE

PRELIMINARY PLAT
SKILL-MOCK SUBDIVISION
LOTS 1 & 2, BLOCK F/2953

WILLIAM P. CORDER SURVEY, ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. _____

DATE: 12/23/14 JOB # 1404548-1 / SCALE - 1" = 30' MC

ENGINEER
MONK CONSULTING ENGINEERS, INC.
1200 W. STATE ST.
GARLAND, TEXAS 75040
P. 972.272.1763

OWNER
6101 MOCKINGBIRD, LLC

SURVEYOR
TEXAS HERITAGE SURVEYING, LLC
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10169300

RECEIVED
JAN 07 2015
SUB
DIVISION

FILE

S 145-070

FILE

July 23, 2015

City Plan Commission Agenda

RECEIVED
2015 JUL 17 PM 3:53
CITY SECRETARY
DALLAS, TEXAS

CITY OF DALLAS

PUBLIC HEARING POSTING

CITY PLAN COMMISSION
HEARING
Thursday, July 23, 2015

Briefings: **5ES*** **11:00 a.m.**

(The City Plan Commission may be briefed on any item on the agendas if it becomes necessary.)

PUBLIC HEARINGS **Council Chambers*** **1:30 p.m.**

PURPOSE: To consider the attached agendas and any other business that may come before this Commission.

*** All meeting rooms and chambers are located in Dallas City Hall, 1500 Marilla, Dallas, Texas**

[Edited on: 07/17/15 3:46 PM]

CITY OF DALLAS
CITY PLAN COMMISSION
Thursday, July 23, 2015
AGENDA

BREFINGS:	5ES	11:00 a.m.
PUBLIC HEARING:	Council Chambers	1:30 p.m.

*The City Plan Commission may be briefed on any item on the agenda if it becomes necessary.

David Cossum, Director
Neva Dean, Interim Assistant Director of Current Planning

BRIEFINGS:

Subdivision Docket
Zoning Docket

ACTION ITEMS:

Subdivision Docket — Planner: Sharon Hurd

Consent Items:

(1) **S145-221**
(CC District 14)

An application to create one lot from a 0.6021-acre tract of land in City Block 533 on property located on Crockett Street between Cochran Street and Munger Avenue.
Applicant/Owner: Dallas Symphony Foundation
Surveyor: Brockette/Davis/Drake, Inc.
Application Filed: June 24, 2015
Zoning: PD 145
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

(2) **S145-222**
(CC District 8)

An application to replat an 18.101-acre tract of land containing all of Lot 1 in City Block 7/7558 into two lots on property located on Hampton Road, south of Lyndon B. Johnson Freeway (Interstate Highway 20).
Applicant/Owner: Lowe's Home Centers, Inc.
Surveyor: Peiser and Mankin Surveying, LLC
Application Filed: June 25, 2015
Zoning: PD 240 (Tract 1B)
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

(3) **S145-223**
(CC District 6)

An application to create one lot from a 35.582-acre tract of land in City Blocks 7207 and 7210 on property located between Chalk Hill Road and North Cockrell Hill Road, north of West Davis Street.
Applicant/Owner: Morning Park, Inc. and TXI Operations, LP
Surveyor: Halff Associates, Inc.
Application Filed: June 25, 2015
Zoning: IR and CR
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

(4) **S145-226**
(CC District 1)

An application to replat a 0.200-acre tract of land containing all of Lot 8 and part of Lot 7 in City Block 1/3433 into one lot on property located on North Beckley Avenue, east of North Zang Boulevard.
Owner: Punjabi Enterprises, Inc.
Surveyor: Gonzalez & Schneeberg, Engineers & Surveyors, Inc.
Application Filed: June 26, 2015
Zoning: PD 468, Subdistrict D-Tract 5 (WMU-5)
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

(5) **S145-227**
(CC District 6)

An application to replat a 1.262-acre tract of land containing part of Lot 7 and all of Lots 8, 9, 61, 62, and 63 in City Block A/8378 into one lot on property located on Tantor Road, east of Luna Road.
Applicant/Owner: Shannon Holdings, LLC / Edgar LaBastida
Surveyor: Xavier Chapa, RPLS
Application Filed: June 26, 2015
Zoning: IR
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

(6) **S145-236**
(CC District 11)

An application to replat a 53.176-acre tract of land containing part of an unplatted tract of land in City Block 7014; part of City Block 7409; and part of Lot 3 and all of Lots 1A, 7A and 8 in City Block A/7409, to create one lot with 16 phases on property generally bounded by Alpha Road on the north, Preston Road on the east, Montfort Drive on the west and Interstate Highway 635 (Lyndon B. Johnson Freeway) on the south.
Applicant/Owner: 13331 Preston Rd. L.P., Algodon I, L.P.
Surveyor: Pacheco Koch
Application Filed: July 13, 2015
Zoning: PD 887
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

Residential Replats:

(7) **S145-220**
(CC District 6)

An application to replat a 5.095-acre tract of land containing all of City Blocks 22/3396, 23/3997, part of City Block 38/7263, part of abandoned Mabel Street, and part of Seale Street to be abandoned to create a Shared Access Development with 53 residential lots and 3 common areas on property located between North Willomet Avenue and Edgefield Avenue, north of Stafford Avenue.
Applicant/Owner: Seale Willomet Land, LP
Surveyor: CBG Surveying, Inc.
Application Filed: June 24, 2015
Zoning: PD 935
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

(8) **S145-228**
(CC District 4)

An application to replat a 0.441-acre tract of land containing all of Lots 22 and 23 in City Block B/6086 into one lot on property located at 2716 Illinois Avenue, west of Parrot Street.
Applicant/Owner: Ali Rashaad
Surveyor: Davis Land Surveying, Inc.
Application Filed: June 26, 2015
Zoning: R-7.5(A)
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

Building Line Removal:

(9) **S145-150R**
(CC District 13)

An application to replat a 32.958-acre tract of land in City Blocks C/6138, E/6138, D/6138 and A/7518 and containing all of Phase 2 and Phase 4a of previously approved plat S145-150 to create 305 lots and 26 open space lots; and to remove the existing 25-foot platted building lines along the northerly line of Meadow Road, and to remove the platted building lines along both sides of abandoned Treehouse Lane, on property located on Meadow Road, east of Manderville Lane.
Applicant/Owner: TKG Valencia Midtown, LP and HT Midtown, LP
Surveyor: Jacobs Engineering
Application Filed: June 25, 2015
Zoning: PD 745, Subarea B
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

Apportionment Determination Appeal:

Lloyd Denman
(CC District 14)

Consideration of an appeal to the director's apportionment determination associated with Plat No. S145-070 to dedicate 10 feet of right-of-way along Mockingbird Lane on property located at the northeast corner of East Mockingbird Lane and Skillman Street.
Staff Recommendation: **Denial**

Miscellaneous Items:

M145-031
Richard Brown
(CC District 13)

An application for a minor amendment to the site plan for Specific Use Permit No. 2123 for a Child-care facility on property zoned an R-10(A) Single Family District on the east line of Webb Chapel Road, north of Timbeview Road.
Staff Recommendation: **Approval**
Applicant: Mi Escuelita
Representative: Maxwell Fisher

M145-046
Richard Brown
(CC District 6)

An application for a minor amendment to the site plan for Specific Use Permit No. 884 for a Concrete batch plant on property zoned an IM Industrial Manufacturing District on the west line of Bickham Road, south of West Northwest Highway.
Staff Recommendation: **Approval**
Applicant: Lattimore Materials Corp.
Representative: Mark Miller

D145-014
Olga Torres Holyoak
(CC District 13)

An application for a development plan on property within Planned Development District No. 895, on the east side of North Central Expressway, south of Midtown Boulevard.
Staff Recommendation: **Approval**
Applicant: Commodore Development LLC
Representative: Jamie Ploetzner, Kimley-Horn

D145-022
Olga Torres Holyoak
(CC District 2)

An application for a development plan for the south subdistrict within Planned Development District No. 582 on the west side of Victory Avenue, at the terminus of Museum Way
Staff Recommendation: **Approval**
Applicant/Representative: Brian Eason

Zoning Cases - Consent:

1. **Z145-266(AF)**
Aldo Fritz
(CC District 6)

An application for a Specific Use Permit for a child-care facility on property zoned an R-5(A) Single Family District on the northeast corner of McBroom Street and North Winnetka Avenue.
Staff Recommendation: **Approval** for a two-year period, subject to a site plan and conditions.
Applicant: Wesley-Rankin Community Center
Representative: Chris A. Anderson, GFF Architects

2. **Z145-251(WE)** Warren Ellis (CC District 2)
An application for an amendment to Tract E of Planned Development Subdistrict No. 67, within Planned Development District No. 193, the Oak Lawn Special Purpose District with deed restrictions in the location generally bounded by Browser Avenue, Cedar Plaza Lane, Holland Avenue and Wheeler Street.
Staff Recommendation: **Approval**, subject to a revised development plan and conditions.
Applicant: LMC Cityville Oak Park Holding
Representative: Myron Doric - Jackson Walker L.L.P.

3. **Z145-262(WE)** Warren Ellis (CC District 14)
An application for an amendment to Planned Development Subdistrict No. 81 within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north corner of Cedar Springs Road and Douglas Avenue.
Staff Recommendation: **Approval**, subject to a revised conceptual plan, revised landscape plan and conditions.
Applicant: Ilume DP Apartments, LP
Representative: Robert Baldwin - Baldwin Associates

Zoning Cases – Under Advisement:

4. **Z145-206(WE)** Warren Ellis (CC District 11)
An application for a Specific Use Permit for a mini-warehouse use on property zoned an MU-3 Mixed Use District on the north side of Banner Drive, between Park Central Drive and Merit Drive.
Staff Recommendation: **Approval** for a ten-year period, subject to a site plan and staff's recommended conditions
Applicant: Banner Development, LLC
Representative: Robert Baldwin, Baldwin Associates
U/A From: June 18, 2015

5. **Z145-264(SM)** Sarah May (CC District 6)
An application for a Planned Development District for LO-1 uses and a mortuary, funeral home, or commercial wedding chapel use on property zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District with a D Overlay, on the northeast line of Webb Chapel Road and on the west line of Larga Drive, east of Webb Chapel Extension.
Staff Recommendation: **Approval**, subject to a development plan, landscape plan and conditions.
Applicant: DeWayne D. Hughes
Representative: Maxwell J, Fisher, Masterplan Consultants
U/A From: June 9, 2015

Zoning Cases – Individual:

6. **Z145-186(WE)**
Warren Ellis
(CC District 3)

An application for an amendment to Planned Development District No. 612 and to repeal Specific Use Permit No. 1950 for an open-enrollment charter school on the east side of Spur 408, north of Grady Niblo Road. Consideration will also be given to an amendment to Specific Use Permit No. 1950 for an open-enrollment charter school and for an amendment to the development plan for Planned Development District No. 612.
Staff Recommendation: **Approval**, subject to a revised development plan, traffic management plan and conditions.
Applicant: UME Preparatory Academy
Representative: Juan Pena, Callaway Architecture

7. **Z145-234(AF)**
Aldo Fritz
(CC District 3)

An application for an amendment and expansion of Specific Use Permit No. 1007 for a public school on property zoned a TH-3(A) Townhouse District on the north side of Wheatland Road and west of Clark Road.
Staff Recommendation: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan, revised landscape plan, traffic management plan and conditions.
Applicant: Ducanville ISD
Representative: Karl Crawley, Masterplan

8. **Z145-274(SM)**
Sarah May
(CC District 14)

An application for a Specific Use Permit for a tower/antenna for cellular communication limited to a monopole cellular tower on property zoned an MF-3(A) Multifamily District on the west line of Greenville Avenue, north of Belmont Avenue.
Staff Recommendation: **Denial**
Applicant: Verizon Wireless, T-Mobile, and AT&T Mobility (New Cingular Wireless)
Representative: Kathy Zibilich, Griffin Harris, PLLC

9. **Z145-225(SM)**
Sarah May
(CC District 2)

An application for a Planned Development District for CR Community Retail District and D Duplex District uses on property zoned a CR Community Retail District and Tract III of Planned Development District No. 67 on the northwest corner of West Mockingbird Lane and Roper Street.
Staff Recommendation: **Approval**, subject to a revised development plan, landscape plan and staff's recommended conditions.
Applicant: MSC-1, Ltd.
Representative: Mostafa Setayesh, P.E., The Dimension Group

10. **Z145-271(SM)** Sarah May (CC District 2)

An application for a Planned Development Subdistrict for MF-2 Multiple-Family Subdistrict and surface parking uses on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Crestview Drive, southwest of Lemmon Avenue. Consideration will also be given to the granting of a P Parking Subdistrict.
Staff Recommendation: **Denial** of a Planned Development Subdistrict, **approval** of a P Parking Subdistrict, subject to a site plan.
Applicant: Adler Property Companies, LLP
Representative: Dallas Cothrum and Gladys Pearson, Masterplan Consultants

11. **Z145-227(WE)** Warren Ellis (CC District 8)

An application for a CR Community Retail District on property zoned an R-5(A) Single Family District on the north line of Simpson Stuart Road, west of Tracy Road.
Staff Recommendation: **Denial**
Applicant: Marrise Jones
Representative: Peter Kavanagh - Zone Systems

Authorization of Hearings:

Neva Dean (CC Dists. 1, 2, 6, 7, 14)

Consideration to authorize a public hearing to determine the proper zoning on property zoned an A(A) Agriculture District, a CA-1(A) Central Area District, a CA-2(A) Central Area District, a CR Community Retail District, GR General Retail District, an IM Industrial Manufacturing District, an IR Industrial Research District, an LO-3 Limited Office District, an MC-3 Multiple Commercial District, an MF-2 Multiple Family District, an MF-2(A) Multifamily District, an MF-3(A) Multifamily District, an MU-1 Mixed Use District, an MU-3 Mixed Use District, an NO(A) Neighborhood Office District, a P(A) Parking District, WMU-5 Walkable Mixed Use District, WR-5 Walkable Residential District; Planned Development District No. 9, Planned Development District No. 145, Planned Development District No. 153, a portion of Planned Development District No. 174, Planned Development District No. 183, Planned Development District No. 184, Planned Development District No. 190, Planned Development District No. 193 – CA-2 Central Area, GR General Retail, HC Heavy Commercial, I-2 Industrial, I-3 Industrial, LC Light Commercial, MF-2 Multiple Family, MF-3 Multiple Family, O-2 Office, P Parking Subdistricts and Planned Development Subdistricts No. 2, No. 6, No. 7, No. 8, No. 11, No. 13, No. 15, No. 16, No. 23, No. 24, No. 34, No. 35, No. 39, No. 45, No. 49, No. 50, No. 52, No. 53, No. 54, No. 58, No. 64, No. 66, No. 68, No. 74, No. 77, No. 79, No. 83, No. 85, No. 86, No. 87, No. 88, No. 93, No. 94, No. 95, No. 96, No. 98, No. 103, No. 108, No. 111, and No. 113; Planned Development District No. 201, Planned Development

District No. 225, a portion of Planned Development District No. 269, a portion of Planned Development District No. 298, a portion of Planned Development District No. 305, Planned Development District No. 317, Planned Development District No. 330, Planned Development District No. 334, Planned Development District No. 339, Planned Development District No. 357, Planned Development District No. 358, Planned Development District No. 363, Planned Development District No. 372, Planned Development District No. 375, Planned Development District No. 442, Planned Development District No. 466, a portion of Planned Development District No. 468, Planned Development District No. 513, Planned Development District No. 582, Planned Development District No. 594, Planned Development District No. 595 [a CC Community Commercial, an FWMU-3 Form Walkable Mixed Use, an MF-1(A) Multifamily, an MF-2(A) Multifamily, an NC Neighborhood Commercial, an RS-C Regional Service-Commercial, an RS-I Regional Service-Industrial, an RS-I(E) Regional Service-Industrial Enhanced, an RS-MU Regional Service-Mixed Use, an RS-MU(E) Regional Service-Mixed Use Enhanced, , Subdistricts], Planned Development District No. 619, Planned Development District No. 621, Planned Development District No. 708, Planned Development District No. 715, Planned Development District No. 749, Planned Development District No. 747, Planned Development District No. 774, Planned Development District No. 784, Planned Development District No. 800, Planned Development District No. 857, Planned Development District No. 871, Planned Development District No. 877 in an area generally bound by Haskell Avenue, R.L. Thornton Freeway, 2nd Avenue, Al Lipscomb Way, Trinity River, Express Street, Stemmons Freeway, and Cole Avenue with consideration given to a zoning category that would allow for a historic building demolition delay. This is a hearing to consider the request to authorize the hearing and not the rezoning of property at this time.

Neva Dean (CC Dist. 1)	Consideration to authorize a public hearing to determine the proper zoning on property zoned a portion of Tract 1C within Planned Development District No. 160; portions of Subdistrict A, B, C, D, E, and J within Planned Development District No. 468; a portion of Subdistricts 3 and 6 within Planned Development District No. 830; and Conservation District No. 7 in an area generally bound by East Colorado Boulevard, Marsalis Avenue, East 8th Street, Davis Street, Zang Boulevard, both sides of West 8th Street, North Adams Avenue, properties on the south side of West 7th Street between North Adams Avenue and North Llewellyn Avenue, properties on the north side of West Davis Street between North Adams Avenue and North Madison Avenue, West Davis Street, Elsbeth Avenue, West 5th Street, and Zang Boulevard with consideration given to a zoning category that would allow for a historic building demolition delay. This is a hearing to consider the request to authorize the hearing and not the rezoning of property at this time.

Other Matters

Minutes: July 9, 2015

Adjournment

CITY PLAN COMMISSION PUBLIC COMMITTEE MEETINGS

Thursday, July 23, 2015

ZONING ORDINANCE COMMITTEE (ZOC) MEETING - Thursday, July 23, 2015, City Hall, 1500 Marilla Street, in Room 5ES, at 9:00 a.m. to consider **(1) DCA 145-002** - Consideration of amending the Dallas Development Code to amend Article X, the Landscape and Tree Preservation regulations.

TRANSPORTATION COMMITTEE MEETING - Thursday, July 23, 2015, City Hall, 1500 Marilla Street, in Council Chambers, at 9:30 a.m., to consider **(1)** An amendment to the City of Dallas Central Business District Streets and Vehicular Circulation Plan to delete Hawkins Street from Canton Street to Commerce Street; and **(2)** An amendment to the City of Dallas Thoroughfare Plan to change the dimensional classification of Community Drive from Denton Drive to Larga Drive from a four-lane undivided roadway (S-4-U) within 60 feet of right-of-way to a special three-lane undivided roadway (SPCL 3U) with bicycle facilities in 60 feet of right-of-way and 44 feet of pavement.

Note: The official Committee Agendas will be posted in the City Secretary's Office and City Website at www.ci.dallas.tx.us/cso/boardcal.shtml. Please review the official agenda for items for consideration.

EXECUTIVE SESSION NOTICE

The Commission may hold a closed executive session regarding any item on this agenda when:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex, Govt. Code §551.071]

2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negations with a third person. [Tex. Govt. Code §551.072]

3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negations with a third person. [Tex. Govt. Code §551.073]

4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]

5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]

6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.086]

City's Materials
S145-070

Appeal from Apportionment of Exaction

City Plan Commission
7/23/15

PROCEDURE FOR APPEAL OF APPORTIONMENT OF EXACTIONS

An appeal of an apportionment of exactions is a quasi-judicial hearing. No communication between city plan commissioners and either party is allowed before the hearing. Any communication must be disclosed.

If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing.

The director shall forward to the city plan commission the complete record of the matter being appealed, including the developer report, if any, and the apportionment determination.[1]

The developer shall have the burden of proof at the public hearing.

The city plan commission shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration.

In reviewing the apportionment determination, the city plan commission shall use the standard in Subsection 51A-1.109(a).

"(a) Exactions must be related and proportionate.

(1) No exactions may be imposed unless the exactions are:

(A) related to the needs created by the property development project; and

(B) roughly proportionate to the impact of the property development project.

(2) No precise mathematical calculation is required, but the city must make an individualized determination that the required exaction is related both in nature and extent to the impact of the property development."

The city plan commission shall make its determination within 30 days after the hearing.

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[1] An appeal of an apportionment of exactions is not an appeal on the record. New evidence and testimony is allowed.

The Hearing.

Each side will receive 20 minutes (exclusive of questions from the City Plan Commission or cross-examination) with 5 minutes for rebuttal by appellant.

(a) Order of the hearing.

(1) Preliminary matters and introduction by the Chair

(2) Appellant's case (20 minutes).

(A) The appellant may give an opening statement, call witnesses, and offer evidence.[2] However, if the appellant calls a witness, the director IS able to cross examine that witness. The appellant can conduct a redirect of the witness (for up to 5 minutes).

(B) The commissioners can ask questions at any time. Commissioners' questions will not count towards the time limitation.

(3) Director's case (20 minutes).

(A) The director may give an opening statement, call witnesses, and offer evidence. However, if the director calls a witness, the director IS able to cross examine that witness. The director can conduct a redirect of the witness (for up to 5 minutes).

(B) The commissioners can ask questions at any time. Commissioners' questions will not count towards the time limitation.

(4) Rebuttal/closing by the appellant's representative (5 minutes).

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[2] Documentary evidence.

(1) All typewritten documentary evidence including reduced-size copies of conceptual plans, development plans, landscape plans, and site plans must conform to the standard 8.5 x 11-inch letter-sized pages on a size 12 font or larger. Each page must be serially numbered and double-spaced.

(2) All printed and typewritten documentary evidence in excess of five pages tendered by a party shall not be considered by the commission unless such documentary evidence is submitted to the commission's secretary no later than 10 days prior to the scheduled hearing date at which the matter is to be considered. Upon oral request made by the party at the scheduled hearing, the commission may, for good cause, suspend the operation of this rule and consider the excluded evidence or postpone the hearing on the application to a date certain to allow the panel sufficient time to consider the tendered evidence prior to the next scheduled hearing date.

(3) For purposes of this appeal, DOCUMENTARY EVIDENCE means anything printed or written on paper and relied upon to record or prove something.

(5) Motion and second to either affirm, modify, or remand the decision of the director.

(6) Discussion by commissioners.

(7) Voting.

(b) Decision by the city plan commission. A developer may appeal the city plan commission's decision to the city council by filing a written notice with the director within 30 days after the date of the city plan commission's decision.

Appellant's Materials
S145-070

Appeal from Apportionment of Exaction

City Plan Commission
7/23/15

MICHAEL W. MASSEY & ASSOCIATES

Real Estate Appraisers & Consultants

Address of Property: NEC Mockingbird Lane and Skillman Road, Dallas, Dallas County, Texas 75214
Property Owner: 6101 Mockingbird, LLC
Address of Property Owner:
Texas, 75225
Occupant's Name: None
Whole: ☐ Partial: ☒ Acquisition

Project:
Parcel: NA
Entity: NA
County: Dallas

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of the fee simple title to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas and sulphur. If this acquisition is of less than the whole property, then any special benefits and /or damages to the remainder property must be included in accordance with the laws of Texas.

Market Value

Market value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

Certificate of Appraiser

I hereby certify:

That it is my opinion the total compensation for the acquisition of the herein described property is **$ 327,603** as of **July 7, 2015** based upon my independent appraisal and the exercise of my professional judgment;

That on **July 7, 2015 and other dates**, I personally inspected in the field the property herein. The most recent inspection was July 7, 2015.

That the comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on **(shown on sales sheets)** (date)(s);

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the client, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified to such findings;

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

I certify to the best of my knowledge and belief:

That the statements of fact contained in this report are true and correct;

That the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;

That I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right of way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement for which such property is to be acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to the physical deterioration within the reasonable control of the owner, has been disregarded in estimating the compensation for the property.

Respectfully submitted,
MICHAEL W. MASSEY & ASSOCIATES

Michael W. Massey, MAI
President
Texas Cert. #TX-1320163-G

Greg Connelly
Senior Appraiser
Texas Cert. #TX-1324452-G

CERTIFICATE

I certify that, to the best of my knowledge and belief....

The statements of facts contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, unbiased professional analyses, opinions, and conclusions.

As of the date of the appraisal only, I have no present or prospective interest in the property that is the Subject of this report, and I have no personal interest or bias with respect to the parties involved.

My compensation is not contingent on the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event.

The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the code of Professional Ethics of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

Greg Connelly (TX-1324452-G) provided significant professional assistance to the persons signing this report.

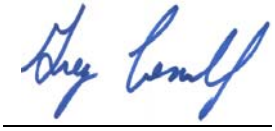
As of the date of the appraisal, Michael W. Massey has completed the requirements of the voluntary continuing education program of the Appraisal Institute, the Texas Real Estate Commission – Broker's License and the Texas Appraiser Licensing and Certification Board.

The property was physically inspected by Michael W. Massey, MAI and Greg Connelly.

Michael W. Massey and Greg Connelly have not provided real estate services as contemplated by USPAP for the Subject within the past three years.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

Michael W. Massey, MAI
President
Texas Cert. #TX-1320163-G



Greg Connelly
Senior Appraiser
Texas Cert. #TX-1324452-G

USPAP REQUIREMENTS

CLIENT

The "Client" for this assignment is the 6101 Mockingbird, LLC (property owner) and Brad Jackson (agent).

INTENDED USERS OF REPORT

The intended users of this report are the 6101 Mockingbird, LLC (property owner) and Brad Jackson (agent) and their designated assignees or contractors.

INTENDED USE OF REPORT

The "Intended Use" of this report is for the estimation of just compensation due the property owner in condemnation proceedings relating to the subject property.

PROPERTY RIGHTS APPRAISED

The property rights being appraised are those of a fee simple estate. **A Fee Simple Estate** is defined as: "Absolute ownership unencumbered by other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."[1]

NATURE OF ASSIGNMENT

The nature of this assignment and report is to estimate the "Market Value"[2] of the Fee Simple Interest of the real property to be acquired, encumbered by any existing easements not to be extinguished, less oil, gas and sulfur. If the acquisition is of less than the entire property, any special benefits and damages to the remaining property will be included in accordance with the laws of Texas.

DEFINITION OF MARKET VALUE

The following definition of Market Value is generally that definition accepted by the courts of the State of Texas under Texas Laws (City of Austin v. Cannizzo, SW 2d 808 Tex 1954):

> "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

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[1] Appraisal Institute, *The Appraisal of Real Estate*, 13th Ed., (Chicago, 2008), page 69.

[2] The value estimate is to be "as is" and includes valuation of the Whole Property, the Part to be Acquired, and the Remainder.

EFFECTIVE DATE OF VALUATION

The effective date of valuation is July 7, 2015. The on-site inspection date of the subject was July 7, 2015 and other dates. The most recent on-site inspection of the subject was July 7, 2015. The date of this report is July 13, 2015.

EXTRAORDINARY ASSUMPTIONS

An extraordinary assumption is an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. The assumption is assumed to be true, but is not certain. If these assumptions turn out to be untrue, the value conclusion could be impacted. The reader is referred to the Assumptions and Limiting Conditions section of this report. The appraiser is not qualified to render an engineer's report or assess the detailed physical condition of the subject.

HYPOTHETICAL CONDITIONS

Hypothetical Conditions is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Hypothetical conditions are contrary to know facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. The reader is referred again to the Assumptions and Limiting Conditions section of this report.

IDENTIFICATION OF PROPERTY

The whole subject property is 0.9066 acres, or 39,491 SF of land located on the northeast corner of Mockingbird Lane and Skillman Road in the City of Dallas, Dallas County, Texas. The size of the land and improvements were provided by the owner and are assumed correct. The tract is zoned "CR" Community Retail District by the City of Denton. The Property is legally described as: two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400161160, Official Public Records, Dallas County, Texas, containing 39,491 SF or 0.9066 of an acre of land.

SCOPE OF WORK

1. The appraisal includes the process of investigating and gathering all pertinent data that is deemed necessary to arrive at an opinion of the Market Value of the subject property's fee simple interest and compensation due.
2. The gathering of market data from various sources (CoStar, Roddy, buyers/sellers, area brokers, appraisers, city officials, deed records and others).
3. Analysis of the city and neighborhood trends, analysis of market trends with regard to supply and demand.
4. Analysis of the subject site and improvements (if any) from a physical and economic standpoint.
5. An analysis of the Highest and Best Use of the subject property.
6. Review of the City of Denton maps pertaining to the subject.
7. The employment of the three approaches to value (if applicable) as explained herein.

Comparable land sales and listings were researched in the Dallas area over the last five years. Market data was confirmed by knowledgeable sources to include real estate brokers, buyers, sellers, appraisers, tax assessors, and sales reporting services. The subject property and all sales utilized were personally inspected and were photographed. Since the subject property is vacant land, only the Sales Comparison Approach to value will be used to value the site.

PERSONAL PROPERTY, FIXTURES, AND INTANGIBLE ITEMS

According to the requirements of the Uniform Standards of Professional Appraisal Practice ("USPAP"), it is necessary to identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal. The impact of their inclusion or exclusion on the estimated value should be discussed. This appraisal report includes only real property associated with the subject property, and does not consider any personal property, fixtures or intangible items. **The scope of this assignment does not include apportioning the estimated compensation for the acquisition between any parties that may have an interest.**

PROPERTY INSPECTION

The subject property inspected on July 7, 2015 and other dates. Previous and subsequent inspections were conducted during the construction of the appraisal report.

OWNERSHIP/SALES HISTORY OF SUBJECT

The subject property is currently owned by 6101 Mockingbird, LLC. Ownership acquired the subject in two separate transactions. The ± 16,152 SF (6101 Mockingbird) hard corner portion was purchased on February 26, 2014 from Mockingbird Skillman, Inc., while the ±23,475 SF (6119 Mockingbird) was purchased on June 27, 2014 from Quik Way Retail As II, Ltd. At the time of sale, 6101 Mockingbird was improved with an operating gas station/service center, while 6119 Mockingbird was improved with an operating gas station/convenience store.

Since acquiring the properties the improvements on both tracts have been razed and the underground fuel tanks have been removed. To the best of our knowledge, no other sale or transfer of ownership has occurred within the past three years. Ownership is currently negotiating with users to ground lease the site.

TYPE OF APPRAISAL REPORT

The appraisal is a "Real Property Appraisal" developed in accordance with Standard Rule 1-1 through 5 of USPAP. The format of the appraisal is that of an "Appraisal Report" as specified in the requirements of USPAP, Standard Rule 2-2a.

EXPOSURE TIME AND MARKETING TIME

Exposure time is the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. The estimated exposure time of the fee simple interest of the subject is estimated at 12 months or less based on discussions with area brokers, marketing time for comparable properties and the physical characteristics of the subject property. The above estimated exposure time assumes ample exposure to the market and diligent marketing efforts by the brokers or principals. The estimated future marketing time is estimated to be 12 months.

COMPETENCY CLAUSE

The appraiser has sufficient technical education and practical experience in appraising similar properties in this market to meet the competency requirements as outlined in USPAP. Michael W. Massey has over 35 years experience.

JURISDICTIONAL EXCEPTIONS

An assignment condition that voids the force of a part or parts of USPAP, when compliance with part or parts of USPAP is contrary to law or public policy applicable to the assignment. In this regard, project enhancement will not be considered in our valuation.

SUBJECT PROPERTY – LOOKING NORTH FROM MOCKINGBIRD LANE

SUBJECT PROPERTY – LOOKING EAST FROM SKILLMAN ROAD

SUBJECT PROPERTY – LOOKING SOUTH

SUBJECT PROPERTY – LOOKING WEST

PART-TO-BE-ACQUIRED (PTA) – LOOKING WEST

PART-TO-BE-ACQUIRED (PTA) – LOOKING WEST

PART-TO-BE-ACQUIRED - LOOKING EAST ALONG TAKING

PART-TO-BE-ACQUIRED - LOOKING WEST ALONG TAKING

PART-TO-BE-ACQUIRED - LOOKING SOUTH ALONG TAKING

PART-TO-BE-ACQUIRED - LOOKING NORTH ALONG TAKING

MOCKINGBIRD LANE LOOKING WEST

SKILLMAND ROAD LOOKING SOUTH

SITE ANALYSIS

Tract	The subject is 0.9066 acres, or 39,491 SF of land. The tract is located on the northeast corner of Mockingbird Lane and Skillman Road in the City of Dallas, Dallas County, Texas.
Dimensions	Rectangular
Land Area	Whole Site – 0.9066 acres, or 39,491 SF.
Shape	Rectangular
Frontage/Access	± 277.31' along the north side of Mockingbird Lane, 17.26' along the Mockingbird/Skillman corner clip, and ± 127.35' along the east side of Skillman Road. Access to the site is available from two curb cuts along Skillman Road and four curb cuts along Mockingbird Lane.
Topography	Level to slight slope. Tract is at the street grade of both frontage roads.
Streets	Mockingbird Lane is a six-lane, divided, east/west primary thoroughfare. The 2002 daily traffic count was ± 42,571 cars. Skillman Road is a four-lane, divided, north/south, primary thoroughfare. The 2009 traffic count was ± 19,749 cars. The overall access and visibility is considered good.
Utilities	All available
Flood Zone	Per FEMA Map #48113C0335-K, dated July 7, 2014, no portion of the Subject is located within the 100-year flood plain. The site is not negatively affected by flood plain.
Zoning	"CR" – Community Retail District
Easements/ Encroachments	No easements and/or encroachments onto the subject site were noted during the inspection. Only typical utility easements and building setbacks are assumed present. However a survey and title are recommended for an exact determination of any unforeseen conditions.
Environmental	No environmental assessment or soil study of the subject site was provided to the appraiser; however, an inspection of neighboring properties does not indicate any hazardous material or problems associated with the soil. The value contained in this report is based on the assumption that there are no environmental concerns with respect to the subject property.
Improvements	None
Other	According to the survey conducted by Texas Heritage Surveying, LLC, dated December 23, 2014, the site contains 0.9066 acres or 39,491 SF of land. This is considered to be correct and will be used.

ZONING SUMMARY

The Subject is zoned "CR" Community Retail District by the City of Dallas. The purpose of this district is to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. Allowable uses include office, financial, retail, restaurant, medical, ambulatory surgical center, commercial uses. Development guidelines are summarized as follows.

Zoning	"CR" Community Retail District
Set Backs	
Front Yard	15'
Side & Rear Yard	20' if abuts residential district, no side and rear yard required in all other cases; however, if required it must be a minimum of 10'
Maximum FAR	0.5 for office uses; and 0.75 for all uses combined
Maximum Lot Coverage	60%
Stories	4
Maximum Building Height	54'
Parking Requirements	Depends on use

TAX EXHIBIT

The subject property is assessed by the Dallas County Appraisal District (DCAD) under two accounts. The preliminary 2015 assessment is summarized in the following chart.

Real Estate Assessment Summary			
Account #	Land Size SF	2015 Assessed Value	2015 Assessed Value/SF
00000240769000000	16,152	$565,320	$35.00
00000240766000000	23,475	$821,630	$35.00
Total*	39,627	$1,386,950	$35.00

*Assessment PSF based on DCAD's land area of 39,627 SF.

Taxing Authority	**2015 Assessed Value**	**2014 Tax Rate/$100**	**Estimated**
City of Dallas	$1,386,950	0.797000	$11,054
Dallas County*	$1,386,950	0.663875	$9,208
Dallas ISD	$1,386,950	1.282085	$17,782
Total	$1,386,950	2.742960	$38,044

*Includes Dallas County, Dallas County Community College District and Dallas County Hospital District.

Part-to-be-Acquired (PTA)

The part-to-be-acquired (PTA) involves the fee taking of one land tract for street right-of-way (ROW). The PTA contains 0.0717 acres, or 3,123 SF of land located is located along the south side of the tract along Mockingbird Lane and along the east side of Skillman Road. Only vacant land is located within the taking.

The PTA is irregular in shape, with a level topography. The tract has ± 277.31' of frontage along the north side of Mockingbird Lane, ± 17.26' along the Mockingbird Land/Skillman Road corner clip and ± 22' along the east side of Skillman Road. The width ranges from ± 10' along the south portion and ± 22' along the southwest portion of the acquisition.

Due to the small size and narrow shape of the taking, the part-to-be-acquired tract is not considered to be self-sustaining economic unit and will be valued as part of the whole.

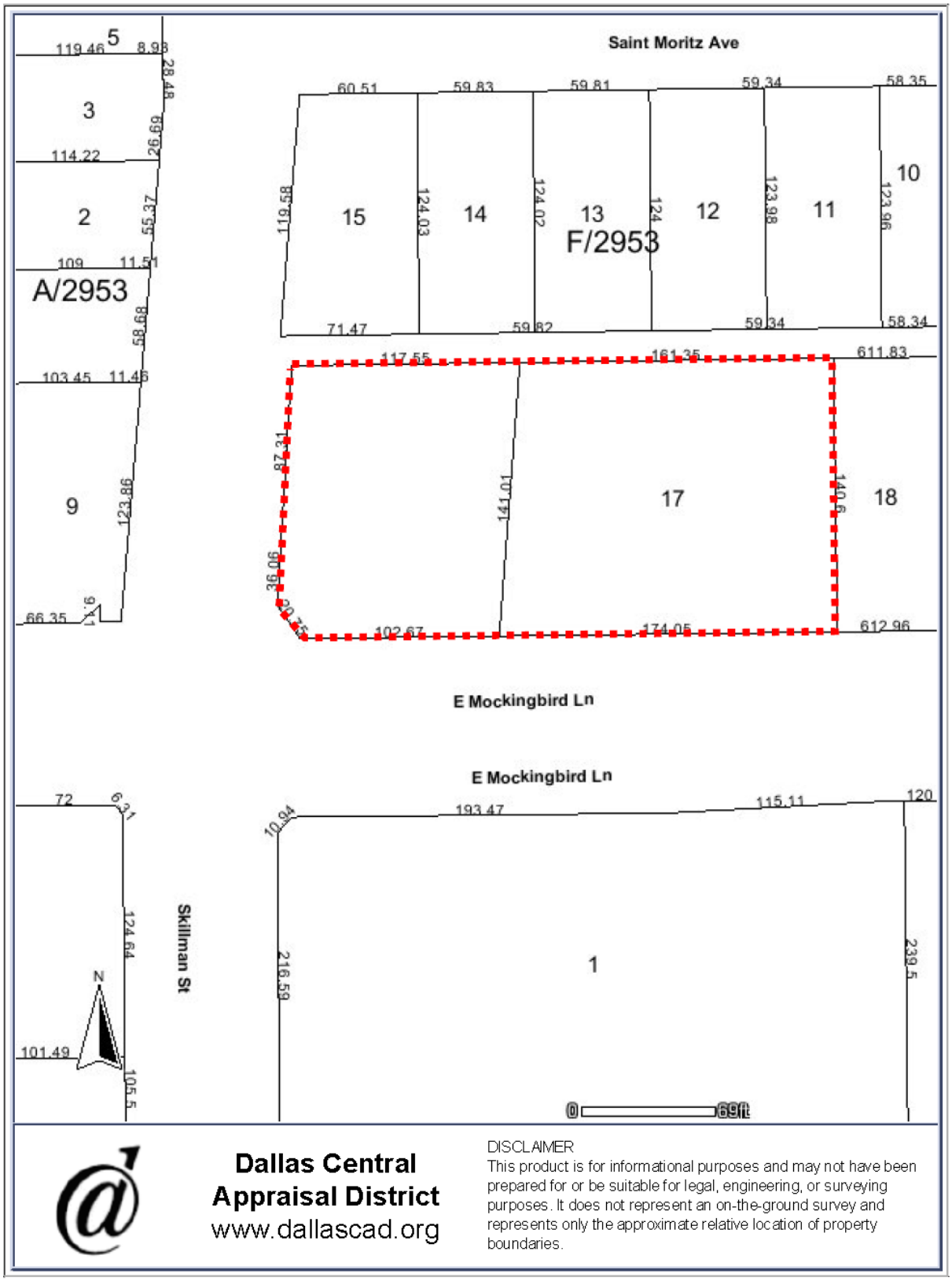
Visual representation of the part-to-be-acquired can be seen on pages 20, 21 and 37. The subject tract is summarized in the following chart.

	Whole Property		Taking Tract		Remainder Tract	
	Acres	SF	Acres	SF	Acres	SF
Whole - Fee	0.9066	39,491	-0.0717	-3,123	0.8349	36,368
Total	**0.9066**	**39,491**	**-0.0717**	**-3,123**	**0.8349**	**36,368**

The following are exhibits for the subject property.

Saint Moritz Ave
E Mockingbird Ln
E Mockingbird Ln
Skillman St
A/2953
F/2953
69ft
Dallas Central
Appraisal District
www.dallascad.org
DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

AERIAL


Saint Moritz Ave
E Mockingbird Ln
E Mockingbird Ln
Skillman St
A/2953
F/2953
1
2
3
5
9
10
11
12
13
14
15
17
18
N
0
69ft
Dallas Central Appraisal District
www.dallascad.org
DISCLAIMER
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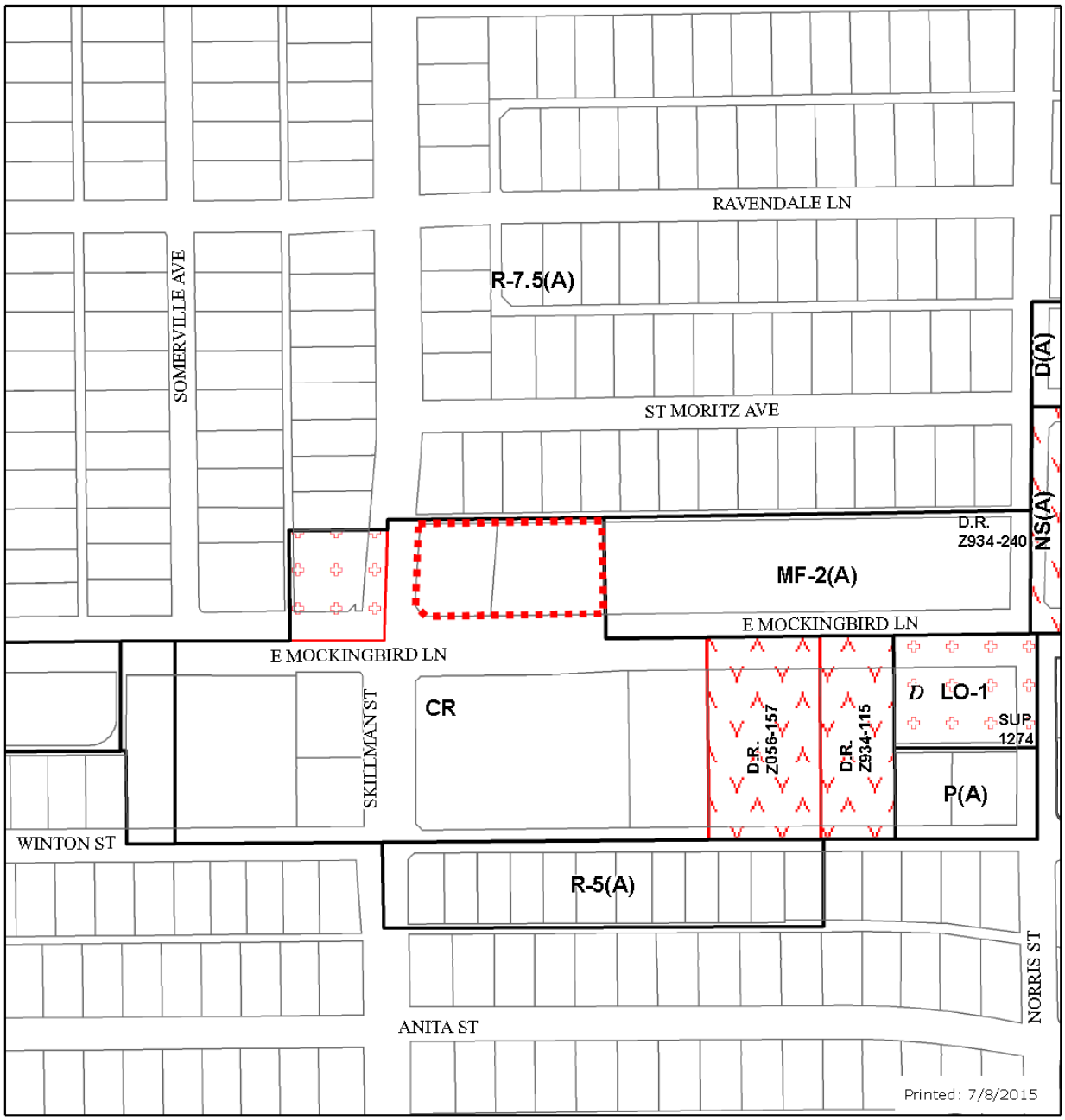
WHOLE PLAT



Legend

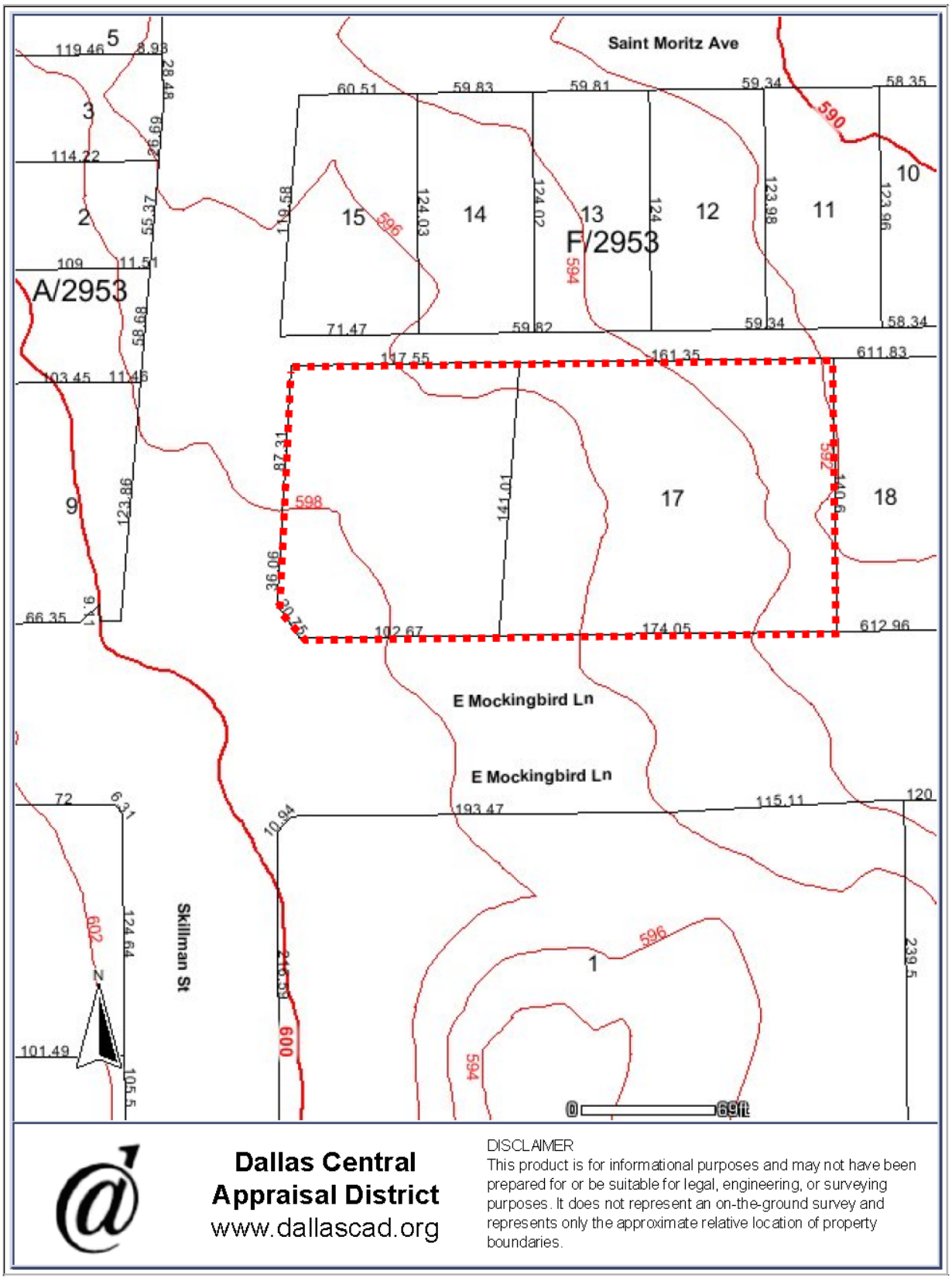
City Limits
School
Floodplain
100 Year Flood Zone
Mill's Creek
Peak's Branch
X Protected by Levee
Parks
railroad
Certified Parcels
Base Zoning
PD193 Oak Lawn
Dallas Environmental Corridors
SPSD Overlay
Deed Restrictions
SUP
Dry Overlay
D
D-1
CP
SP
MD Overlay
Historic Subdistricts
Historic Overlay
Height Map Overlay
CD Subdistricts
PD Subdistricts
PDS Subdistricts
NSO Subdistricts
NSO_Overlay
Escarpment Overlay
Parking Management Overlay
Shop Front Overlay

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. 'This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2051.102)

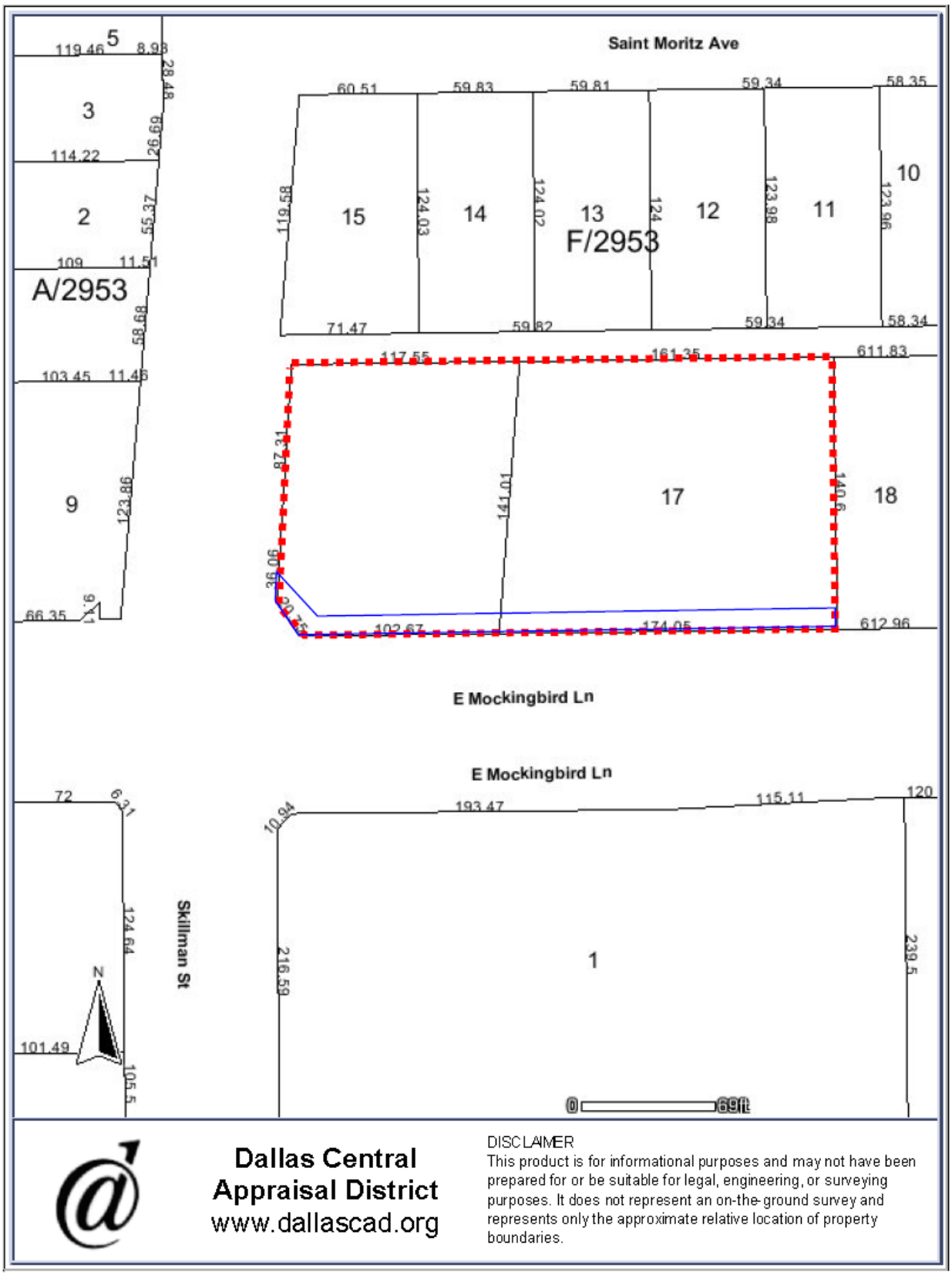
N

1:2,400

ZONING MAP

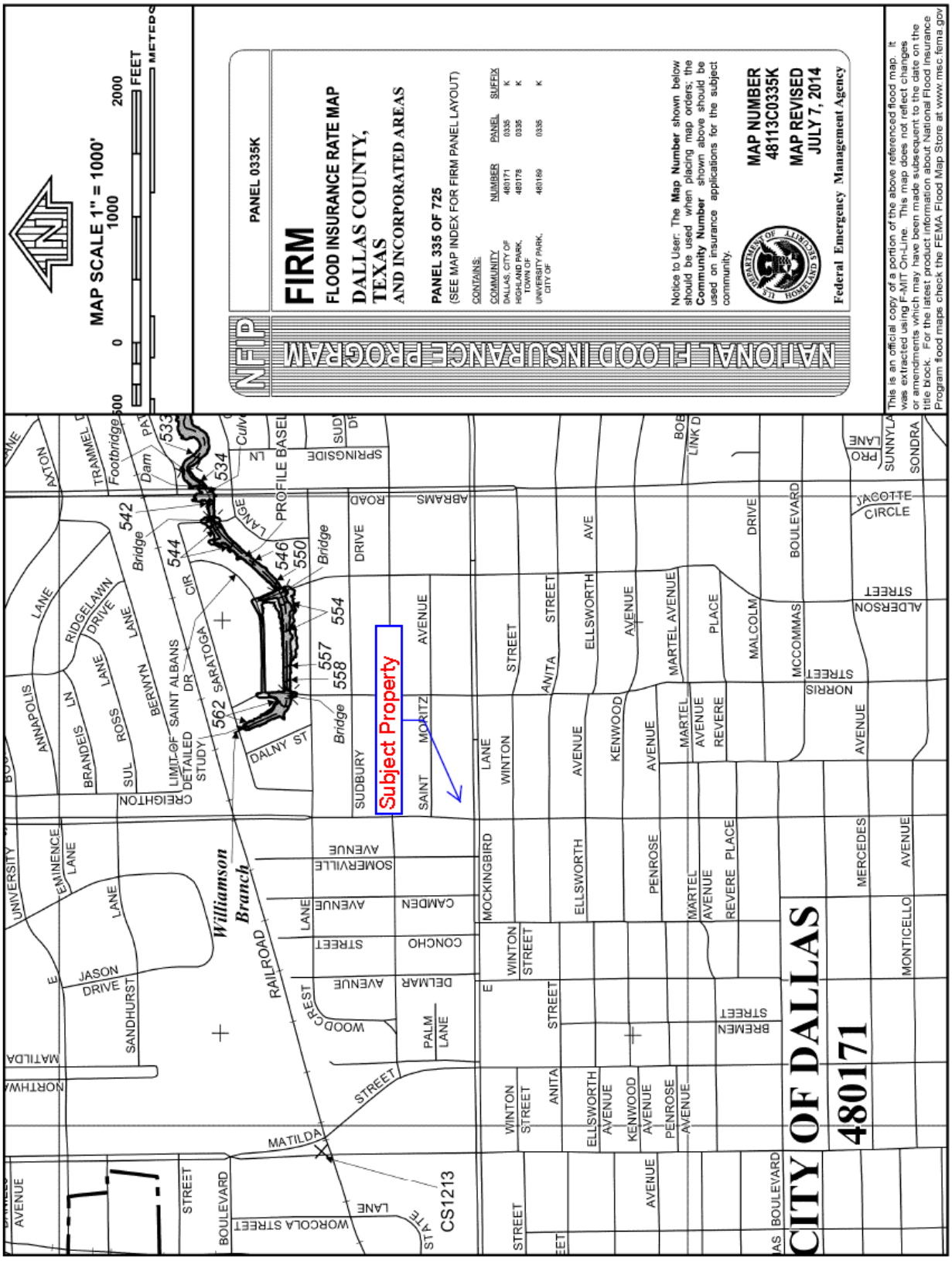


WHOLE TOPOGRAPHY MAP



PART-TO-BE-ACQUIRED (PTA)

AERIAL MAP - TAKING



FLOOD PLAIN MAP

PROPERTY VALUATION SUMMARY

Whole: ☒ Part to be Acquired: ☐ Remainder After: ☐

HIGHEST AND BEST USE ANALYSIS: See next page.

VALUATION APPROACHES
Insert value estimate, then describe, analyze, and support each approach as required.

Cost Approach	**NA**		
Sales Comparison Approach	**$**	**4,142,606**	**(Land Only)**
Income Approach	**NA**		
Reconciliation of Approaches to Value	**$**	**4,142,606**	

Contributory Value of Improvements (Itemized)	
	$ -
	$ -
	$ -
	$ -
	$ -
	$ -
Total Contributory Value of Improvements	**$ -**

Easement Value	**-**	acres/sq. ft. @	**$**	**-**	=	**$**	**-**			
Fee Land Value	**39,491**	sf/sq. ft. @	**$**	**104.90**	=	**$**	**4,142,606**	**Say**	**$**	**4,142,606**

Reconciled Final Value . . . . . $ 4,142,606

Each approach developed follows this page and is sequenced as shown below.

Land Value, page 25	Cost Approach, page NA	Sales Comparison Approach, page NA	Income Approach, page NA

HIGHEST AND BEST USE ANALYSIS - SUBJECT WHOLE PROPERTY

The highest and best use of land, as though vacant and ready to be put to it's highest and best use, and as improved must meet four criteria. The highest and best use must be:

1) physically possible;
2) legally permissible;
3) financially feasible,
4) maximally productive.

After analyzing the existing improvements and the data gathered in the site analysis, the following analysis was made which considers the highest and best use of the subject.

AS VACANT LAND

1) **Physically Possible**
There are no physical problems associated with size, topography, easements, or flood plain that would limit development of the subject property. All utilities are available to the site. Therefore, the possible uses of the subject tract based on physical characteristics are varied with no physical issues.

2) **Legal Restrictions**
The subject tract is zoned "CR" Community Retail District. This zoning allows a wide range of office, professional services, retail, financial, medical restaurant and commercial uses. There are no known legal restrictions upon the use of the subject.

3) **Financially Feasible**
The surrounding properties and land uses are considered when determining feasible uses. The subject property is located on the northeast corner of Mockingbird Lane and Skillman Road. Both frontage roads are major thoroughfares that provide good access and visibility in an area developed with retail, office, restaurant and commercial uses.

4) **Maximally Productive**
The highest and best use "As Is" is for retail, office or commercial development that conforms to the surrounding uses.

SALES COMPARISON APPROACH Whole: ☒ Land: ☒ Part to be Acquired: ☐ Improved: ☐ Remainder After: ☐

LAND VALUATION GRID **Representative Comparable Sales**

	Subject	Comp. No 1		Comp. No 2		Comp. No 3	
Grantor		Colonial Bank		Quik Way Retail As II, Ltd.		Rosebriar Caruth Haven, LP	
Grantee		MC Preston, LP		CCP Green Belmont, LP		In N Out Burger	
Date of Sale		10/5/2011		9/17/2014		09/30/2014	
Unit Price		$	161.11	$	69.51	$	79.26
Relative Location	NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas		SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas		E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas	
Distance from Subject		± 3.2 Miles Northwest		± 1.4 Miles Southwest		± 1.7 Miles Northwest	
Property Rights Conveyed		Fee Simple	0%	Fee Simple	0%	Fee Simple	0%
Financing		Cash to Seller	0%	Cash to	0%	Cash to	0%
Conditions of Sale		Market	15%	Market	0%	Market	0%
Market Conditions			0%		0%		0%
Adjusted Price			$185.28		$69.51		$79.26
Location/Access/Visibility		Superior	-50%	Inferior	20%	Inferior	15%
Size SF	39,491	9,000	20%	22,184	15%	50,464	0%
Zoning		Similar	0%	Similar	0%	Similar	0%
Shape/Topography		Similar	0%	Similar	0%	Similar	0%
Utilities		Similar	0%	Similar	0%	Similar	0%
Flood Plain		Similar	0%	Similar	0%	Similar	0%
Total Adjustment			-30%		35%		15%
	Indicated Unit Value	SF	$ 129.70	SF	$ 93.84	SF	$ 91.15
Estimated Unit Value							$ 104.90

39,491 SF @ $ 104.90 **$ 4,142,606**

Estimated Value by Sales Comparison Approach . . . . . $ 4,142,606

See next page for explanation of adjustments.

EXPLANATION OF ADJUSTMENTS – WHOLE PROPERTY

Property Rights Conveyed – All of the sales were purchased in Fee Simple and no adjustment is necessary.

Financing – All of the sales comparables were purchased with cash to the Sellers and no adjustment is necessary.

Conditions of Sale – The sales comparables did not require adjustments for conditions of sale.

Market Conditions – Sale 1 occurred in October 2011, while Sales 2 and 3 occurred in September 2014. Overall market conditions have improved significantly since 2011 and an upward adjustment will be applied to Sale 1. No adjustment will be applied to Sales 2 and 3.

Location/Access/Visibility – The subject is located on the northeast corner of Mockingbird Lane and Skillman Road. Both frontage roads are primary thoroughfares that provide good access and visibility.

Sale 1 is located on the southwest corner of Northwest Highway and Preston Road, approximately 3.2 miles northwest of the Subject. Both frontage roads are primary thoroughfares that provide good access and visibility in an area heavily developed with office and retail uses. The overall location is considered to be superior to the subject and a downward adjustment will be made.

Sale 2 is located on the southwest corner of Greenville Avenue and Belmont Avenue, approximately 1.4 miles southwest of the Subject. Greenville Avenue is a primary thoroughfare, while Belmont Avenue is a secondary roadway. The overall location, access and visibility are inferior to the Subject and an upward adjustment will be applied.

Sale 3 is located along the east side of the Central Expressway (US-75) service road, just south of Caruth Haven Lane, approximately 1.7 miles northwest of the Subject. Central Expressway is a major freeway; however Sale 3's interior location is deemed inferior to the Subject corner location and an upward adjustment will be applied.

Size – The whole subject property contains 0.9066 acres, or 39,491 SF of land. In built-up areas similar to the Subject a premium is paid for larger more developable tracts than smaller tracts that require assemblage. Sale 1 contains only 9,000 SF, which is detrimental to its development utility and an upward adjustment will be applied. Sale 2 contains 22,184 SF and will be adjusted upward. Sale 3 contains 50,464 SF, which is similar to the Subject and no adjustment will be made.

Shape/Topography – The subject property is rectangular in shape with a level to slightly sloping topography. The overall shape and topography of the subject and comparable sales are similar and no adjustment is warranted.

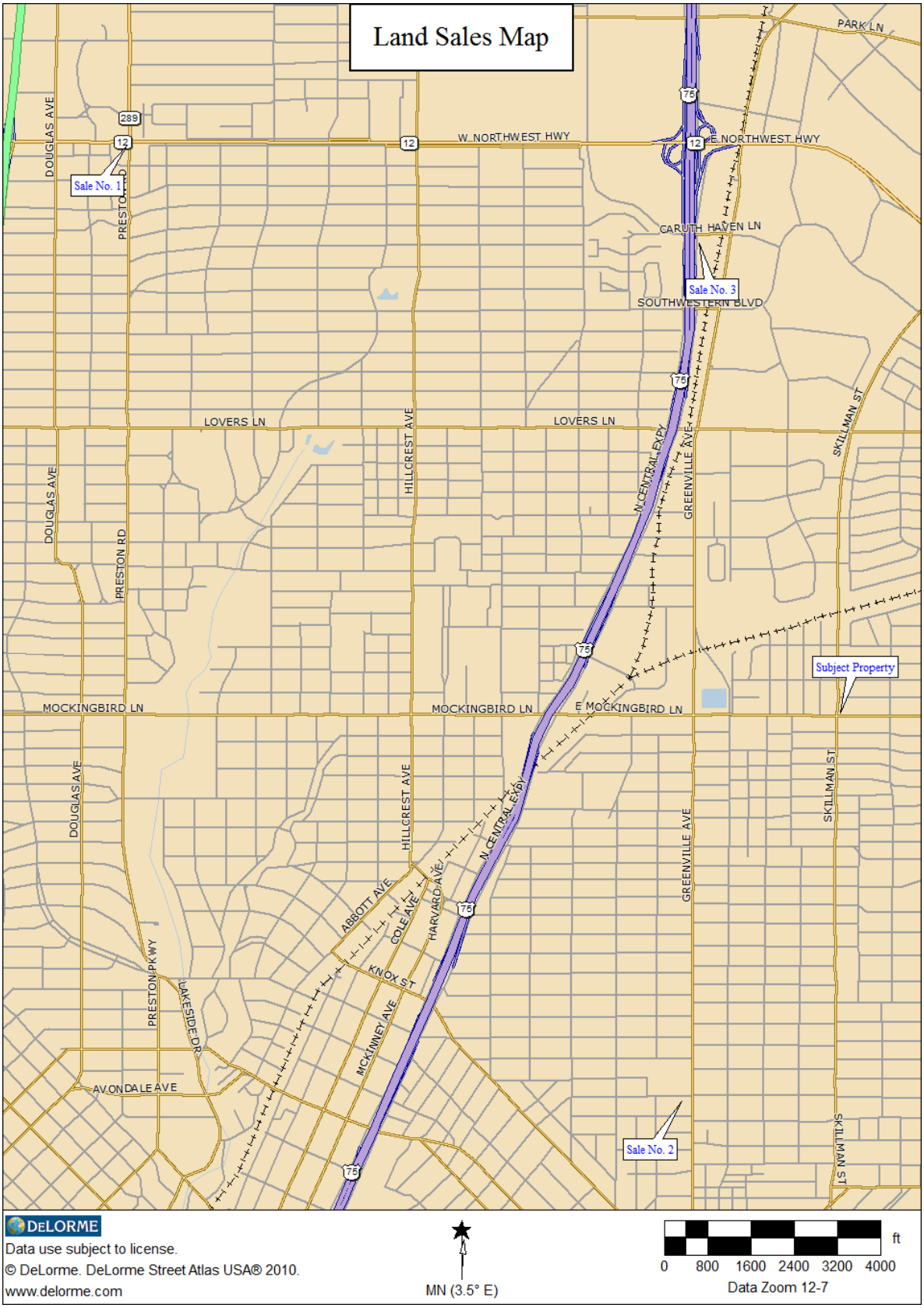
Flood Plain – No portion of the subject property or comparable sales are located in the flood plain. No adjustments will be made. **Zoning** – The subject's zoning and zoning of the comparable sales allow for similar uses and no adjustment is necessary.

Utilities – The subject and comparable sales have access to all utilities. No adjustments are necessary.

Final Reconciliation – The adjusted sales range from $91.15/SF to $129.70/SF, with an average of $104.90/SF. Each is a tract with the same highest and best use as the subject. After adjustments, these sales indicated a narrow range of unit values for the subject property. An equal emphasis will be given to all the sales. For our analysis, a price per square of $104.90/SF is reasonable and will be utilized.

The value of the subject whole property is calculated as follows.

Whole Land Value						
39,491	SF	@	$	104.90	=	$ 4,142,606


Land Sales Map
PARK LN
W NORTHWEST HWY
E NORTHWEST HWY
DOUGLAS AVE
PRESTON RD
289
12
75
Sale No. 1
CARUTH HAVEN LN
Sale No. 3
SOUTHWESTERN BLVD
LOVERS LN
HILLCREST AVE
N CENTRAL EXPY
GREENVILLE AVE
SKILLMAN ST
Subject Property
MOCKINGBIRD LN
E MOCKINGBIRD LN
ABBOTT AVE
COLE AVE
HARVARD AVE
KNOX ST
MCKINNEY AVE
PRESTON PKWY
LAKESIDE DR
AVONDALE AVE
Sale No. 2
DELORME
Data use subject to license.
© DeLorme. DeLorme Street Atlas USA® 2010.
www.delorme.com
MN (3.5° E)
0 800 1600 2400 3200 4000 ft
Data Zoom 12-7

COMPARABLE DATA SUPPLEMENT – SALE 1

Land Sale ☒ Improved Sale ☐ Rental Data ☐

Grantor/Lessor: **Colonial Bank** Grantee/Lessee: **MC Preston, LP**

Date: **10/5/2011** Recording Information: **201100261854** Key Map: **D25-T**

Address: **SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas** Zip Code: **75225**

Legal Description: **Part of Lot 1, Block 5623, Antony Plaza Addition, Dallas**

Confirmed Price: **$1,450,000** Verified with: **Confidential**

Terms and Conditions of Sale: **Cash to the Seller**

Rental Data: **N/A**

Land Size: **9,000 SF or 0.207 Acres** Unit Price as Vacant: **$ 161.11 SF**

Type Street: **Primary thoroughfares** Utilities: **All Available**

Improvement(s) Description: **None**

Improvement(s) Size: **N/A** (GBA) **N/A** (NRA) Unit Price as Improved: **N/A**

Condition and Functional Design: **N/A**

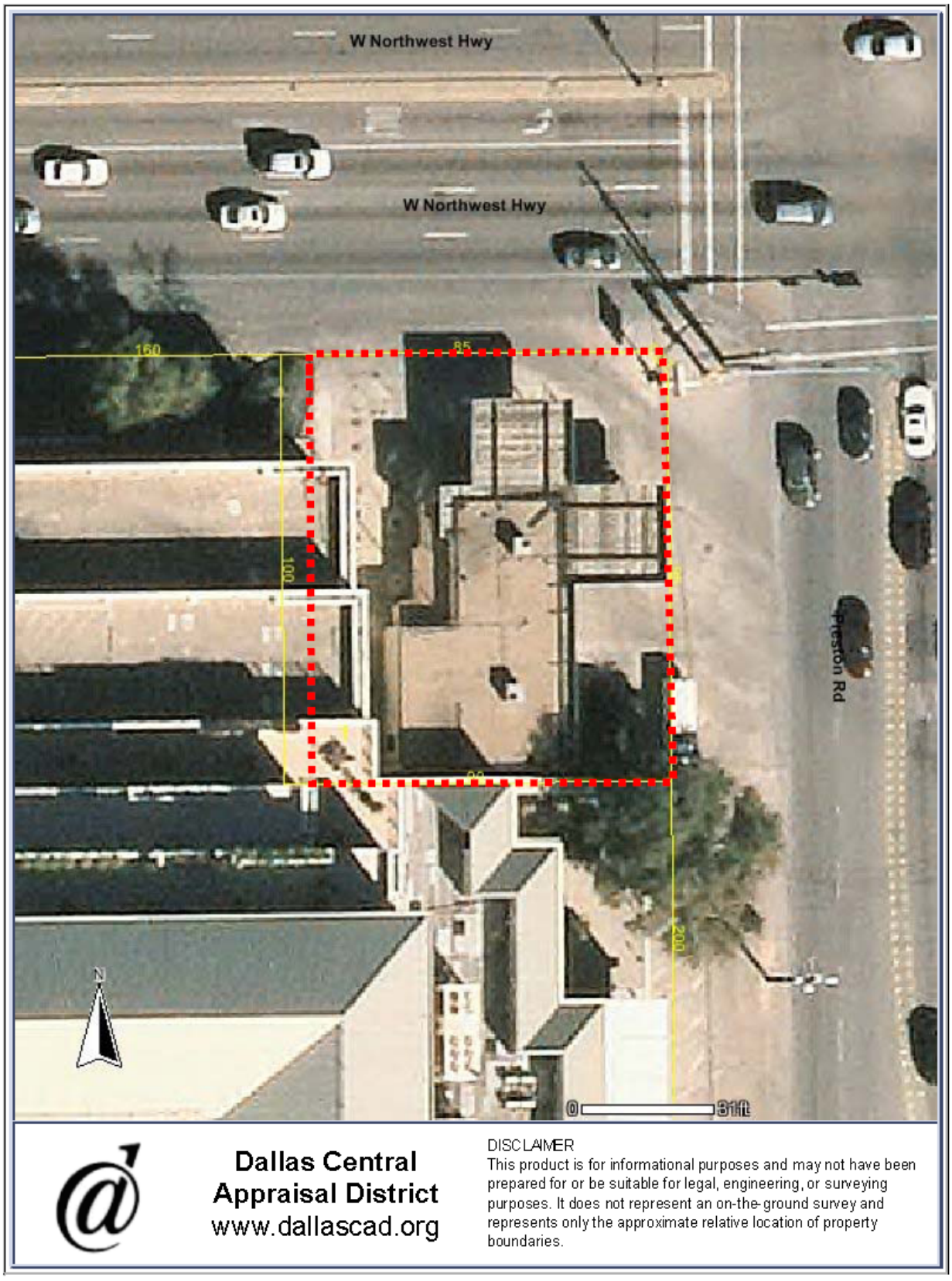
Current Use: **Vacant Land** Highest & Best Use: **Commercial**

Date of Inspection: **July 7, 2015** Zoning: **PD-314 MU-2** Flood Plain: **None**

Attach Additional Information:

The tract is located on the southwest corner of Northwest Highway and Preston Road. The tract is improved with a 1,979 converted service station that was built in 1957. The tract has approximately 100' of frontage along Preston Road and approximately 90' of frontage along Northwest Highway.

Appraiser: **Michael W. Massey, MAI** **Date: July 13, 2015**


W Northwest Hwy
W Northwest Hwy
160
85
100
Preston Rd
200
N
0
31ft
Dallas Central
Appraisal District
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COMPARABLE DATA SUPPLEMENT – SALE 2

Land Sale ☒ Improved Sale ☐ Rental Data ☐

Grantor/Lessor: **Quik Way Retail As II, Ltd.** Grantee/Lessee: **CCP Green Belmont, LP**

Date: **9/17/2014** Recording Information: **201400237765** Key Map: **D36-S**

Address: **SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas** Zip Code: **75206**

Legal Description: **Lot B, Block 2072, Caruth Place, Dallas**

Confirmed Price: **$1,541,960** Verified with: **Broker**

Terms and Conditions of Sale: **Cash to the Seller**

Rental Data: **N/A**

Land Size: **22,184 SF or 0.509 Acres** Unit Price as Vacant: **$ 69.51 SF**

Type Street: **Primary thoroughfare** Utilities: **All Available**

Improvement(s) Description: **None**

Improvement(s) Size: **N/A** (GBA) **N/A** (NRA) Unit Price as Improved: **N/A**

Condition and Functional Design: **N/A**

Current Use: **Vacant Land** Highest & Best Use: **Commercial/retail**

Date of Inspection: **July 7, 2015** Zoning: **PD-842, MD-1** Flood Plain: **None**

Attach Additional Information:

The tract is located on the southwest corner of Greenville Avenue and Belmont Avenue. The tract was improved with a closed gas station/convenience store and will be razed. The site will reportedly be ground leased to a restaurant. The improvements will be razed at an estimated cost of $100,000, which has been added to the $1,441,960 sale price. The adjusted price is $1,541,960.

Appraiser: **Michael W. Massey, MAI** **Date: July 13, 2015**

2067
24
16/1892
49.63
718.67
Belmont Ave
4K
4Q
4J
4P
4H
4N
4G
4M
4F
4L
0.B
60.04
60.03
60.04
150.83
151.43
152.03
15
14
13
12
11
Greenville Ave
0
58ft
Dallas Central
Appraisal District
www.dallascad.org
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COMPARABLE DATA SUPPLEMENT – SALE 3

Land Sale ☒ Improved Sale ☐ Rental Data ☐

Grantor/Lessor: **Rosebriar Caruth Haven, LP** Grantee/Lessee: **In N Out Burger**

Date: **09/30/2014** Recording Information: **201400250782** Key Map: **D26-X**

Address: **E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas** Zip Code: **75206**

Legal Description: **Lot 4D, Block A/5191, North Central 2 Addition, Dallas**

Confirmed Price: **$4,000,000** Verified with: **Seller**

Terms and Conditions of Sale: **Cash to the Seller**

Rental Data: **N/A**

Land Size: **50,464 SF or 1.158 Acres** Unit Price as Vacant: **$ 79.26 SF**

Type Street: **Primary thoroughfare** Utilities: **All Available**

Improvement(s) Description: **None**

Improvement(s) Size: **N/A** (GBA) **N/A** (NRA) Unit Price as Improved: **N/A**

Condition and Functional Design: **N/A**

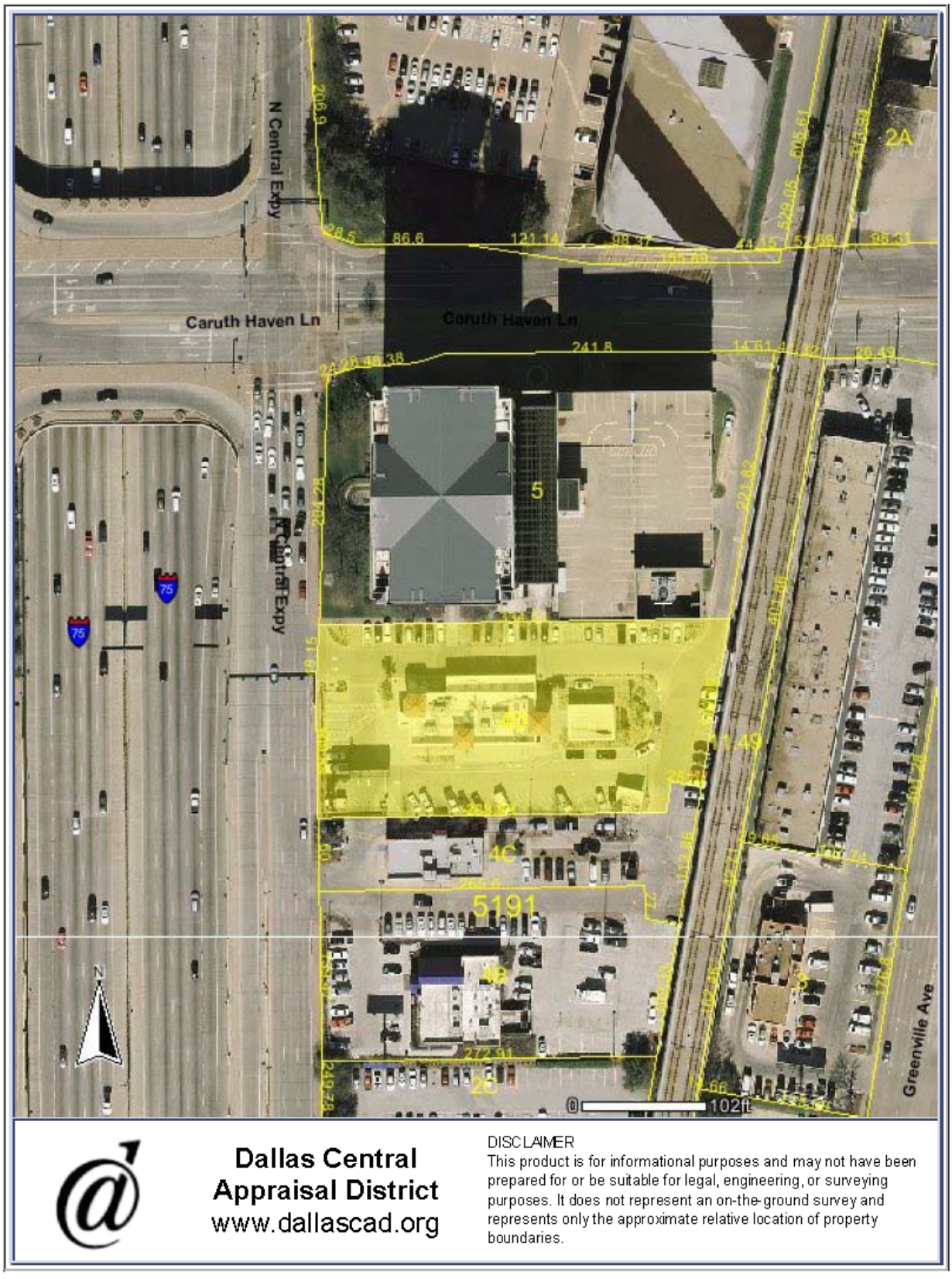
Current Use: **Vacant Land** Highest & Best Use: **Commercial/Retail**

Date of Inspection: **July 7, 2015** Zoning: **MU-3** Flood Plain: **None**

Attach Additional Information:

The tract is located along the east side of the Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane. The DART rail line abuts the east side of the tract. The tract is improved with an In N Out Burger restaurant.

Appraiser: **Michael W. Massey, MAI** **Date: July 13, 2015**


N Central Expy
Caruth Haven Ln
Caruth Haven Ln
N Central Expy
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5191
4B
2C
Greenville Ave
N
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102ft
Dallas Central
Appraisal District
www.dallascad.org
DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

PART TO BE ACQUIRED

Highest and Best Use: **See page 24**

Contributory Value of Improvements (Itemized)								

Total Contributory Value of Improvements							**$ -**
Taking - Fee (100%)	**3,123**	**sf**	@	**$ 104.90**	**/sf**	**$ 327,603**	**$ 327,603**

Total Land	**$ 327,603**
TOTAL VALUE AS A UNIT	**$ 327,603**

REMAINDER BEFORE THE ACQUISTION

Contributory Value of Improvements (Itemized)								

Total Contributory Value of Improvements							**$ -**
Fee - Remainder (100%)	**36,368**	**sf**	@	**$ 104.90**	**/sf**	**$ 3,815,003**	**$ 3,815,003**
Total Land					**(SAY)**		**$ 3,815,003**
TOTAL VALUE AS A UNIT							**$ 3,815,003**

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, 6101 Mockingbird, LLC, a Texas limited liability company are the owner of two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400161160, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found for corner in the North line of E. Mockingbird Lane (a variable width right-of-way), said point being the Southwest corner of a tract of land conveyed to James Wehner and Patricia Wehner by Special Warranty Deed recorded in Instrument No. 200600144038, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 18 minutes 08 seconds West along the North line of said E. Mockingbird Land, a distance of 277.31 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 41 degrees 42 minutes 59 seconds West, a distance of 17.26 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the East line of Skillman Street (a variable width right-of-way);

Thence North 04 degrees 49 minutes 15 seconds East along the East line of said Skillman Street, a distance of 87.00 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 00 degrees 59 minutes 55 seconds East continuing along the East line of said Skillman Street, a distance of 40.35 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the South line of a 15 foot alley right-of-way;

Thence North 89 degrees 21 minutes 01 seconds East along the South line of said alley, a distance of 278.02 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being the Northwest corner of aforementioned Wehner tract;

Thence South 01 degrees 07 minutes 52 seconds East along the West line of said Wehner tract, a distance of 139.72 feet to the Point of Beginning and containing 39,491 square feet or 0.9066 of an acre of land.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, 6101 Mockingbird, LLC, acting by and through it's duly authorized agent Robert I. Parks III, does hereby adopt this plat, designating the herein described property as **SKILL-MOCK SUBDIVISION**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility).

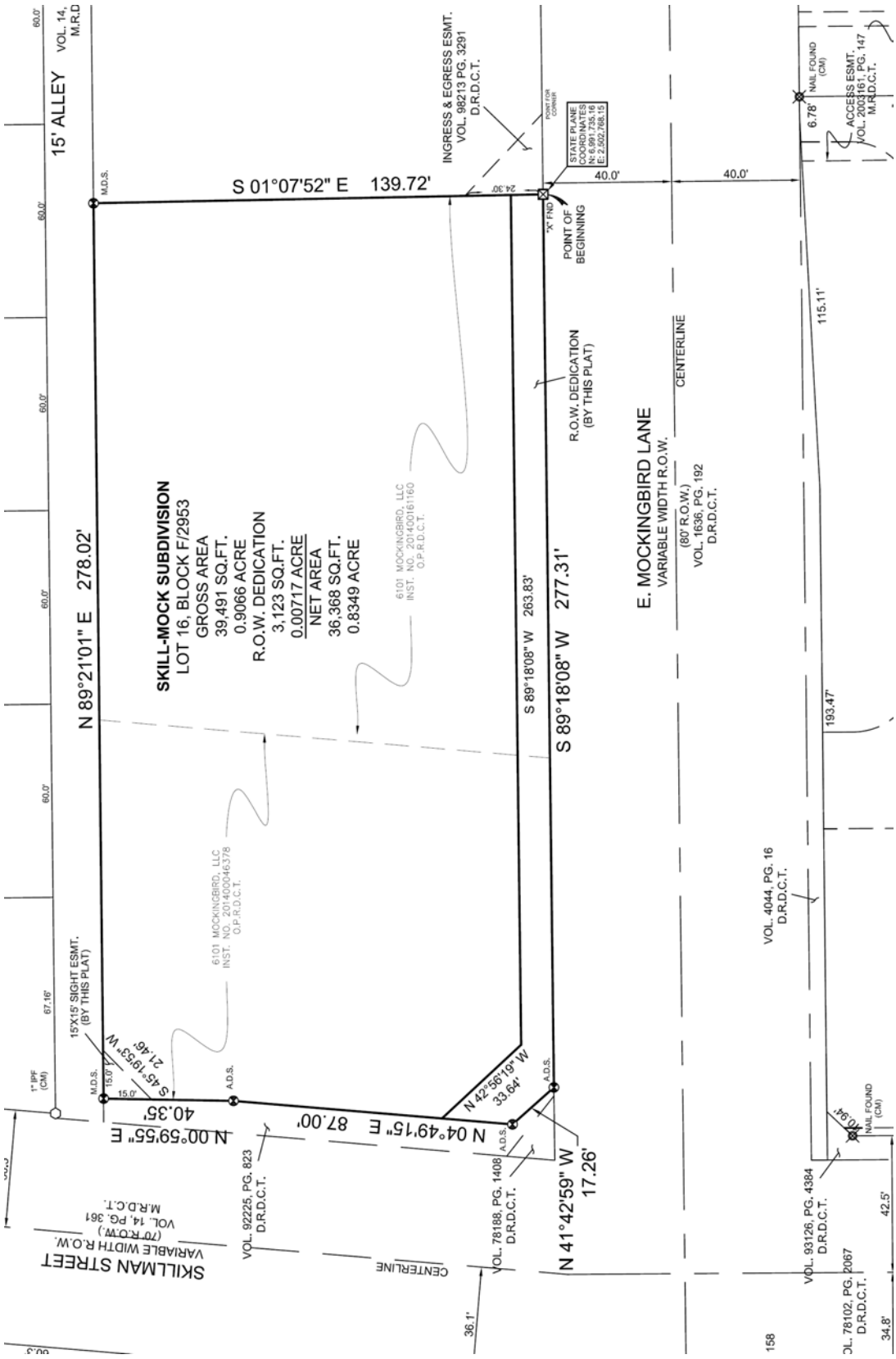
Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

WITNESS MY HAND THIS _____ DAY OF _____, 2015.

_____

Robert I. Parks III, manager



SURVEY WITH PART-TO-BE-ACQUIRED

DESCRIPTION OF THE PART-TO-BE-ACQUIRED (PTA)

The part-to-be-acquired (PTA) involves the fee taking of one land tract for street right-of-way (ROW).

The part-to-be-acquired (PTA) involves the fee taking of one land tract for street right-of-way (ROW). The PTA contains 0.0717 acres, or 3,123 SF of land located is located along the south side of the tract along Mockingbird Lane and along the east side of Skillman Road. Only vacant land is located within the taking.

The PTA is irregular in shape, with a level topography. The tract has ± 277.31' of frontage along the north side of Mockingbird Lane, ± 17.26' along the Mockingbird Land/Skillman Road corner clip and ± 22' along the east side of Skillman Road. The width ranges from ± 10' along the south portion and ± 22' along the southwest portion of the acquisition.

Due to the small size and narrow shape of the taking, the part-to-be-acquired tract is not considered to be self-sustaining economic unit and will be valued as part of the whole.

VALUE OF THE PART-TO-BE-ACQUIRED

Given the location and configuration of the parts to be acquired, the tract could not be developed on its own therefore it is valued as a pro-rata share of the Whole Property.

HIGHEST AND BEST USE OF THE PART-TO-BE-ACQUIRED

As part of the Whole Property.

PROPERTY VALUATION SUMMARY

Whole: ☐ Part to be Acquired: ☐ Remainder After: ☒

HIGHEST AND BEST USE ANALYSIS: See next page.

VALUATION APPROACHES
Insert value estimate, then describe, analyze, and support each approach as required.

Cost Approach	**NA**		
Sales Comparison Approach	**$**	**3,815,003**	**(Land Only)**
Income Approach	**NA**		
Reconciliation of Approaches to Value	**$**	**3,815,003**	

	Contributory Value of Improvements (Itemized)		
Easement Value			
Land Value	**Total Contributory Value of Improvements**	**$**	-

Reconciled Final Value	-	acres/sq. ft. @	**$**	-	=	**$**	-			
	36,368	sf/sq. ft. @	**$**	**104.90**	=	**$**	**3,815,003**		**$**	**3,815,003**
								Say,	**$**	**3,815,003**

Each approach developed follows this page and is sequenced as shown below.

Land Value,	Cost Approach,	Sales Comparison Approach,	Income Approach,
Pg: **45**	Pg: **NA**	Pg: **NA**	Pg: **NA**

DESCRIPTION OF THE REMAINDER AFTER ACQUISITION

The remainder tract will contain 0.8349 acres, or 36,368 SF of unencumbered land. There will be no significant changes to the tract as a result of this Taking. Access will be similar to what exists prior to the Taking. It will remain very similar to the Whole Property. Thus, the remaining tract is not damaged.

HIGHEST AND BEST USE OF THE REMAINDER AFTER ACQUISITION

Same as Whole Property vacant land analysis on Page 28.

SALES COMPARISON APPROACH Whole: ☐ Part to be Acquired: ☐ Remainder After: ☒
Land: ☒ Improved: ☐

REMAINDER - VALUATION GRID **Representative Comparable Sales**

	Subject	Comp. No 1	Comp. No 2	Comp. No 3
Grantor		**Colonial Bank**	**Quik Way Retail As II, Ltd.**	**Rosebriar Caruth Haven,**
Grantee		**MC Preston, LP**	**CCP Green Belmont, LP**	**In N Out Burger**
Date of Sale		**10/5/2011**	**9/17/2014**	**09/30/2014**
Unit Price		**$ 161.11**	**$ 69.51**	**$ 79.26**
Relative Location	**NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas**	**SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas** .	**SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas Avenue)**	**E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas**
Distance from Subject		**± 3.2 Miles Northwest**	**± 1.4 Miles Southwest**	**± 1.7 Miles Northwest**
Financing		**Cash to Seller 0%**	**Cash to Seller 0%**	**Cash to Seller 0%**
Conditions of Sale		**Market 15%**	**Market 0%**	**Market 0%**
Market Conditions		**0%**	**0%**	**0%**
Adjusted Price		**$185.28**	**$69.51**	**$79.26**
Location/Access/Visibility		**Superior -50%**	**Inferior 20%**	**Inferior 15%**
Size SF	**36,368**	**9,000 20%**	**22,184 15%**	**50,464 0%**
Zoning		**Similar 0%**	**Similar 0%**	**Similar 0%**
Shape/Topography		**Similar 0%**	**Similar 0%**	**Similar 0%**
Utilities		**Similar 0%**	**Similar 0%**	**Similar 0%**
Flood Plain		**Similar 0%**	**Similar 0%**	**Similar 0%**
Loss of Utility		**Similar 0%**	**Similar 0%**	**Similar 0%**
Total Adjustment		**-30%**	**35%**	**15%**
	Indicated Unit Value	**SF $ 129.70**	**SF $ 93.84**	**SF $ 91.15**
Estimated Unit Value				**$ 104.90**
		36,368 SF @ $ 104.90		**$ 3,815,003**
Estimated Value by Sales Comparison Approach				**$ 3,815,003**

See next Page for explanation of adjustments.

EXPLANATION OF ADJUSTMENTS – REMAINDER AFTER TAKING

Property Rights Conveyed – All of the sales were purchased in Fee Simple and no adjustment is necessary.

Financing – All of the sales comparables were purchased with cash to the Sellers and no adjustment is necessary.

Conditions of Sale – The sales comparables did not require adjustments for conditions of sale.

Market Conditions – Sale 1 occurred in October 2011, while Sales 2 and 3 occurred in September 2014. Overall market conditions have improved significantly since 2011 and an upward adjustment will be applied to Sale 1. No adjustment will be applied to Sales 2 and 3.

Location/Access/Visibility – The subject is located on the northeast corner of Mockingbird Lane and Skillman Road. Both frontage roads are primary thoroughfares that provide good access and visibility.

Sale 1 is located on the southwest corner of Northwest Highway and Preston Road, approximately 3.2 miles northwest of the Subject. Both frontage roads are primary thoroughfares that provide good access and visibility in an area heavily developed with office and retail uses. The overall location is considered to be superior to the subject and a downward adjustment will be made.

Sale 2 is located on the southwest corner of Greenville Avenue and Belmont Avenue, approximately 1.4 miles southwest of the Subject. Greenville Avenue is a primary thoroughfare, while Belmont Avenue is a secondary roadway. The overall location, access and visibility are inferior to the Subject and an upward adjustment will be applied.

Sale 3 is located along the east side of the Central Expressway (US-75) service road, just south of Caruth Haven Lane, approximately 1.7 miles northwest of the Subject. Central Expressway is a major freeway; however Sale 3's interior location is deemed inferior to the Subject corner location and an upward adjustment will be applied.

Size – The remainder subject property contains 0.8349 acres, or 36,368 SF of land. In built-up areas similar to the Subject a premium is paid for larger more developable tracts than smaller tracts that require assemblage. Sale 1 contains only 9,000 SF, which is detrimental to its development utility and an upward adjustment will be applied. Sale 2 contains 22,184 SF and will be adjusted upward. Sale 3 contains 50,464 SF, which is similar to the Subject and no adjustment will be made.

Shape/Topography – The subject property is rectangular in shape with a level to slightly sloping topography. The overall shape and topography of the subject and comparable sales are similar and no adjustment is warranted.

Flood Plain – No portion of the subject property or comparable sales are located in the flood plain. No adjustments will be made.

Zoning – The subject's zoning and zoning of the comparable sales allow for similar uses and no adjustment is necessary.

Utilities – The subject and comparable sales have access to all utilities. No adjustments are necessary.

Final Reconciliation – The adjusted sales range from $91.15/SF to $129.70/SF, with an average of $104.90/SF. Each is a tract with the same highest and best use as the subject. After adjustments, these sales indicated a narrow range of unit values for the subject property. An equal emphasis will be given to all the sales. For our analysis, a price per square of $104.90/SF is reasonable and will be utilized. The value of the subject remainder property is calculated as follows.

Remainder Land Value

36,368	SF	@	$	104.90	=	$ 3,815,003

COMPENSATION SUMMARY

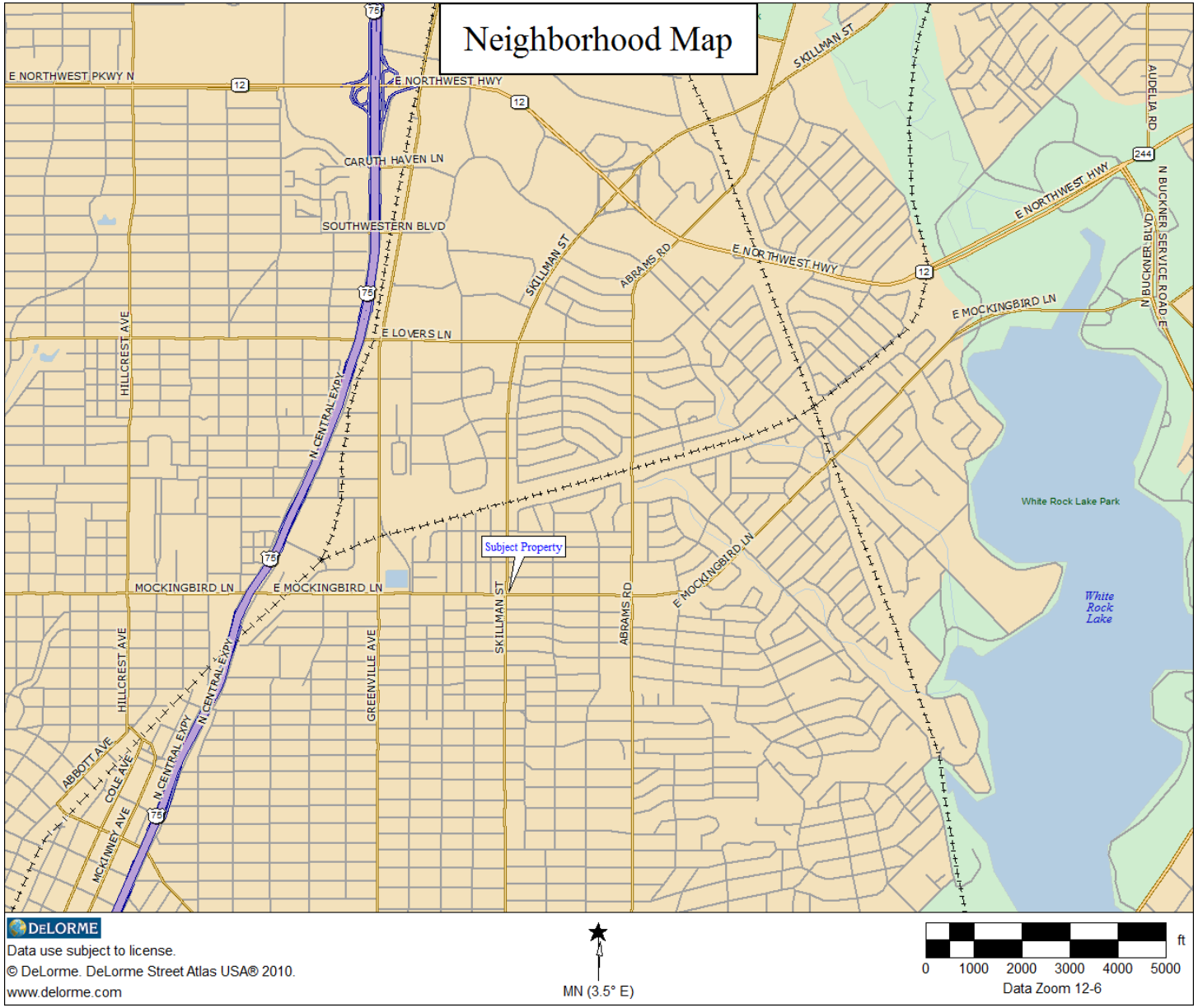
WHOLE PROPERTY:				
The market value of the whole property is	**$**	**4,142,606**		
PART TO BE ACQUIRED:				
Considered as severed land, the fee simple title to the part being acquired for flood improvement purposes (less oil, gas and sulphur and subject to existing easements, if any, which are not to be extinguished) is			**$**	**327,603**
REMAINING PROPERTY:				
The value of the remainder immediately before the taking is	**$**	**3,815,003**		
Considering the uses to which the part taken is to be subjected to, the market value of the remainder immediately after the acquisition is	**$**	**3,815,003**		
NET DAMAGES OR ENHANCEMENTS, if any			**$**	**-**
Value of Temporary Easement				
Cost to Cure Items				
TOTAL COMPENSATION			**$**	**327,603**

NEIGHBORHOOD ANALYSIS

The subject is located on the northeast corner of Mockingbird Lane and Skillman Road in the City of Dallas. Primary access to the neighborhood is provided by Central Expressway (US-75), Northwest Highway, Greenville Avenue, Skillman Road and Abrams Road. The overall access to and within the Neighborhood is considered to be good.

Commercial, retail and office development is located along the primary thoroughfares such as Central Expressway, Northwest Highway and Mockingbird Lane. Single family development is the dominate use within the Neighborhood, while a significant amount of multi-family development is located in the west portion of the Neighborhood. Single family, multi-family and commercial development is actively being constructed within the Neighborhood. The neighborhood is considered to be in the stable to growth stage of the life cycle.

The use surrounding the subject include single family development to the north, multi-family development to the east, commercial/retail development to the south across Mockingbird Lane and a car service center followed by single family development to the west across Skillman Road.


Neighborhood Map
E NORTHWEST PKWY N
E NORTHWEST HWY
CARUTH HAVEN LN
SOUTHWESTERN BLVD
SKILLMAN ST
ABRAMS RD
E LOVERS LN
HILLCREST AVE
N CENTRAL EXPY
E MOCKINGBIRD LN
MOCKINGBIRD LN
Subject Property
GREENVILLE AVE
ABBOTT AVE
COLE AVE
MCKINNEY AVE
AUDELIA RD
N BUCKNER BLVD
N BUCKNER SERVICE ROAD E
White Rock Lake Park
White Rock Lake
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ASSUMPTIONS AND LIMITING CONDITIONS

It is assumed that title to the property herein appraised is good and merchantable, and in fee simple. The value is reported without regard to questions of title, boundaries, encroachments, environmental regulations, licenses, or other matters of a legal nature unless noncompliance has been stated, defined, and considered in the appraisal report.

The value is estimated under the assumption that there will be no international or domestic political, economic, or military actions that will seriously affect real estate values throughout the country.

Certain information concerning market and operating data was obtained from others. This information is verified and checked, where possible, and is used in this appraisal only if it is believed to be accurate and correct. However, such information is not guaranteed. Dimensions and areas of the Subject Property and of the comparables were obtained by various means and are not guaranteed to be exact.

Real estate values are influenced by a number of external factors. The information contained herein is all of the data we consider necessary to support the value estimate. We have not knowingly withheld any pertinent facts, but we do not guarantee that we have knowledge of all factors, which might influence the value of the Subject Property. Due to rapid changes in external factors, the value estimate is considered to be reliable only as of the date of the appraisal.

Opinions of value contained herein are estimates. This is the definition of an appraisal. There is no guarantee, written or implied, that the Subject Property will sell for the estimated value. The estimated value assumes that the property is under responsible ownership and has competent and prudent management.

The appraiser will not be required to provide testimony or attendance in court or before other legal authority by reason of this appraisal without prior agreement and arrangement between the employer and the appraiser.

Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute. Neither all nor any part of the contents of this report (especially any opinions, analyses, or conclusions concerning value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or the M.A.I. or SRA Designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, prospectus for securities, or any other public means of communication without prior written consent and approval of the undersigned.

It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable, except as stated in this report. No responsibility is assumed for such conditions or for engineering, which may be required to discover them. It is assumed that a prudent owner/buyer would allow inspection of the property by a qualified soils or structure engineer if conditions so required.

The distribution of the total valuation in this report between land and improvements applies only under the reported highest and best use of the land. The allocation of value for land and improvements, if presented, must not be used in conjunction with any other appraisal and are invalid if so used.

Estimates of costs to cure deferred maintenance are difficult at best. Contractors approach such problems in various ways. The estimates, if any, provided within this report are probable costs given current market conditions, available information, and the appraiser's expertise.

No environmental impact studies were requested or made in conjunction with this appraisal, and the appraiser hereby reserves the right to alter, amend, revise, and/or rescind the value opinions based upon any subsequent environmental impact studies, research, or investigation.

This appraisal was prepared by Michael W. Massey & Associates and consists of trade secrets and commercial or financial information, which is privileged and confidential and is, exempted from disclosure under 5 U.S.C. 552 (b) (4). Please notify Michael W. Massey & Associates of any request of reproduction of this appraisal.

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

Anyone acting in reliance upon the opinions, judgments, conclusions, or data contained herein, who has the potential for monetary loss due to the reliance thereon, is advised to secure an independent review and verification of all such conclusions and/or facts.

The user agrees to notify the appraiser prior to any irrevocable loan or investment decision of any error, which would reasonably be determined from a thorough and knowledgeable review.

By acceptance and use of this report, the user agrees that any liability for errors, omissions or judgment of the appraiser is limited to the amount of the fee charged.

The limiting condition relating to the ADA is as follows:

This appraisal has not considered the effects of the enactment of the Americans with Disabilities Act of 1990 (ADA), which initially became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. Standards of this act are designed to provide access to all public facilities to all persons, regardless of mobility limitations. The act provides forceful encouragement for commercial establishments to enhance their accessibility and requires that renovations after this date fully comply with the access standards established by the Architectural and Transportation Barriers Compliance Board. Enhancements to buildings must be readily achievable and able to be carried out without much difficulty or expense. The act recognizes that "readily achievable" is different for companies depending on their resources. The first priority is to provide access from sidewalks, parking and transportation areas, with the second priority being to provide access to areas where goods and services are available to the public. Finally, access to restroom facilities must accommodate all persons. The modifications and costs that may be necessary for the property to conform to ADA can be ascertained only by a qualified architect. Should such a study be undertaken, and should the retrofit costs, if any, become known, then the appraisers reserve the right to re-evaluate the Subject Property.

- According to the information provided by the client, the Subject contains 0.9066 acres, or 39,491 SF of land. The part-to-be-acquired is 0.0717 acres, or 3,123 SF of land. These are assumed to be correct and will be used.

APPRAISAL PROCEDURE

The procedures followed in this appraisal revolve around an analysis of various factors, which affect the value of the Subject Property. Included in this analysis was an investigation into such matters as the physical attributes of the Subject Property, area and neighborhood market trends, and general social, economic, political, and environmental considerations. The valuation process, which serves as a basis for estimating the value of the Subject Property, employs as many separate appraisal techniques as are appropriate. The value of the Subject Property is estimated by applying specific appraisal procedures that reflect the following methods for mathematically analyzing data:

COST APPROACH - An estimate of the present reproduction cost of the improvements, less accrued depreciation, plus the land value. Depreciation includes a deduction from reproduction cost of the improvements due to physical, functional, and economic causes.

INCOME CAPITALIZATION APPROACH - Capitalization of the net income that the property is capable of producing. This approach, of course, is applicable only in income-producing properties.

SALES COMPARISON APPROACH - Comparison with similar properties that have sold in the market. This approach can be applied to land alone or to improved properties.

The subject is vacant land, thus only the Sales Comparison Approach will be used to value the site.

SUMMARY OF QUALIFICATIONS

Michael W. Massey, MAI, MRICS
Currently: President, Michael W. Massey & Associates, Inc.

Over forty years experience in the appraisal of real properties, including commercial, office, retail, industrial, special purpose and mineral interests, for mortgage bankers, savings and loan associations, insurance companies, attorneys, private individuals and governmental agencies. Areas of expertise include West, Southwest and Southeast United States, Republic of Mexico, Puerto Rico and U.S. Virgin Islands.

- Graduated from Texas Technological University in 1966: B.B.A. - Marketing
- Completed University and Appraisal Institute Courses in Real Estate Appraisal and Consulting.
- Awarded MAI Designation in November 1977 (5769)
- Member of Royal Institution of Chartered Surveyors (RICS) No. 6545715
- Recognized as "Expert" in Real Estate Valuation in Federal, State and County Courts in several states.
- Collin County Regional Airport Board 2000-2007; Four years as chairman
- Collin County Facilities Bond Committee – 2007
- Collin County Special Commissioners Court – Panel Member
- McKinney ISD – Bond Committee Board

PROFESSIONAL DESIGNATIONS AND AFFILIATIONS

MAI	Member, Appraisal Institute (#5769)
MRICS	Royal Institution of Chartered Surveyors #6545715
GAA	National Association of Realtors #440 General Accredited Appraiser National Board of Realtors
	Licensed Broker #188093 – Texas Real Estate Commissions
	Licensed Appraiser State of Texas Expires March 31, 2015
	State of Texas - #132016-G
	State of Louisiana - #0369 TP
	State of New Mexico - #TP-015
	State of Arizona - #AZ-201
	State of California - #AGO14189
	State of Colorado - #CGO 1319505
	State of Oklahoma - #11680CGA
	State of Arkansas - #CG1444N
	State New Jersey - #42RG00225100
	State of Florida - #TP 1790

As of this date, Michael W. Massey, MAI, MRICS, has completed the requirements under the continuing education program of the Appraisal Institute through December 31, 2015.

You may wish to laminate the pocket identification card to preserve it.

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

Texas Appraiser Licensing and Certification Board
P.O. Box 12188
Austin, Tx 78711-2188
www.talcb.texas.gov
(512) 936-3001
Fax:(512) 936-3899

MICHAEL WARREN MASSEY

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number#: **TX 1320163 G**

Issued: **03/03/2015** Expires: **03/31/2017**

Appraiser: **MICHAEL WARREN MASSEY**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number: **TX 1320163 G**

Issued: **03/03/2015** Expires: **03/31/2017**

Appraiser: **MICHAEL WARREN MASSEY**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

SUMMARY OF QUALIFICATIONS

GREGORY M. CONNELLY

Currently: Senior Appraiser with Michael W. Massey & Associates

PROFESSIONAL EXPERIENCE:

Independent real estate fee appraiser: 1990 - Present. Over twenty years experience in the appraisal and valuation of real properties. Commercial appraisal experience includes: apartment complexes, subdivisions, industrial properties, office buildings, medical facilities, shopping centers, restaurants, hotel/motels, ranches, special purpose properties and various commercial land tracts for mortgage bankers, banks, savings and loan associations, insurance companies, attorneys, private individuals, public utilities, and governmental agencies.

Completed appraisals in the Dallas/Fort Worth area and other parts of Texas as well as Alabama, Arkansas, California, Colorado, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Tennessee and Wisconsin.

Graduated from Southwest Texas State University: B.B.A. (Finance)

Completed college and Appraisal Institute courses in real estate appraisal.

- Standards of Professional Practice A & B
- Principles of Real Estate Appraisal 1A-1
- Basic Valuation 1A-2
- Capitalization Theory & Techniques, Part A
- Capitalization Theory & Techniques, Part B
- Advanced Income Capitalization (510)
- Advanced Sales Comparison and Cost Approach (530)
- Report Writing & Valuation Analysis (540)
- Highest and Best Use and Market Analysis (520)

PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS:

APPRAISER - Certified Appraiser (TX-1324452-G), State of Texas

APPRAISER - Candidate for the MAI designation from the Appraisal Institute, (#79941)

GREGORY MICHAEL CONNELLY

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

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(512) 936-3001
Fax:(512) 936-3899

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number#: TX 1324452 G

Issued: 08/04/2014 Expires: 07/31/2016

Appraiser: GREGORY MICHAEL CONNELLY

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

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Douglas E. Oldmixon
Commissioner

July 21, 2015

To Whom It May Concern:
City of Dallas

RE: Skill-Mock Subdivision
Lots 1 & 2, Block F/2953

I am familiar with the development project known as Skill-Mock Subdivision Lots 1 & 2, Block F/2953 and its intended use as an emergency medical facility. I am also familiar with the prior uses of the subject property which consisted of two service stations. I am familiar with and have analyzed the infrastructure impact of both uses.

The original use of this property was gasoline sales / minor mechanical repairs and a car wash. The Institute of Transportation Engineers Common Trip Generator, 8th Edition, states that the previous usage would have been a combination of the following categories: # 941 Quick Lube, #944 Gas Sales, #945 Service Station with Convenience store, and #946 Gasoline sales and Carwash

The 2 business previously operating on this tract were a service station with 4 fueling stations plus a 3,000 sf building with 4 service bays; the other business was a convenience store/carwash with approximately 8 fueling stations. This information is based on Arial maps from NTCOG. Based on these usages the PM peak in and out would have been approximately as follows:

	PM Peak Hour
4 Service bays	11 in 9 out
4 Fueling Stations	28 in 28 out
8 Fueling stations/Conv. Store/carwash	54 in 54 out
Total	93 in 91 out*

*These numbers are based on the PM Peak Hour of Traffic for both businesses. See Attached Trip Generator Reports

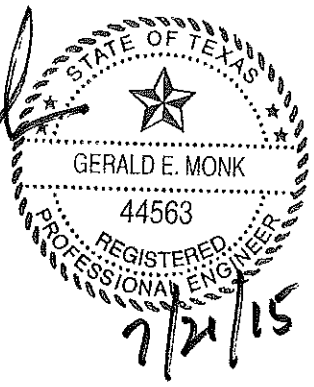
Based on information forwarded to me, similar projects, Highland Park ER and Preston Hollow ER are each averaging between 15-20 patients per day (keep in mind open for business 24 hours a day). They will probably run 3 - 8-hour shifts or 2 - 12-hour shifts per day – with about 5 employees on staff per shift. The doctor will usually be there for 24-hours.

It is also my opinion, based on the City of Dallas water and sewer maps, that there are adequate city services present for the new usage. At present there are 12" water lines in Skillman and in Mockingbird. There is also a fire hydrant on the corner of Skillman and Mockingbird on this tract's SW corner. There is also an 8" sanitary sewer in the alley at the rear of this tract. Based on the old surveys of the removed building, there were 3 sewer connections and 3 water meters serving the businesses. The new services would be less than this.

It is my opinion that the development project's use as an emergency medical facility will not have an impact on the infrastructure of the City of Dallas such that any infrastructure improvements are required or that the 3132 sq. ft. of Right of Way Dedication reflected on the Final Plat of the Skill-Mock Subdivision Lots 16, Block F/2953 is related in nature or extent to the impact of the proposed development.

Sincerely;

Gerald. E. Monk, PE



Instructions:
Enter Numbers into the "Expected Units" in the Corresponding Yellow Column

Trip Generation Rates from the 8th Edition ITE Trip Generation Report

NA: *Not Available*
DU: *Dwelling Unit*
Occ.Room: *Occupied Room*
KSF²: *Units of 1,000 square feet*
Fuel Position: *# of vehicles that could be fueled simultaneously*

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out
Waterport/Marine Terminal 010	Berths	171.52	NA	NA	NA		0	NA	NA	NA
Commercial Airport 021	Employees	13.40	0.60	54%	46%		0	0	NA	NA
Commercial Airport 021	Avg Flights/Day	104.73	5.75	56%	44%		0	0	NA	NA
Commercial Airport 021	Com. Flights/Day	122.21	6.88	54%	46%		0	0	NA	NA
General Aviation Airport 022	Employees	14.24	1.03	45%	55%		0	0	NA	NA
General Aviation Airport 022	Avg. Flights/Day	1.97	NA	NA	NA		0	0	NA	NA
General Aviation Airport 022	Based Aircraft	5.00	0.37	45%	55%		0	NA	NA	NA
Truck Terminal 030	Acres	81.90	6.55	43%	57%		0	0	NA	NA
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.62	22%	78%		0	0	NA	NA
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	0.81	28%	72%		0	0	NA	NA
Light Rail Station w/ Park 093	Parking Space	2.51	1.24	58%	42%		0	0	NA	NA
Light Rail Station w/ Park 093	Occ. Spaces	3.91	1.33	58%	42%		0	0	NA	NA
General Light Industrial 110	KSF²	6.97	0.97	12%	88%		0	0	NA	NA
General Light Industrial 110	Employees	3.02	0.42	21%	79%		0	0	NA	NA
General Heavy Industrial 120	KSF²	1.50	0.68	NA	NA		0	0	NA	NA
General Heavy Industrial 120	Employees	0.82	0.88	NA	NA		0	0	NA	NA
Industrial Park 130	KSF²	6.96	0.86	21%	79%		0	0	NA	NA
Industrial Park 130	Employees	3.34	0.46	20%	80%		0	0	NA	NA
Manufacturing 140	KSF²	3.82	0.74	36%	64%		0	0	NA	NA
Manufacturing 140	Employees	2.13	0.36	44%	56%		0	0	NA	NA
Warehousing 150	KSF²	3.56	0.32	25%	75%		0	0	NA	NA
Warehousing 150	Employees	3.89	0.59	35%	65%		0	0	NA	NA
Mini Warehouse 151	KSF²	2.50	0.26	51%	49%		0	0	NA	NA
Mini Warehouse 151	Storage Units	0.25	0.02	NA	NA		0	0	NA	NA
Mini Warehouse 151	Employees	61.90	6.04	52%	48%		0	0	NA	NA
High-Cube Warehouse 152	KSF²	1.44	0.10	33%	67%		0	0	NA	NA
High-Cube Warehouse 152	Employees	NA	0.66	35%	65%		0	0	NA	NA
Utilities 170	KSF²	NA	0.76	45%	55%		0	0	NA	NA
Utilities 170	Employees	NA	0.76	90%	10%		0	0	NA	NA
Single Family Homes 210	DU	9.57	1.01	63%	37%		0	0	NA	NA
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA
Apartment 220	DU	6.65	0.62	65%	35%		0	0	NA	NA
Apartment 220	Persons	3.31	0.40	NA	NA		0	0	NA	NA
Apartment 220	Vehicles	5.10	0.60	NA	NA		0	0	NA	NA
Low Rise Apartment 221	Occ.DU	6.59	0.58	65%	35%		0	0	NA	NA
High Rise Apartment 222	DU	4.20	0.35	61%	39%		0	0	NA	NA
Mid-Rise Apartment 223	DU	NA	0.39	58%	42%		0	0	NA	NA
Rental Townhouse 224	DU	NA	0.72	51%	49%		0	0	NA	NA
Resd. Condo/Townhouse 230	DU	5.81	0.52	67%	33%		0	0	NA	NA
Resd. Condo/Townhouse 230	Persons	2.49	0.24	67%	33%		0	0	NA	NA
Low Rise Resd. Condo 231	DU	NA	0.78	58%	42%		0	0	NA	NA
High Rise Resd. Condo 232	DU	4.18	0.38	62%	38%		0	0	NA	NA
Luxury Condo/Townhouse 233	Occ. DU	NA	0.55	63%	37%		0	0	NA	NA
Mobile Home Park 240	DU	4.99	0.59	62%	38%		0	0	NA	NA
Mobile Home Park 240	Persons	2.46	0.26	63%	37%		0	0	NA	NA
Retirement Community 250	DU	NA	0.27	56%	44%		0	0	NA	NA
Elderly Housing-Detached 251	DU	3.71	0.27	61%	39%		0	0	NA	NA
Congregate Care Facility 253	Occ.DU	2.15	0.17	56%	44%		0	0	NA	NA
Elderly Housing- Attached 252	Occ.DU	3.48	0.16	60%	40%		0	0	NA	NA
Recreational Homes 260	DU	3.16	0.26	41%	59%		0	0	NA	NA
Residential PUD 270	DU	7.50	0.62	65%	35%		0	0	NA	NA
Hotel 310	Occ. Room	8.92	0.70	49%	51%		0	0	NA	NA
Hotel 310	Rooms	8.17	0.59	53%	47%		0	0	NA	NA
Hotel 310	Employees	14.34	0.80	54%	46%		0	0	NA	NA
All Suites Hotel 311	Occ.Room	6.24	0.55	42%	58%		0	0	NA	NA
All Suites Hotel 311	Rooms	4.90	0.40	45%	55%		0	0	NA	NA

NEXT 2 PAGES
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Daycare Center 565	KSF²	79.26	12.46	47%	53%		0	0	NA	NA
Daycare Center 565	Students	4.48	0.82	47%	53%		0	0	NA	NA
Daycare Center 565	Employees	28.13	4.79	47%	53%		0	0	NA	NA
Cemetery 566	Employees	58.09	7.00	33%	67%		0	0	NA	NA
Prison 571	KSF²	NA	2.91	NA	NA		0	0	NA	NA
Prison 571	Employees	NA	0.23	28%	72%		0	0	NA	NA
Library 590	KSF²	56.24	7.30	48%	52%		0	0	NA	NA
Library 590	Employees	52.52	5.40	47%	53%		0	0	NA	NA
Lodge/Fraternal Organization 591	Members	0.29	0.03	NA	NA		0	0	NA	NA
Lodge/Fraternal Organization 591	Employees	46.90	4.05	NA	NA		0	0	NA	NA
Hospital 610	KSF²	16.50	1.14	42%	58%		0	0	NA	NA
Hospital 610	Beds	11.81	1.31	36%	64%		0	0	NA	NA
Hospital 610	Employees	5.20	0.33	31%	69%		0	0	NA	NA
Nursing Home 620	Beds	2.37	0.22	33%	67%		0	0	NA	NA
Nursing Home 620	Employees	4.03	NA	26%	74%		0	NA	NA	NA
Clinic 630	KSF²	31.45	5.18	NA	NA		0	0	NA	NA
Clinic 630	Employees	7.75	1.23	41%	59%		0	0	NA	NA
General Office 710 (Equation)	KSF²	Equation	Equation	17%	83%		0	0	NA	NA
General Office 710	KSF²	11.01	1.49	17%	83%		0	0	NA	NA
Corporate Headquarters 714	KSF²	7.98	1.40	10%	90%		0	0	NA	NA
Corporate Headquarters 714	Employees	7.98	1.40	10%	90%		0	0	NA	NA
Single Tenant Office Bldg 715	KSF²	11.57	1.72	15%	85%		0	0	NA	NA
Single Tenant Office Bldg 715	Employees	3.62	0.50	15%	85%		0	0	NA	NA
Medical Dental Office 720	KSF²	36.13	3.46	27%	73%		0	0	NA	NA
Medical Dental Office 720	Employees	8.91	1.06	34%	66%		0	0	NA	NA
Government Office Building 730	KSF²	68.93	1.21	31%	69%		0	0	NA	NA
Government Office Building 730	Employees	11.95	1.91	74%	26%		0	0	NA	NA
State Motor Vehicles Dept. 731	KSF²	166.02	17.09	NA	NA		0	0	NA	NA
State Motor Vehicles Dept. 731	Employees	44.54	4.58	NA	NA		0	0	NA	NA
US Post Office 732	KSF²	108.19	11.12	51%	49%		0	0	NA	NA
US Post Office 732	Employees	28.32	2.84	51%	49%		0	0	NA	NA
Gov. Office Complex 733	KSF²	27.92	2.85	31%	69%		0	0	NA	NA
Gov. Office Complex 733	Employees	7.75	0.79	31%	69%		0	0	NA	NA
R&D Center 760	KSF²	8.11	1.07	15%	85%		0	0	NA	NA
R&D Center 760	Employees	2.77	0.41	10%	90%		0	0	NA	NA
Building Materials/Lumber 812	KSF²	45.16	4.49	47%	53%		0	0	NA	NA
Building Materials/Lumber 812	Employees	32.12	2.77	51%	49%		0	0	NA	NA
Free-Standing Discount Superstore 813	KSF²	53.13	4.61	49%	51%		0	0	NA	NA
Free-Standing Discount Store 815	KSF²	57.24	5.00	50%	50%		0	0	NA	NA
Free-Standing Discount Store 815	Employees	28.84	3.48	50%	50%		0	0	NA	NA
Hardware/Paint Store 816	KSF²	51.29	4.84	47%	53%		0	0	NA	NA
Hardware/Paint Store 816	Employees	53.21	5.05	NA	NA		0	0	NA	NA
Nursery (Garden Center) 817	KSF²	36.08	3.80	NA	NA		0	0	NA	NA
Nursery (Garden Center) 817	Employees	22.13	1.99	NA	NA		0	0	NA	NA
Nursery (Wholesale) 818	KSF²	39.00	5.17	NA	NA		0	0	NA	NA
Nursery (Wholesale) 818	Employees	23.40	0.47	NA	NA		0	0	NA	NA
Shopping Center 820 (Equation)	KSF²	Equation	Equation	49%	51%		0	0	NA	NA
Shopping Center 820 Rate	KSF²	42.94	3.37	49%	51%		0	0	NA	NA
Factory Outlet Center 823	KSF²	26.59	2.29	47%	53%		0	0	NA	NA
Quality Restaurant 931	KSF²	89.95	7.49	67%	33%		0	0	NA	NA
Quality Restaurant 931	Seats	2.86	0.26	67%	33%		0	0	NA	NA
High Turnover/Sit Down Rest 932	KSF²	127.15	11.15	59%	41%		0	0	NA	NA
High Turnover/Sit Down Rest 932	Seats	4.83	0.41	57%	43%		0	0	NA	NA
Fast Food w/o Drive Thru 933	KSF²	716.00	26.15	51%	49%		0	0	NA	NA
Fast Food w/o Drive Thru 933	Seats	42.12	2.13	64%	36%		0	0	NA	NA
Fast Food w/ Drive Thru 934	KSF²	496.12	33.48	52%	48%		0	0	NA	NA
Fast Food w/ Drive Thru 934	Seats	19.52	0.94	53%	47%		0	0	NA	NA
Drive Thru Only 935	KSF²	NA	153.85	54%	46%		0	0	NA	NA
Drinking Place 925	KSF²	NA	11.34	66%	34%		0	0	NA	NA
Quick Lube Shop 941	Service Bays	40.00	5.19	55%	45%	4.0	160	21	11	9

Automobile Care Center 942	Service Bays	12.48	2.17	NA	NA		0	0	NA	NA
Automobile Care Center 942	KSF[2]	15.86	3.38	50%	50%		0	0	NA	NA
New Car Sales 841	KSF[2]	33.34	2.59	39%	61%		0	0	NA	NA
New Car Sales 841	Employees	21.14	0.96	48%	52%		0	0	NA	NA
Automobile Parts Sales 843	KSF[2]	61.91	5.98	49%	51%		0	0	NA	NA
Gasoline/Service Station 944	Fuel. Position	168.56	13.87	50%	50%	4.0	674	55	28	28
Serv.Station w/ Conven.Mkt 945	Fuel Position	162.78	13.38	50%	50%	8.0	1,302	107	54	54
Serv.Stat.w/Conv.Mkt.&Carwash 946	Fuel Position	152.84	13.94	51%	49%	4.0	611	56	28	27
Self-Service Carwash 947	Stalls	108.00	5.54	51%	49%		0	0	NA	NA
Tire Store 848	Service Bays	NA	3.54	42%	58%		0	0	NA	NA
Tire Store 848	KSF[2]	24.87	4.15	43%	57%		0	0	NA	NA
Wholesale Tire Store 849	Service Bays	30.55	3.17	47%	53%		0	0	NA	NA
Supermarket 850	KSF[2]	102.24	10.50	51%	49%		0	0	NA	NA
Convenien. Mkt. (Open 24 hrs) 851	KSF[2]	737.99	52.41	51%	49%		0	0	NA	NA
Convenien. Mkt. (Open 16 Hrs) 852	KSF[2]	NA	34.57	49%	51%		0	0	NA	NA
Convenien. Mkt w/ Gas Pumps 853	KSF[2]	845.60	59.69	50%	50%		0	0	NA	NA
Discount Supermarket 854	KSF[2]	96.82	8.90	50%	50%		0	0	NA	NA
Wholesale Market 860	KSF[2]	6.73	0.88	53%	47%		0	0	NA	NA
Discount Club 857	KSF[2]	41.80	4.24	50%	50%		0	0	NA	NA
Home Improvement Store 862	KSF[2]	29.80	2.37	48%	52%		0	0	NA	NA
Electronics Superstore 863	KSF[2]	45.04	4.50	49%	51%		0	0	NA	NA
Toy/Children's Superstore 864	KSF[2]	NA	4.99	50%	50%		0	0	NA	NA
Apparel Store 876	KSF[2]	66.40	3.83	50%	50%		0	0	NA	NA
Drugstore w/o Drive-Thru 880	KSF[2]	90.06	8.42	50%	50%		0	0	NA	NA
Drugstore w/ Drive-Thru 881	KSF[2]	88.16	10.35	50%	50%		0	0	NA	NA
Furniture Store 890	KSF[2]	5.06	0.45	48%	52%		0	0	NA	NA
Video Arcade 895	KSF[2]	NA	56.81	52%	48%		0	0	NA	NA
Video Rental Store 896	KSF[2]	NA	31.54	50%	50%		0	0	NA	NA
Walk-in Bank 911	KSF[2]	156.48	12.12	44%	56%		0	0	NA	NA
Drive-in Bank 912	Drive-in Windows	139.25	27.41	49%	51%		0	0	NA	NA
Drive-in Bank 912	KSF[2]	148.15	25.82	50%	50%		0	0	NA	NA

*

NA: Not Available
DU: Dwelling Unit

KSF[2]: Units of 1,000 square feet
Fuel Position: # of vehicles that could be fueled simultaneously

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
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Brad Jackson†
Cheryl L. Mann‡

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

‡Of Counsel

July 22, 2015

6101 Mockingbird, LLC
c/o Moran Capital
Robb Parks -
Doug MacMahon -

Re: ***Skill-Mock Subdivision, Lots 1 & 2, Block F/2953***

STATEMENT

For services rendered through July 22, 2015:

Professional Services (see attached detail):

Brad Jackson - 26.2 hours @ $375.00/hr.	$ 9,475.00
Cheryl L. Mann - 37.90 hours @ $250.00/hr.	$ 9,825.00
Professional Fees this Statement	$19,300.00

Billing List

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UN-INVOICED TIME ONLY

Date	Client Name	Project	LEDES Task	LEDES Activity	Description	Hours	Rate	Amount
2/4/2015	Moran Capital - 6101 Mockingbird	Brad			Brief research, prepare demand letter to City of Dallas and email exchange with Robb re: same.	1.80	$375.00	$675.00
2/5/2015	Moran Capital - 6101 Mockingbird	Brad			Finalize and send demand letter and email with Doug and Robb re: same.	0.50	$375.00	$187.50
2/5/2015	Moran Capital - 6101 Mockingbird	Cheryl			Review demand letter and related emails.	0.40	$250.00	$100.00
2/10/2015	Moran Capital - 6101 Mockingbird	Cheryl			Receive and review email correspondence.	0.10	$250.00	$25.00
2/10/2015	Moran Capital - 6101 Mockingbird	Brad			Telephone conference with with Burt Vanderburk and email Robb and Doug re: same.	0.20	$375.00	$75.00
2/13/2015	Moran Capital - 6101 Mockingbird	Brad			Telephone conference with Bert Venderberg.	0.20	$375.00	$75.00
2/13/2015	Moran Capital - 6101 Mockingbird	Brad			Review City Code and email Robb and Doug re: same.	0.20	$375.00	$75.00
2/13/2015	Moran Capital - 6101 Mockingbird	Cheryl			Receive and review email correspondence.	0.10	$250.00	$25.00
2/17/2015	Moran Capital - 6101 Mockingbird	Cheryl			Review emails with client.	0.00	$250.00	$0.00

2/19/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of letter from City Engineer and email to Robb and Doug re: same.	0.30	$375.00	$112.50
2/19/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg.	0.10	$375.00	$37.50
2/20/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg.	0.10	$375.00	$37.50
2/20/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Doug.	0.10	$375.00	$37.50
2/20/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug.	0.10	$375.00	$37.50
2/23/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug.	0.10	$375.00	$37.50
2/24/2015	Moran Capital - 6101 Mockingbird	Brad	Review email from Doug and telephone conference with Robb and Doug.	0.20	$375.00	$75.00
2/25/2015	Moran Capital - 6101 Mockingbird	Brad	Review letter from city engineer, email exchange with Doug and prepare correspondence to Bert Vandenberg.	0.50	$375.00	$187.50
3/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg.	0.30	$375.00	$112.50
3/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.10	$375.00	$37.50
3/5/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conferences with Robb and Doug.	0.20	$375.00	$75.00
3/5/2015	Moran Capital - 6101	Brad	Receipt and review of email chain and city code re: thoroughfare	0.20	$375.00	$75.00

	Mockingbird		plan requirements.			
3/5/2015	Moran Capital - 6101 Mockingbird	Brad	Draft email to Bert Vandenberg and forward same to Robb and Doug for comment.	0.30	$375.00	$112.50
3/6/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug and forward email to Bert Vandenberg.	0.10	$375.00	$37.50
3/10/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg and email to Robb and Doug re: same.	0.40	$375.00	$150.00
3/11/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Reid Wilson.	0.10	$375.00	$37.50
3/11/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Doug.	0.10	$375.00	$37.50
3/11/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Reid Wilson and Doug.	0.10	$375.00	$37.50
3/19/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare for and attend meeting with Robb and Doug and city attorney and planning personnel.	1.70	$375.00	$637.50
4/1/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conferences with Robb and Doug.	0.20	$375.00	$75.00
4/1/2015	Moran Capital - 6101 Mockingbird	Brad	Research [redacted] and office conference re: Cheryl re: same.	0.70	$375.00	$262.50
4/1/2015	Moran Capital - 6101 Mockingbird	Cheryl	Research [redacted] and office conference with Brad re: same (.70); further review of [redacted] local statute and facts (2.10).	2.80	$250.00	$700.00
4/2/2015	Moran Capital - 6101	Cheryl	Continue research of issue and office conference regarding	3.10	$250.00	$775.00

	Mockingbird		facts and law.			
4/3/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding facts and draft letter (.30); additional research (.70); prepare draft (1.90).	2.90	$250.00	$725.00
4/3/2015	Moran Capital - 6101 Mockingbird	Brad	Review and revise letter to City and email Robb and Doug re: same.	0.70	$375.00	$262.50
4/6/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Doug and Robb.	0.10	$375.00	$37.50
4/6/2015	Moran Capital - 6101 Mockingbird	Brad	Finalize letter to City and email to Bert Vandenberg.	0.30	$375.00	$112.50
4/6/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review correspondence regarding letter to City.	0.10	$250.00	$25.00
4/10/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of email from Lloyd Denman and forward same to Robb and Doug.	0.10	$375.00	$37.50
4/14/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug.	0.20	$375.00	$75.00
4/27/2015	Moran Capital - 6101 Mockingbird	Brad	Review email from Doug Stewart with attachments and respond to same to Doug and Robb.	0.20	$375.00	$75.00
4/27/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare revised city letter and send to Doug and Robb.	0.20	$375.00	$75.00
5/14/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of City's rough proportionality determination and forward same to Robb and Doug.	0.30	$375.00	$112.50
5/14/2015	Moran Capital - 6101	Cheryl	Research [redacted]	0.30	$250.00	$75.00

	Mockingbird					
5/27/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Robb and Doug.	0.10	$375.00	$37.50
5/28/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Robb and Doug.	0.10	$375.00	$37.50
5/28/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.10	$375.00	$37.50
6/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Barry Knight.	0.10	$375.00	$37.50
6/2/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding appeal (.10); research [redacted] (.70).	0.80	$250.00	$200.00
6/3/2015	Moran Capital - 6101 Mockingbird	Cheryl	Finalize appeal of rough proportionality determination (.90); telephone call with City and research to determine proper recipient. (.40); serve appeal (.40).	1.70	$250.00	$425.00
6/3/2015	Moran Capital - 6101 Mockingbird	Brad	Review Dallas City Code provisions regarding appeal of rough proportionality determination and review and revise notice of appeal to City. Email to Bert Vandenberg. Email to Doug and Robb.	0.70	$375.00	$262.50
6/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges and Telephone conference with with clients.	0.50	$375.00	$187.50
6/15/2015	Moran Capital - 6101 Mockingbird	Cheryl	Telephone conference with Bert Vandenburg regarding procedures and hearing (.20); email exchange regarding same (.10); office conference regarding same. (.10).	0.40	$250.00	$100.00

6/16/2015	Moran Capital - 6101 Mockingbird	Cheryl	Travel to and take photos of property in question (.50); begin preparing for appeal (2.40).	2.90	$250.00	$725.00
6/17/2015	Moran Capital - 6101 Mockingbird	Cheryl	Brief review of [redacted] and office conference re: same.	0.50	$250.00	$125.00
6/17/2015	Moran Capital - 6101 Mockingbird	Brad	Brief review of [redacted] and office conference re: same.	0.50	$375.00	$187.50
6/18/2015	Moran Capital - 6101 Mockingbird	Cheryl	Continue research and review of cases for hearing.	2.20	$250.00	$550.00
6/19/2015	Moran Capital - 6101 Mockingbird	Cheryl	Continue review of [redacted] and office conference regarding letter interpretation.	0.70	$250.00	$175.00
6/20/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receive and review emails regarding experts.	0.10	$250.00	$25.00
6/22/2015	Moran Capital - 6101 Mockingbird	Cheryl	Telephone conference with B. Vandenburg (.20); prepare and forward email update regarding same (.10); review materials from the City regarding procedures and deadlines (1.00).	1.30	$250.00	$325.00
6/22/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Bert Vandenberg and review appeal procedures. Email Robb and Doug and office conference re: appeal procedures.	0.50	$375.00	$187.50
6/23/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.20	$375.00	$75.00
6/23/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of email from Bert Vandenberg.	0.10	$375.00	$37.50

6/23/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare email to Reid Wilson with questions re: issues with City procedures and follow up emails with Reid.	0.50	$375.00	$187.50
6/23/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review revised procedures (.20); prepare objection (1.90); continue preparing general outline for argument (2.00); review email exchange with R. Wilson regarding procedural issues (.20).	4.30	$250.00	$1,075.00
6/24/2015	Moran Capital - 6101 Mockingbird	Cheryl	Additional research regarding [redacted] (3.80); multiple office conferences regarding appeal, strategy and experts (1.00).	4.80	$250.00	$1,200.00
6/24/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Greg Conelley.	0.30	$375.00	$112.50
6/24/2015	Moran Capital - 6101 Mockingbird	Brad	Research and office conferences re: [redacted] and lengthy email to Reid Wilson.	1.50	$375.00	$562.50
6/25/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review [redacted] and update objections.	0.60	$250.00	$150.00
6/28/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email from client.	0.00	$250.00	$0.00
6/29/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding [redacted] (.10); email exchanges with client and others regarding same and review emails regarding expert (.40).	0.50	$250.00	$125.00
6/29/2015	Moran Capital - 6101	Brad	Email exchange with	0.10	$375.00	$37.50

	Mockingbird		Robb re: engineer.			
6/29/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Sarah Scott and email case information to her.	0.30	$375.00	$112.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Mike Massey.	0.10	$375.00	$37.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Sarah Scott.	0.10	$375.00	$37.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb. Office conference re: experts.	0.30	$375.00	$112.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Follow up conversation with Mike Massey.	0.20	$375.00	$75.00
7/1/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email exchanges with Robb. Office conference re: [redacted]	0.30	$250.00	$75.00
7/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Greg Connelly.	0.80	$375.00	$300.00
7/6/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Greg Connelly.	0.20	$375.00	$75.00
7/6/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Mike Massey.	0.10	$375.00	$37.50
7/6/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding experts.	0.20	$250.00	$50.00
7/7/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding [redacted]	0.60	$250.00	$150.00

7/7/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb re: [redacted]	0.20	$375.00	$75.00
7/7/2015	Moran Capital - 6101 Mockingbird	Brad	[redacted]	0.50	$375.00	$187.50
7/8/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with engineer and with Robb re: engineer.	0.30	$375.00	$112.50
7/8/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email exchanges regarding [redacted]	0.20	$250.00	$50.00
7/9/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conferences and emails with Robb re: engineer and appraiser.	0.40	$375.00	$150.00
7/9/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Mike Massey.	0.10	$375.00	$37.50
7/9/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email exchange regarding expert and office conference regarding same.	0.20	$250.00	$50.00
7/10/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Greg Connelly.	0.10	$375.00	$37.50
7/13/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb.	0.10	$375.00	$37.50
7/13/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of appraisal.	0.50	$375.00	$187.50
7/13/2015	Moran Capital - 6101 Mockingbird	Brad	Transmit documents to Secretary for Plan Commission.	0.10	$375.00	$37.50
			Receipt and review of appraisal (.40);			

7/13/2015	Moran Capital - 6101 Mockingbird	Cheryl	telephone conference with client (.10); review [redacted] (.30).	0.80	$250.00	$200.00
7/14/2015	Moran Capital - 6101 Mockingbird	Cheryl	Update objection (.20); review email regarding expert (.10).	0.30	$250.00	$75.00
7/15/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding expert.	0.20	$250.00	$50.00
7/15/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Jerry Monk.	0.10	$375.00	$37.50
7/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Jerry Monk.	0.20	$375.00	$75.00
7/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb and Doug.	0.10	$375.00	$37.50
7/16/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conferences regarding [redacted] (.40); review emails regarding expert (.10).	0.50	$250.00	$125.00
7/17/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb and Doug and work on issues for hearing at City of Dallas.	1.50	$375.00	$562.50
7/17/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding expert and office conference regarding [redacted]	0.90	$250.00	$225.00
7/20/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding [redacted] and office conference regarding same (.20); office conference regarding [redacted] (.10).	0.30	$250.00	$75.00
	Moran Capital -		Email exchanges with			

7/20/2015	6101 Mockingbird	Brad	Robb.	0.30	$375.00	$112.50
7/20/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Jerry Monk.	0.20	$375.00	$75.00
7/20/2015	Moran Capital - 6101 Mockingbird	Brad	Preparation for planning committee hearing.	0.50	$375.00	$187.50
7/21/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of report from Jerry Monk.	0.30	$375.00	$112.50
7/21/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Jerry Monk.	0.20	$375.00	$75.00
7/21/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb.	0.10	$375.00	$37.50
7/22/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare for hearing.	2.00	$375.00	$750.00
7/22/2015	Moran Capital - 6101 Mockingbird	Cheryl	Prepare notebook for hearing (.50); review engineers report (.30).	0.80	$250.00	$200.00
7/22/2015	Moran Capital - 6101 Mockingbird	Cheryl	Prepare for hearing.	2.00	$250.00	$500.00
TOTALS				**64.10**		**$19,300.00**

LAW OFFICES OF BRAD JACKSON

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DALLAS, TEXAS 75219

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Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

††Of Counsel

July 22, 2015

Via email to bert.vandenberg@dallascityhall.com

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201

Via email to yolanda.hernandez@dallascityhall.com

Secretary of the Commission
City Plan Commission
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Objection to Appeal Procedures

After reviewing the Procedure for Appeal of Apportionment of Exactions ("Procedures"), Sec. 51a-1.109 of the Dallas City Code and the related law, my clients lodge the following objections to the procedures adopted by the City of Dallas.

First, the Procedures adopted by the City of Dallas do not place the burden of proof appropriately. They do not comply with United States or Texas constitutional or common law or with Tex. Loc. Gov't Code 212.904 and do not comply with the Dallas City Code Sec. 51a-1.109 (a)(2). It is the City's burden to prove rough proportionality of the exaction.

Second, the City adopted a two-tier appeal procedure instead of the one-tier procedure contemplated by Tex. Loc. Gov't Code 212.904. This added step to the appeal process constitutes an undue burden on the Developer as the Procedures add additional time and burden to the appeal process before the Developer can appeal to a District Court.

Third, the Procedures adopted by the City of Dallas do not permit the Developer adequate time to present their case.

Fourth, the Procedures require the Developer to provide certain documentary evidence to the City of Dallas prior to the hearing but there is no reciprocal requirement that the City of Dallas provide documentary evidence to the Developer.

Fifth, the City of Dallas provides evidence to the Plan Commission in advance of the hearing but does not provide this evidence to the Developer.

Sixth, the Procedures attempt to impose conditions on documentary evidence on the Developer that are unfair, impractical, impossible, vague, ambiguous and/or not reciprocal.

Yours truly,

Brad Jackson

BJ/lc

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Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

††Of Counsel

July 23, 2015

Secretary of the Commission
City Plan Commission
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

First Supplemental Objection to Appeal Procedures

My clients lodge the following supplemental objections to the Procedure for Appeal of Apportionment of Exactions ("Procedures") adopted by the City of Dallas.

The requirement that Developer's documentary evidence be submitted 10 days in advance of the hearing is vague and ambiguous. The requirement is vague and ambiguous as to under what conditions such submission is required. A plain reading of the requirement requires that any item of evidence exceeding 15 pages must be submitted in advance. If the City takes the position that if all evidence combined exceeds 15 pages that all evidence must be submitted in advance, the rule does not clearly so state and Developer objects to enforcement of any such interpretation.

Further, no evidence was provided to the Developer by the City. To the degree that materials were provided to the Commission by the City that exceed 15 pages in total and such materials were not provided to Developer, Developer objects as the rules are being applied in an arbitrary and non-reciprocal manner. By prohibiting ex parte communication with the Commission and requiring that Developer provide its evidence in advance without imposing the same requirement on the City, the Procedures provide an unfair advantage to the City.

Further, to the degree that the City has provided any evidence or communicated in any manner with the Commission without contemporaneously providing the same information to the Developer, Developer objects because the City is imposing a rule banning ex parte communication on Developer that is arbitrary and non-reciprocal.

Further, Developer objects to any attempt by the City to assert any objections to the introduction of any of Developer's evidence without having clearly and unambiguously set forth such rules or requirements in the Procedures pursuant to which it imposes such objection.

Developer objects and reserves all of its rights to each of these issues individually and collectively as they are unfair to Developer, contrary to constitutional, statutory and case law and deprive Developer of due process.

Yours truly,

Brad Jackson

BJ/lc

July 23, 2015

City Plan Commission Minutes

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PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on July 23, 2015, with the briefing starting at 11:10 a.m., in Room 5ES and the public hearing at 1:34 p.m., in the City Council Chambers of City Hall. Presiding were Gloria Tarpley, Robert Abtahi, Vice-Chair. The following Commissioners were present during the hearing: Mike Anglin, Neil Emmons, Emma Rodgers, Tony Shidid, Ann Bagley, Myrtl Lavallaisaa, Jaynie Schultz, Carolyn "Cookie" Peadon, Margot Murphy and Paul E. Ridley. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Jed Anantasomboon and John Shellene. There was one vacancy, District 4.

The City Plan Commission was briefed by staff on each item on the agenda and a question and answer period followed each briefing.

A variety of dockets, requests and briefings were presented to the Commission during the open public hearing. The applicants or their representatives presented their arguments, citizen comments were heard, and using the information and staff recommendations in the hearing dockets, the Commission took the following actions.

NOTE: For more detailed information on discussion on any issue heard during this briefing and public hearing, refer to the tape recording retained on file in the Department of Sustainable Development and Construction. Briefing and public hearing recordings are retained on file for 90 days after approval of CPC minutes.

PUBLIC HEARINGS:

Subdivision Docket — Planner: Sharon Hurd

Pursuant to Texas Local Government Code Section 212.009(e) these minutes and recording of the hearing certify the reasons for denial of any plat application.

Consent Items:

(1) **S145-221**

Motion: It was moved to **approve** an application to create one lot from a 0.6021-acre tract of land in City Block 533 on property located on Crockett Street between Cochran Street and Munger Avenue, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

(2) **S145-222**

Motion: It was moved to **approve** an application to replat an 18.101-acre tract of land containing all of Lot 1 in City Block 7/7558 into two lots on property located on Hampton Road, south of Lyndon B. Johnson Freeway (Interstate Highway 20), subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

(3) **S145-223**

Motion: It was moved to **approve** an application to create one lot from a 35.582-acre tract of land in City Blocks 7207 and 7210 on property located between Chalk Hill Road and North Cockrell Hill Road, north of West Davis Street, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

(4) **S145-226**

Motion: It was moved to **approve** an application to replat a 0.200-acre tract of land containing all of Lot 8 and part of Lot 7 in City Block 1/3433 into one lot on property located on North Beckley Avenue, east of North Zang Boulevard, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

(5) **S145-227**

Motion: It was moved to **approve** an application to replat a 1.262-acre tract of land containing part of Lot 7 and all of Lots 8, 9, 61, 62, and 63 in City Block A/8378 into one lot on property located on Tantor Road, east of Luna Road, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

(6) **S145-236**

Note: The Commission considered this item individually.

Motion: In considering an application to replat a 53.176-acre tract of land containing part of an unplatted tract of land in City Block 7014; part of City Block 7409; and part of Lot 3 and all of Lots 1A, 7A and 8 in City Block A/7409, to create one lot with 16 phases on property generally bounded by Alpha Road on the north, Preston Road on the east, Montfort Drive on the west and Interstate Highway 635 (Lyndon B. Johnson Freeway) on the south, it was moved to **hold** this case under advisement until August 6, 2015.

Maker: Schultz
Second: Anglin
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: For: Steven Heilbrun, 8350 N. Central Expy., Dallas, TX, 75206
Scott Beck, 6622 Aberdeen Ave., Dallas, TX, 75230
Against: Raymond Kane, 1601 Elm St., Dallas, TX, 75201
Against (Did not speak): James Bry, 54 W. 40th St., New York, NY10018

Residential Replats:

(7) **S145-220**

Motion: It was moved to **approve** an application to replat a 5.095-acre tract of land containing all of City Blocks 22/3396, 23/3997, part of City Block 38/7263, part of abandoned Mabel Street, and part of Seale Street to be abandoned to create a Shared Access Development with 53 residential lots and 3 common areas on property located between North Willomet Avenue and Edgefield Avenue, north of Stafford Avenue, subject to compliance with the conditions listed in the docket.

Maker: Emmons
Second: Peadon
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 28
Replies: For: 1 Against: 0

Speakers: For: Graylin Jackson, 933 Seale St., Dallas, TX, 75208
Against: None

(8) **S145-228**

Motion: It was moved to **deny** an application to replat a 0.441-acre tract of land containing all of Lots 22 and 23 in City Block B/6086 into one lot on property located at 2716 Illinois Avenue, west of Parrot Street, due to non-compliance with Section 51A-8.503 of the Dallas Development Code.

Maker: Abtahi
Second: Shidid
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 18
Replies: For: 1 Against: 0

Speakers: None

Building Line Removal:

(9) **S145-150R**

Motion: It was moved to **approve** an application to remove the existing 25-foot platted building lines along the northerly line of Meadow Road, and to remove the platted building lines along both sides of abandoned Treehouse Lane with the finding of fact that removal of the platted building lines will not require a minimum front, side, or rear yard setback line less than required by the zoning regulation; be contrary to the public interest; adversely affect neighboring properties; or adversely affect the plan for the orderly development of the subdivision, on property located on Meadow Road, east of Manderville Lane, subject to compliance with the conditions listed in the docket.

Maker: Murphy
Second: Abtahi
Result: Carried: 12 to 0
For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Motion: It was moved to **approve** an application to replat a 32.958-acre tract of land in City Blocks C/6138, E/6138, D/6138 and A/7518 and containing all of Phase 2 and Phase 4a of previously approved plat S145-150 to create 305 lots and 26 open space lots on property located on Meadow Road, east of Manderville Lane, subject to compliance with the conditions listed in the docket.

Maker: Murphy
Second: Abtahi
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

Apportionment Determination Appeal – Under Advisement:

Motion: In considering an appeal to the director's apportionment determination associated with Plat No. S145-070 to dedicate 10 feet of right-of-way along Mockingbird Lane on property at the northeast corner of East Mockingbird Lane and Skillman Street, it was moved to **hold** this case under advisement until August 6, 2015.

Maker: Bagley
Second: Abtahi
Result: Carried: 11 to 1

For: 11 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Abtahi

Against: 1 - Ridley
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: For: Brad Jackson, 3701 Turtle Creek Blvd., Dallas, TX, 75219
Against: None
Staff: Katherine Kasten, Assistant City Attorney, City of Dallas
Casey Burgess, Assistant City Attorney, City of Dallas

Zoning Docket

Miscellaneous Items:

M145-031 Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan to include provision for ingress and egress detail and onsite circulation for new identified fire lane for Specific Use Permit No. 2123 for a Child-care facility on property zoned an R-10(A) Single Family District on the east line of Webb Chapel Road, north of Timbeview Road.

Maker: Murphy
Second: Schultz
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

M145-046 Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan for Specific Use Permit No. 884 for a Concrete batch plant on property zoned an IM Industrial Manufacturing District on the west line of Bickham Road, south of West Northwest Highway.

Maker: Murphy
Second: Schultz
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

D145-014 Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development plan on property within Planned Development District No. 895, on the east side of North Central Expressway, south of Midtown Boulevard.

Maker: Murphy
Second: Schultz
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

D145-022 Planner: Olga Torres Holyoak

Motion: It was moved to **approve** a development plan for the south subdistrict within Planned Development District No. 582 on the west side of Victory Avenue, at the terminus of Museum Way.

Maker: Emmons
Second: Abtahi
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Speakers: None

Zoning Cases – Consent:

1. **Z145-266(AF)** Planner: Aldo Fritz

Note: The Commission considered this item individually.

Motion: In considering an application for a Specific Use Permit for a child-care facility on property zoned an R-5(A) Single Family District on the northeast corner of McBroom Street and North Winnetka Avenue, it was moved to **hold** this case under advisement until August 6, 2015.

Maker: Emmons
Second: Rodgers
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley*, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 17
Replies: For: 1 Against: 0

Speakers: For (Did not speak): Chris Anderson, Address not given
Against: None

2. **Z145-251(WE)** Planner: Warren Ellis

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of an amendment to Tract E of Planned Development Subdistrict No. 67, subject to a revised development plan and revised conditions within Planned Development District No. 193, the Oak Lawn Special Purpose District with deed restrictions in an area generally bounded by Browser Avenue, Cedar Plaza Lane, Holland Avenue and Wheeler Street.

Maker: Abtahi
Second: Shidid
Result: Carried: 12 to 0

For: 12 - Anglin*, Emmons, Rodgers, Shidid, Bagley*, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 89
Replies: For: 3 Against: 1

Speakers: For (Did not speak): Myron Dornic, 901 Main St., Dallas, TX, 75202
Against: None

3. **Z145-262(WE)** Planner: Warren Ellis

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of an amendment to Planned Development Subdistrict No. 81, subject to a revised conceptual plan, revised landscape plan and revised conditions to include the following revisions: 1) Revise Sec. S-81.112. LANDSCAPING, (b)(5) to read as follows: "In addition to the requirements of Part I of this ordinance, at least one existing tree must be retained in the hatched area shown on the conceptual plan. Structures are prohibited in the hatched area. If the existing tree dies it must be replaced with three minimum 8-inch caliper live oak trees within the hatched area." and 2) Require the other original hatched area shown on the conceptual plan to have a tree of at least 6-inch caliper in the general location of the removed/dead tree of a species agreed upon by the city arborist, prior to the issuance of a permanent certificate of occupancy within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north corner of Cedar Springs Road and Douglas Avenue.

Maker: Ridley
Second: Abtahi
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

Notices:	Area:	500	Mailed:	293
Replies:	For:	5	Against:	3

Speakers: For: Jennifer Hiromoto, 3904 Elm St., Dallas, TX, 75206
Against: Paul Muraida, 4406 Vandelia St., Dallas, TX, 75219
Staff: Phil Erwin, Chief Arborist, City of Dallas,

Zoning Cases – Under Advisement:

4. **Z145-206(WE)** Planner: Warren Ellis

Motion: In considering an application for a Specific Use Permit for a mini-warehouse use on property zoned an MU-3 Mixed Use District on the north side of Banner Drive, between Park Central Drive and Merit Drive, it was moved to **hold** this case under advisement until August 20, 2015.

Maker: Schultz
Second: Shidid
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley*, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices:	Area:	300	Mailed:	5
Replies:	For:	0	Against:	0

Speakers: None

5. **Z145-264(SM)** Planner: Sarah May

Motion: In considering an application for a Planned Development District for LO-1 uses and a mortuary, funeral home, or commercial wedding chapel use on property zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District with a D Overlay, on the northeast line of Webb Chapel Road and on the west line of Larga Drive, east of Webb Chapel Extension, it was moved to **hold** this case under advisement until August 6, 2015.

Maker: Emmons
Second: Peadon
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley*, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 65
Replies: For: 2 Against: 1

Speakers: For: Maxwell Fisher, 900 Jackson St., Dallas, TX, 75202
Against: None
Against (Did not speak): Rhonda Montee, 9718 Webb Chapel Rd., Dallas, TX, 75220
Megan C. Wilson, 9718 Webb Chapel Rd., Dallas, TX, 75220

Zoning Cases – Individual:

6. **Z145-186(WE)** Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 612, subject to a revised development plan, traffic management plan, traffic circulation plan and revised conditions (36 ft. height) and **approval** of the repeal of Specific Use Permit No. 1950 for an open-enrollment charter school on the east side of Spur 408, north of Grady Niblo Road.

Maker: Rodgers
Second: Ridley
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley*, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anantasomboon, Shellene
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 13
Replies: For: 0 Against: 3

Speakers: For: Tony Callaway, 1207 Hampshire Ln., Richardson, TX, 75080
For (Did not speak): Michael Spurlock, 2051 Wanda Way, Arlington, TX, 76001
Against: None

7. **Z145-234(AF)** Planner: Aldo Fritz

Note: Commissioner Bagley left the meeting at 4:02 p.m.

Motion: In considering an application for an amendment and expansion of Specific Use Permit No. 1007 for a public school on property zoned a TH-3(A) Townhouse District on the north side of Wheatland Road and west of Clark Road, it was moved to **hold** this case under advisement until August 20, 2015.

Maker: Rodgers
Second: Abtahi
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4

Notices: Area: 500 Mailed: 267
Replies: For: 4 Against: 9

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Ronald Keillor, 905 Oak Crest Ct., Burleson, TX, 75028
Against: Susannah Kelly, 8645 Vista Grande Dr., Dallas, TX, 75249
Ronald Stinson, Address not given
Greg Malkowski, 7274 Summit Parc Dr., Dallas, TX, 75249

8. **Z145-274(SM)** Planner: Sarah May

Motion: In considering an application for a Specific Use Permit for a tower/antenna for cellular communication limited to a monopole cellular tower on property zoned an MF-3(A) Multifamily District on the west line of Greenville Avenue, north of Belmont Avenue, it was moved to **hold** this case under advisement until September 17, 2015.

Maker: Emmons
Second: Shidid
Result: Carried: 10 to 0

For: 10 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4
Conflict: 1 - Ridley

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 10

Speakers: For: Kathy Zibilich, 8150 W. Central Expy., Dallas, TX, 75206
Against: Michael Northrup, 5703 Goliad Ave., Dallas, TX, 75206

9. **Z145-225(SM)** Planner: Sarah May

Motion: It was moved to recommend **approval** of a Planned Development District for CR Community Retail District and D Duplex District uses, subject to a revised development plan, revised landscape plan and revised conditions on property zoned a CR Community Retail District and Tract III of Planned Development District No. 67 on the northwest corner of West Mockingbird Lane and Roper Street.

Maker: Emmons
Second: Rodgers
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley*, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 95
Replies: For: 5 Against: 1

Speakers: For: Joyce Lockley, 4718 Wateka Dr., Dallas, TX, 75209
Pat White, 4714 Wildwood Rd., Dallas, TX, 75209
Against: None

10. **Z145-271(SM)** Planner: Sarah May

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for an MF-2 Multiple-Family Subdistrict and surface parking uses, subject to a revised development plan and revised landscape plan with an additional condition that prohibits the use of the surface parking area to be used for required off-street parking on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Crestview Drive, southwest of Lemmon Avenue.

Maker: Emmons
Second: Ridley
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4

Notices: Area: 500 Mailed: 45
Replies: For: 0 Against: 2

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

11. **Z145-227(WE)** Planner: Warren Ellis

Motion: In considering an application for a CR Community Retail District on property zoned an R-5(A) Single Family District on the north line of Simpson Stuart Road, west of Tracy Road, it was moved to **hold** this case under advisement until August 6, 2015.

Maker: Lavallaisaa
Second: Anglin
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy*, Ridley, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices:	Area:	200	Mailed:	19
Replies:	For:	4	Against:	0

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

Authorization of Hearings:

Planner: Neva Dean

Motion: It was moved to **authorize** a public hearing to determine the proper zoning on property zoned an A(A) Agriculture District, a CA-1(A) Central Area District, a CA-2(A) Central Area District, a CR Community Retail District, GR General Retail District, an IM Industrial Manufacturing District, an IR Industrial Research District, an LO-3 Limited Office District, an MC-3 Multiple Commercial District, an MF-2 Multiple Family District, an MF-2(A) Multifamily District, an MF-3(A) Multifamily District, an MU-1 Mixed Use District, an MU-3 Mixed Use District, an NO(A) Neighborhood Office District, a P(A) Parking District, WMU-5 Walkable Mixed Use District, WR-5 Walkable Residential District; Planned Development District No. 9, Planned Development District No. 145, Planned Development District No. 153, a portion of Planned Development District No. 174, Planned Development District No. 183, Planned Development District No. 184, Planned Development District No. 190, Planned Development District No. 193 – CA-2 Central Area, GR General Retail, HC Heavy Commercial, I-2 Industrial, I-3 Industrial, LC Light Commercial, MF-2 Multiple Family, MF-3 Multiple Family, O-2 Office, P Parking Subdistricts and Planned Development Subdistricts No. 2, No. 6, No. 7, No. 8, No. 11, No. 13, No. 15, No. 16, No. 23, No. 24, No. 34, No. 35, No. 39, No. 45, No. 49, No. 50, No. 52, No. 53, No. 54, No. 58, No. 64, No. 66, No. 68, No. 74, No. 77, No. 79, No. 83, No. 85, No. 86, No. 87, No. 88, No. 93, No. 94, No. 95, No. 96, No. 98, No. 103, No. 108, No. 111, and No. 113; Planned Development District No. 201, Planned Development District No. 225, a portion of Planned Development District No. 269, a portion of Planned Development District No. 298, a portion of Planned Development District No. 305, Planned Development District No. 317, Planned Development District No. 330, Planned Development District No. 334, Planned Development District No. 339, Planned Development District No. 357, Planned Development District No. 358, Planned Development District No. 363, Planned Development District No. 372, Planned Development District No. 375, Planned Development District No. 442, Planned Development District No. 466, a portion of Planned Development District No. 468, Planned Development District No. 513, Planned Development District No. 582, Planned Development District No. 594, Planned Development District No. 595 [a CC Community Commercial, an FWMU-3 Form Walkable Mixed Use, an MF-1(A) Multifamily, an MF-2(A) Multifamily, an NC Neighborhood Commercial, an RS-C Regional Service-Commercial, an RS-I Regional Service-Industrial, an RS-I(E) Regional Service-Industrial Enhanced, an RS-MU Regional Service-Mixed Use, an RS-

MU(E) Regional Service-Mixed Use Enhanced, Subdistricts], Planned Development District No. 619, Planned Development District No. 621, Planned Development District No. 708, Planned Development District No. 715, Planned Development District No. 749, Planned Development District No. 747, Planned Development District No. 774, Planned Development District No. 784, Planned Development District No. 800, Planned Development District No. 857, Planned Development District No. 871, Planned Development District No. 877 in an area generally bound by Haskell Avenue, R.L. Thornton Freeway, 2nd Avenue, Al Lipscomb Way, Trinity River, Express Street, Stemmons Freeway, and Cole Avenue with consideration given to a zoning category that would allow for a historic building demolition delay.

Maker: Abtahi
Second: Ridley
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid*, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Speakers: None

Planner: Neva Dean

Motion: It was moved to **authorize** a public hearing to determine the proper zoning on property zoned a portion of Tract 1C within Planned Development District No. 160; portions of Subdistrict A, B, C, D, E, and J within Planned Development District No. 468; a portion of Subdistricts 3 and 6 within Planned Development District No. 830; and Conservation District No. 7 in an area generally bound by East Colorado Boulevard, Marsalis Avenue, East 8th Street, Davis Street, Zang Boulevard, both sides of West 8th Street, North Adams Avenue, properties on the south side of West 7th Street between North Adams Avenue and North Llewellyn Avenue, properties on the north side of West Davis Street between North Adams Avenue and North Madison Avenue, West Davis Street, Elsbeth Avenue, West 5th Street, and Zang Boulevard with consideration given to a zoning category that would allow for a historic building demolition delay.

Maker: Abtahi
Second: Ridley
Result: Carried: 10 to 0

For: 10 - Anglin, Emmons, Rodgers, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4
Conflict: 1 - Shidid

Speakers: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the July 9, 2015, City Plan Commission meeting, subject to corrections.

Maker: Ridley
Second: Abtahi
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4

Adjournment

Motion: It was moved to **adjourn** the July 23, 2015, City Plan Commission meeting at 5:22 p.m.

Maker: Ridley
Second: Abtahi
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4

Gloria Tarpley, Chair

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CITY SECRETARY
DALLAS, TEXAS

CITY PLAN COMMISSION MEMBER
JUNE 2015 ATTENDANCE

	7/2/15	7/9/15	7/16/15	7/23/15	7/30/15
Mike Anglin [1]	OFF	✓	OFF	✓	OFF
Neil Emmons [2]	OFF	✓	OFF	✓	OFF
Emma Rodgers [3]	OFF	✓	OFF	✓	OFF
Vacant [4]	OFF	V	OFF	V	OFF
Tony Shidid [5]	OFF	✓	OFF	✓	OFF
Jed Anantasomboon [6]	OFF	X	OFF	X	OFF
Ann Bagley [7]	OFF	X	OFF	✓	OFF
Myrtl Lavallaisaa [8]	OFF	✓	OFF	✓	OFF
Gloria Tarpley [9]	OFF	✓	OFF	✓	OFF
John Shellene [10]	OFF	X	OFF	X	OFF
Jaynie Schultz [11]	OFF	✓	OFF	✓	OFF
Carolyn Peadon [12]	OFF	✓	OFF	✓	OFF
Margot Murphy [13]	OFF	✓	OFF	✓	OFF
Paul E. Ridley [14]	OFF	✓	OFF	✓	OFF
Robert Abtahi [15]	OFF	✓	OFF	✓	OFF

√ = Present
X = Absent
H = Holiday
V = Vacant

CITY OF DALLAS

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DALLAS, TEXAS

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DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One		Fill in Appropriate Information
Elected Official	Office Held	
Appointed Official	Board or Commission/ Title	Plan Commissioner
City Employee	Title/Department	

1. Name of Employee/Official: PAUL E. RIDLEY

I PAUL E. RIDLEY have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

Z145-274

Nature of Conflict:

Ownership of Verizon stock

As a result of this conflict, I will not take any official action in regard to the matter stated above.

Paul E Ridley — 7/23/15

Signature of Employee/Official — Date

BEFORE ME, the undersigned authority, on this day personally appeared Paul E. Ridley, who on oath stated that the above facts are within his personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 23rd day of July, 2015, to certify which, witness my hand and seal.

YOLANDA PESINA
Notary Public
STATE OF TEXAS
My Comm. Exp. October 22, 2016

Yolanda Pesina — Yolanda Pesina — CPC Secretary

Signature of officer administering oath — Printed name of officer administering oath — Title of officer administering oath

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DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One		Fill in Appropriate Information
Elected Official	Office Held	
Appointed Official	Board or Commission/ Title	City Plan Commissioner
City Employee	Title/Department	

1. Name of Employee/Official: ANN C. BAGLEY CPC 7

I ANN C. BAGLEY have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

Z 145-274 – SUP cell tower

Nature of Conflict:

Z 145-274 financial - own stock in applicant

As a result of this conflict, I will not take any official action in regard to the matter stated above.

Ann C. Bagley — Signature of Employee/Official

07.23.15 — Date

BEFORE ME, the undersigned authority, on this day personally appeared Ann C. Bagley, who on oath stated that the above facts are within her personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 23rd day of July, 20 15, to certify which, witness my hand and seal.

YOLANDA PESINA
Notary Public
STATE OF TEXAS
My Comm. Exp. October 22, 2016

Yolanda Pesina — Signature of officer administering oath

Yolanda Pesina — Printed name of officer administering oath

CPC Secretary — Title of officer administering oath

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DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One			Fill in Appropriate Information
	Elected Official	Office Held	
	Appointed Official	Board or Commission/ Title	CPC Dist. 5
	City Employee	Title/Department	

1. Name of Employee/Official: Tony Shidid

I Tony Shidid have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

Property owner - PD 160

Nature of Conflict:

Property owner.

As a result of this conflict, I will not take any official action in regard to the matter stated above.

Signature of Employee/Official — Date: 8/6/2015

BEFORE ME, the undersigned authority, on this day personally appeared Tony Shidid, who on oath stated that the above facts are within his personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 10th day of August, 2015, to certify which, witness my hand and seal.

YOLANDA PESINA
Notary Public
STATE OF TEXAS
My Comm. Exp. October 22, 2016

Yolanda Pesina — Signature of officer administering oath
Yolanda Pesina — Printed name of officer administering oath
CPC Secretary — Title of officer administering oath

THE RECORD

Appeal from Apportionment for Exaction

S145-070
Skillman-Mockingbird Lots 1 & 2, Block F/2953

City Plan Commission Hearing
July 23, 2015

CITY PLAN COMMISSION PUBLIC HEARING

JULY 23, 2015

APPORTIONMENT DETERMINATION APPEAL

PLAT NO. S145-070 - MOCKINGBIRD LANE

SARAH BINA, Texas CSR #8075
Expiration Date 12/31/15
ALL-AMERICAN REPORTING
P.O. Box 520
Denton, Texas 76202
(940) 320-1992
(972) 219-5161
Tlcandaa@aol.com

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P-R-O-C-E-E-D-I-N-G-S

THE CHAIR: Now we are moving to an apportionment determination appeal. Before we move on to the miscellaneous items -- and I'd like to just sort of read through a procedure so that you-all are familiar with what we're doing. An appeal of an apportionment of exactions is a quasi-judicial hearing. No communication between City Plan Commissioners and either party is allowed before the hearing. Any communication must be disclosed. Did anyone have any communications extended to them or otherwise occurring on this appeal? Okay. The record can reflect there was nobody advising of such a communication.

If an appeal is filed, the City Plan Commission shall hear the appeal within sixty days after the date of its filing. We are timely in hearing that matter. The Director shall forward to the City Plan Commission the complete record of the matter being appealed including the Developer report, if any, and the apportionment determination.

And, now, we are, however, also able to receive new evidence at this time. I believe we have not received anything specifically from the City at this point, but we may well hear from the --

from the City for today's hearing. The -- the Developer shall have the burden of proof at this hearing. The City Plan Commission shall have the same authority as the Director and may affirm in whole or in part, may modify the apportionment determination or may remand the apportionment determination back to the Director for further considerations, so there are three possible alternatives available to us after we hear the evidence.

In reviewing the apportionment determination, the City Plan Commission shall use the standard in Subsection 51A-1.109(a), and that is, A, exactions must be related and proportionate. One, no exactions may be imposed unless the exactions are, Sub A, related to the needs created by the property development project and, Sub B, roughly proportionate to the impact of the property development project.

And then Number 2, no precise mathematical calculation is required, but the City must make an individualized determination that the required exaction is related both in nature and extent to the impact of the property development. The City Plan Commission shall make its

determination within thirty days after the hearing.

Now, for purposes of the hearing itself, each side will receive twenty minutes, but that is exclusive of questions from City Plan Commissioners, and there will also be cross-examination. There will be a time limit of five minutes for cross-examination from the other time, and then there will be five minutes of rebuttal by the Appellant.

The order of hearing begins with, of course, my setting out the preliminary matters, then by the Appellant's case that will take twenty minutes. The Appellant may give an opening statement, call witnesses, or offer evidence; however, if the Appellant calls a witness, the Director is -- is able to cross-examine that witness. The Appellant can conduct a redirect of the witness for up to five minutes; B, the commissioners can ask questions at any time. Obviously, please have me recognize you so that we can keep some order, but we can ask questions before the arguments are concluded. So if there is a relevant point, please signal. Unfortunately, we don't have our regular system working, so waving wildly will be perfectly appropriate, if need be.

The Director may -- the Director's case then will -- oh, and by the way, our questions will not count towards the time limit, so Yolanda will have an additional challenge. Not only does she not have the regular system of time keeping, but you may be having to stop and start, so please bear with us, everyone, to give her the time to make those adjustments so that we can be accurate -- accurate in our time keeping. Then the Director's case will be made again with twenty minutes.

The Director may give an opening statement, call witnesses, and offer evidence. If the Director calls a witness, the Appellant is able to cross-examine that witness, and then the Director can have redirect for five minutes. Again, Commissioners can ask questions at any time. Then there will be a rebuttal or closing by the Appellant's representative of five minutes, and at that point, then we will entertain a motion to either affirm, modify, or remand the decision to the Director. We'll have discussion as usual, and then voting. And then whatever our decision is, the Developer may appeal the City Plan Commission's decision to City Council by filing a written notice with the Director within thirty days of our

decision.

So that gives you-all the general procedure we're going to be following, so if the Appellant is here, we would be happy to hear from you at this time. Yes, Commissioner Bagley?

COMMISSIONER BAGLEY: You said there were three options we have?

THE CHAIR: Yes.

COMMISSIONER BAGLEY: We can approve it --

THE CHAIR: Affirm --

COMMISSIONER BAGLEY: -- deny it, or send it back -- or remand it back to the Director?

THE CHAIR: Correct.

COMMISSIONER BAGLEY: Can we table it for more additional written information, which we did not receive on this today?

THE CHAIR: I believe we could if we feel it is necessary. We have up to thirty days in which we can hold it and bring it back, if need be, so that is an alternative.

COMMISSIONER BAGLEY: Because we received nothing but an appraisal --

THE CHAIR: That's correct.

COMMISSIONER BAGLEY: -- and so --

THE CHAIR: And that came from the Appellant, I believe.

COMMISSIONER BAGLEY: Yes.

THE CHAIR: Yes. Yes, that is correct. We can do that.

UNIDENTIFIED COMMISSIONER: And, Madam Chair, another question.

THE CHAIR: Yes, Commissioner.

UNIDENTIFIED COMMISSIONER: This is actually a question for legal counsel. Since we are permitted to hear new evidence, I assume that our review of this decision of the building official is an appeal de novo and not with any deference to the building official?

MR. BURGESS: Correct.

THE CHAIR: Any other questions, Commissioners? All right. This is a first for us, so here we go.

Good afternoon. If you'll give us your name and address for the record and --

MR. JACKSON: Yes.

THE CHAIR: -- you'll have twenty minutes and, again, we'll try and keep track -- if some of the commissioners have questions, we'll try and keep track of your twenty minutes so that you

can put on your case.

MR. JACKSON: Okay. My name's Brad Jackson. My address is 3701 Turtle Creek Boulevard, No. 12-G --

UNIDENTIFIED COMMISSIONER: Can you pull the mic up?

MR. JACKSON: My name's Brad Jackson --

THE CHAIR: You can move it out.

MR. JACKSON: -- my address is 3701 Turtle Creek Boulevard, No. 12-G, Dallas, Texas 75219. I'm an attorney here in Dallas, and I represent 6101 Mockingbird LLC. As a point of order to start with --

THE CHAIR: If you could speak --

MR. JACKSON: As a point of order to start with, my understanding was that the City goes first and that I then respond to the City. I'm happy to go first if -- but my understanding of the procedure that was presented to me was that the City made its presentation and I respond.

THE CHAIR: My understanding is, as Appellant, you have the burden to go -- to go first --

MR. JACKSON: Okay.

THE CHAIR: -- and you have the burden of proof.

MR. JACKSON: And that brings up a couple of other procedural matters. I filed some objections to the City's procedures that were filed with the secretary of the commission, I believe, yesterday. State law does not put the burden on the Developer. State law and the case law interpreting state law clearly puts the burden on the City to prove the rough proportionality of its exaction, and so the burden is not on the Developer to prove or disprove rough proportionality. It's the City's burden.

THE CHAIR: No, I meant the burden for -- for purposes of the appeal to point out why you are here appealing.

MR. JACKSON: All right. Well, let me then make an opening statement and the -- I also have another objection that some issues were raised this morning potentially about some of the evidence we intend to submit, and so I have prepared an additional written objection to the procedures and I've brought multiple copies since it wasn't provided in -- in advance, and so I have that here. I can distribute it now or --

THE CHAIR: If you would please, and we'll take a couple moments that will not be calculated against your time to review them, so Ms. Pesina, if you could stop his time running --

MR. JACKSON: Unfortunately, I think I brought one too few copies for everybody --

THE CHAIR: We can share, if need be.

MR. JACKSON: -- and I guess I need one for the City as well. And I also apologize. I -- I just found this out and I rushed through this. I made one mistake that I hand corrected. It's a mistake regarding the number of pages that is addressed, and I put ten, it's actually five, and so I've -- I've made a hand correction.

THE CHAIR: We'll take a couple of minutes to read what --

MR. JACKSON: Sure.

THE CHAIR: -- you've given us and then we'll start up again.

MR. JACKSON: And I will point out some of these objections are made prophylactically because I didn't know or still don't know what information may have been presented. I apologize. Some of these objections may be prophylactic. They may not be applicable because I don't know what the

City has done as far as provided to the commission or --

THE CHAIR: And, Mr. Jackson, have you provided this to the City's representatives, to the City Attorneys?

MR. JACKSON: If these are them right here, I did. Yes. Yes.

THE CHAIR: I can't see --

MR. JACKSON: If these are them right here behind me, I did. Just --

THE CHAIR: I can't see who -- who -- oh, okay. Thank you.

MS. KASTEN: Yes.

THE CHAIR: Thank you. All right. Mr. Jackson, if -- I guess, let's not go back on your time since I want to address what you've written here. I've read through your first supplemental objection to appeal procedures, and my thoughts on -- on this document, not getting into the substance of the case, are as follows: The fact that evidently you're restricted in terms of the number of pages. The only item we have received so far was the appraisal, which did exceed that amount, but I have no problem waiving that requirement. I thought it was relevant to see the entire appraisal,

so that -- that will be accepted into evidence.

In terms of your commentary that no evidence was provided to you by the City, you are not alone in that. We, likewise, have not received any evidence provided to us, so I think it's a moot point because there's been nothing that they have given us that you are not aware of.

Now, I do --

MR. JACKSON: If I could just address -- the -- the reason I put that objection in was because I thought I saw something in the procedures that were presented to me that a package was going to be prepared by the City and sent to the commission, and so without knowing if that had actually been done, I wanted to preserve any objection to not --

THE CHAIR: And I think that's entirely appropriate. No, no package came to us and, frankly, I think it -- it would have been helpful to have had one. I think we are all feeling rather uncomfortable with having this presented to us on the fly, so rest assured that I will ask that the City's representatives please forward absolutely anything to you at such time as it is sent to us, but because this is quasi-judicial, we should not be

receiving anything outside of the confines of a meeting such as this. I think there's -- it would have been highly advantageous to us, as in this case triers of fact, to have gotten some sort of package or some sort of explanation from the City, and we have not received that. I believe there may be a comment that someone wished to make here in that regard, but I believe Commissioner Bagley has a motion and some comments to that effect, so if you don't mind my interrupting your --

MR. JACKSON: Sure.

THE CHAIR: -- your presentation at this time, I'd like to hear from Commissioner Bagley.

COMMISSIONER BAGLEY: Yes, I'd like to make a motion that we table this or hold it under advisement until the next Plan Commission meeting and that we be provided with the information. This is similar to a Landmark Commission case, which is also quasi-judicial, in that state, and we don't even know what he's appealing, so, you -- so I think to be just asked to make decisions on a verbal presentation by very competent people -- I'm not doubting their competency, but, you know, when I saw this and it said information to follow and all we

got was a -- a -- an appraisal, lots of pictures, so my motion is that we hold this under advisement or whatever the correct term is until either the next Plan Commission meeting or the one thereafter, which -- so the next one?

THE CHAIR: Yes.

COMMISSIONER BAGLEY: And, Staff, be prepared to send us something that we get something by the next meeting.

THE CHAIR: Well -- and I -- so I have a motion by Commissioner Bagley, seconded by Commissioner Abtahi. I would like to hear from both sides in discussion to that motion, but before we do, I would like to ask Mr. Burgess. Mr. Burgess, what -- under what rules must we operate between now -- assuming that motion were to pass, under what rules would we operate? Would we be able to receive communications through your office to be able to do our homework, so to speak, before this is reheard, or would we be in the same circumstance, just punting down until August to then have to read that day?

MR. BURGESS: Yeah, I would say the documentary evidence rule would -- would apply. So if you're -- if you're holding this under

advisement, you're specifically asking them to submit you documentary evidence. I would say anything they submit to you guys ten days prior is fair game. And then, you know, if they want to supplement that at the hearing, they can. And if it's in excess of five pages, you guys can obviously waive that rule, if you wish.

THE CHAIR: So that would not, in any way, violate the concerns --

MR. BURGESS: No.

THE CHAIR: -- we're having about the quasi-judicial --

MR. BURGESS: I mean, you're specifically asking for information, so --

THE CHAIR: Sure.

MR. BURGESS: -- that would be fine.

THE CHAIR: Okay.

MR. BURGESS: Yeah, they can submit that to get that to staff, staff distribute that to you guys --

THE CHAIR: Okay.

MR. BURGESS: -- would be perfectly appropriate.

THE CHAIR: All right.

COMMISSIONER ABTAHI: Can I ask a

question?

THE CHAIR: Yes, Commissioner Abtahi?

COMMISSIONER ABTAHI: Thank you, Madam Chair. Mr. Burgess, would we be -- would it be within our authority to request both sides to provide us a brief essentially like -- like you would in an appeal case, an Appellant's brief and an Appellee's brief, so I at least --

MR. BURGESS: Certainly.

COMMISSIONER ABTAHI: Okay. So would -- would the parties be amenable to providing us some sort of briefing document prior with their arguments and their authorities and their evidence?

MS. KASTEN: Absolutely. The City would be happy to do that.

COMMISSIONER ABTAHI: And would you -- Mr. Jackson, would you be okay with that?

MR. JACKSON: Of course, I don't have my client to consult with and I'm answering this on the fly. I -- I don't have a problem because the -- to the degree the law strongly favors our position; however, there is a thirty-day limit, and I don't want to waive any of my client's rights in agreeing to something that I have not had the opportunity to review and -- and so --

COMMISSIONER ABTAHI: It would be a two-week deferral.

THE CHAIR: Two weeks.

MR. JACKSON: -- without -- without waiving any of my client's rights that exist under law or the procedures that have been provided to me, I will do whatever the commission asks of me.

COMMISSIONER ABTAHI: Okay.

THE CHAIR: Thank you, Mr. Jackson. Commissioners, what I'd like to do at this time, unless there are further comments either from the City Attorney's office or from Mr. Jackson, I would entertain comments from any of you with your thoughts regarding the pending motion, and then I'd like to take a vote on the motion.

My understanding, and I'd like Mr. Burgess to confirm this, is that should we approve the motion as set forth by Commissioner Bagley, we do that within the ticking clock of the thirty days running, so it would not be a tolling of the time period, but I'd like to confirm that.

MR. BURGESS: Correct.

THE CHAIR: All right. So, Commissioners, any other questions -- comments? Commissioner Emmons first.

COMMISSIONER EMMONS: I don't know to whom I'm directing this, maybe our City Attorney, Mr. Burgess. Although, when all this began, I'm having the same thoughts about I'd really like to be able to read and digest this. There's another side of me that's very uncomfortable that we have kicked off a hearing where both sides are here to present their case and we've made a motion before we've heard their evidence on hearing day. And I just wonder how, if things go the way one party doesn't want it, that's going to be looked at by a body who has jurisdiction over us.

THE CHAIR: Okay. That might be that body weighing in.

COMMISSIONER EMMONS: Well, it -- it might be, but there -- but there's something inside of me that says, when we've got a hearing, we should at least let them tell us whatever they want to tell us before we start making a -- and adopting a motion.

THE CHAIR: I -- I hear -- I hear your comments, Commissioner Emmons. My thought is, number one, we have a motion on which we have to vote, but, secondly, my particular view is that we have sparse information here and it will be --

COMMISSIONER EMMONS: But is a motion in order before we've heard the parties by our own rules?

UNIDENTIFIED COMMISSIONER: We don't --

THE CHAIR: Well, Commissioner Anglin had the next comment, and then I'll come -- come to you, Commissioner Abtahi. We're in discussion on the motion.

COMMISSIONER ANGLIN: And what is the date of the thirty-day clock? What is the deadline date?

MR. BURGESS: It would be thirty days from today.

THE CHAIR: Is it from today --

COMMISSIONER ANGLIN: Is it thirty days from today?

THE CHAIR: -- or from when the appeal was filed?

MR. BURGESS: Yeah, it would be thirty days --

COMMISSIONER ANGLIN: Oh, you don't have to count it if that's what it is. I thought there was some filing or something like that that we were working with.

MR. BURGESS: That's thirty days within the time of the hearing. So you open the --

COMMISSIONER ANGLIN: Okay.

MR. BURGESS: -- hearing today, it's going to be thirty days from today.

THE CHAIR: Thank you. Commissioner Abtahi?

COMMISSIONER ABTAHI: Thank you, Madam Chair. And to address Commissioner Emmons' points, the reason I seconded the motion, I'm going to support the motion is for the non-lawyers, this, I see, is like a pretrial matter. You have many cases where you go to a trial and there's a pretrial or a procedural issue, and in this case, we haven't been briefed and we haven't received a record of the previous hearing, so I would think it's well within our purview -- and counsel can correct me if I'm wrong -- to essentially continue the matter for two weeks. I think it'd actually be unhelpful and maybe hinder our own judgment to hear evidence without having any idea of how it ties together and it may then change our hearing in two weeks, so I will be supporting the motion.

COMMISSIONER EMMONS: Well --

THE CHAIR: Are there --

COMMISSIONER EMMONS: -- we've heard from the Appellant that he seems to go on the record okay with this, but we've not heard from the City of Dallas that they're okay with us proceeding without hearing evidence.

THE CHAIR: No, I -- I believe she --

MR. JACKSON: Well, if I -- to -- to say that I'm okay with it may be -- I'm here prepared, ready to go forward. To the degree that the City has not done what the City should do to be prepared today, that should not inure to my detriment or my client's detriment, and so -- obviously, I'm a lawyer. I think maybe there's some other lawyers here. You know, you don't win many arguments with the judge, and so to the degree that I'm being told that's what needs to happen, I certainly can live with it. Saying that I'm okay with it may be a bit of a stretch because I'm here prepared and ready to go, and the fact that the City who -- the City Attorney's office, I think who drafted the procedures and has attempted to shift the burden to me and do a bunch of stuff I don't even think is legal, I'm here prepared to -- to go pending resolution of a couple of issues about this documentary evidence issue that I have objected to

today, their interpretation of a rule they drafted that I think is contrary to what it says, but other than that, I'm here prepared with evidence and ready to go forward, so --

THE CHAIR: Okay. Thank you, Mr. Jackson. Let me -- if I could, I'd like to hear from the City Attorney on -- on the pending motion.

MS. KASTEN: Katherine Kasten, K-A-S-T-E-N, Assistant City Attorney. We are here and ready to go forward today, if that's what the commission would like. We also have no objection to tabling it to make sure you-all do get the appropriate documentation. I'm not sure why you didn't. It was my understanding that a packet would be provided.

COMMISSIONER BAGLEY: I'd like to ask Mr. Jackson --

THE CHAIR: Commissioner Bagley?

COMMISSIONER BAGLEY: I'd like to ask Mr. Jackson a question, if you would.

MR. JACKSON: Yes, ma'am.

COMMISSIONER BAGLEY: Since we have had no packet, we have no map, we have no information on what the actual -- other than a caption in our -- in our agenda that shows that, I

would hope that you would let us have that information. It might be more to your advantage to -- and I want you to consider what it might be to your advantage is if we're fully informed. We're not overly influenced. I mean, we're here as an independent body. We're volunteers. I'm not a lawyer. I'm a planner. I deal with plats an awful lot in my work. So I understand that -- I am very familiar with extractions and -- and right-of-way dedication and those things, so I just think that if you would see that it would be to our advantage to understand your position much better, I would hope you would understand my motion.

MR. JACKSON: Again, I understand what you're saying and I understand that --

COMMISSIONER BAGLEY: I'm not saying you have to agree. I just want you to understand.

MR. JACKSON: I understand, and that goes to my point about I understand that lawyers don't win many arguments with judges, and so I don't want to disadvantage my client, but I also don't want to waive any right my client has because I didn't show up today knowing the City hadn't prepared the commission for the hearing and I've done the work to be prepared, and so it's somewhat

to my client's detriment that the City didn't, and so I just want to make that point and -- and --

THE CHAIR: Thank you, Mr. Jackson.

MR. JACKSON: -- not surrender any of my client's rights.

THE CHAIR: Commissioner Anglin?

COMMISSIONER ANGLIN: Mr. Jackson, I just wanted to let you know that, as I understand it anyway, you're not being asked to agree to this, so don't worry about whether you can agree without your client giving you permission to agree. You are simply being given permission by the Chair to lodge an objection to the motion on some sort of legalistic grounds, if you can think of any, and we -- we were interested in hearing the comments from both sides to see if there was anything you wanted to try to sway us on our vote, but we're not asking you to agree to a continuance. That's not relevant, so --

MR. JACKSON: All right. I'm not sure -- because I was unprepared to face this motion, I'm not sure what my client's rights are. My understanding in my dealing with the City Attorney's office was that there was a time period within which this had to be set, and that today was

the day it had to be set. If that's an error -- that's why I'm a little unprepared to either lodge an objection or make an agreement because I'm operating with a deficiency of information, and so that's my -- my position -- I'm sorry to be so equivocal, but to the degree I have rights, I don't want to waive them. Unfortunately, I may not know all those rights because I wasn't prepared to face this -- this motion today.

THE CHAIR: Mr. Jackson, I do have a question for you. Is there anything of a time-sensitive nature that would impact your client if this is held for two weeks for a decision, that you're aware of?

MR. JACKSON: I -- that -- that, I think, depends on the eye of the beholder to some degree. Frankly, we've made the objection that we don't even believe that the state law provides for this intermediate step of appeal. State law specifically says -- and the case law addressing state law says the appeal is to the governing body of the City. Case law interpreting that says that the appeal is to be held before the City Council. One of the many complaints I have about the procedures imposed by the City Attorney's office is

that they're making us do things like have this intermediary step that's not provided for by the law, so am I -- is something bad going to happen to me if I don't do this today? To be honest, nothing other than a delay that we're -- and the road blocks that I believe are being put in our way. This is an exhaustion of administrative remedies and potentially the issue goes to a district court. Obviously, our goal is, if we're going to go to district court, to get there as soon as possible so we can get the soonest resolution that we can.

THE CHAIR: Sure. Thank you. Thank you for your candor. Commissioner Ridley?

COMMISSIONER RIDLEY: A question for Ms. Kasten.

MS. KASTEN: Yes, sir.

COMMISSIONER RIDLEY: I get the feeling that there aren't a lot of documents that are going to have to be provided that are relevant to this issue, but can you tell us what that quantity of documents would be?

MS. KASTEN: The ones I was going to provide you today total three.

COMMISSIONER RIDLEY: And are those lengthy documents?

MS. KASTEN: It's three pages.

COMMISSIONER RIDLEY: Oh, three pages? Okay. I also have a question for our counsel. Mr. Burgess, since we have the luxury of thirty days to consider this appeal, could -- could we not hear the evidence today, and then take it under advisement at that point and make a decision at a subsequent meeting within that thirty-day period?

MR. BURGESS: Absolutely.

THE CHAIR: Are there any further items of discussion? Commissioner Emmons?

COMMISSIONER EMMONS: I was -- I was essentially going to ask the same question. The gentleman is here prepared to have his day in court. He's prepared. I would be much more comfortable hearing him and we may very well vote to table it, but I'd be interested to hear what they have to say, both sides.

MR. JACKSON: To -- to be fair, I would really like to address one preliminary matter, and it may be in my interest to postpone it because I understand -- I don't know, but I've heard this morning -- my associate counsel was here this morning, has had some discussions with the City Attorney's office, and informed me that they may

have an objection to some of my evidence. I don't think the objection is well-taken, and that's the reason I've lodged the written objection I did now. There's an objection concerning documentary evidence in excess of ten page -- or in excess of five pages has to be provided ten days in advance, and so I had one document that was in excess of ten pages, and I provided it. I also have a five-page document from an engineer and I have an attorney's fee statement that is in excess of five pages; however, attorney's fees are continuing to accrue up until this time.

The council -- or the commission, even if the rule is interpreted as the City who drafted it and now wants to -- to use it, if the commission agrees with that, the commission still has the authority to waive that requirement, and so I'm a little unclear because the rule to me is unclear. I think I complied with the rule because I had a document that was in excess of five pages and I've provided it ten days in advance. I have a document that's -- it's really a two-page letter with a chart attached to it, and then I have an attorney's fees statement if the council doesn't want to go and --

THE CHAIR: And attorney's fee are not the consideration of this body, so that would not

be --

MR. JACKSON: And, you know, that's also -- I know this is new for everybody. One of the things that state law provides is that in the event of a successful appeal, my client is entitled to its attorney's fees, and so I feel compelled to at least address it here, and if I do so unnecessarily, at least I don't risk waiving it.

THE CHAIR: I -- I understand you. We will not be making any kind of a finding on attorney's fees. We are simply here to look at the -- at the actual apportionment, so -- all right. We have a motion -- yes, Commissioner Ridley?

COMMISSIONER RIDLEY: Just a final point of discussion. I will not be supporting the motion. I do not believe that this is such a complicated matter involving the necessary advanced review of multi-page documents that we need to defer this for a two-week period. The parties are here. They've announced ready to proceed. I think we go ahead and hear it. If we decide that we aren't ready to decide it and we need further consideration, we can do that within the thirty-day limitation and announce our decision at a subsequent meeting, so I will not be supporting the motion.

THE CHAIR: Thank you, Commissioner Ridley. Any other comments, Commissioners? All right. Then we're going to take up a vote. The motion on -- on the floor is made by Commissioner Bagley and seconded by Commissioner Abtahi to table the -- the hearing until --

UNIDENTIFIED COMMISSIONER: Madam Chair, I'd like to rise to a point of order and ask that our parliamentarian and the City Attorney and you rule on this after reviewing our rules and Robert's Rules. I really don't know that that motion is in order before we hear evidence from both parties at this hearing, and I'd -- and I'd like a ruling on that before we go there.

THE CHAIR: Mr. Burgess, do you have a -- a response to that?

MR. BURGESS: Give me just a minute. Yeah, based on a read of the rules, it looks like a motion can be considered at this time.

THE CHAIR: Can be?

MR. BURGESS: Yes.

THE CHAIR: Okay. Thank you. In that case, I'm going to rule it in order and we have a motion on the floor by Commissioner Bagley, seconded by Commissioner Abtahi to hold the matter under

advisement and keep the public hearing open, and I assume as part of it, you're -- you're obviously requesting that information be sent to us by both parties and obviously exchanged amongst themselves. Let's do this by a verbal and show-of-hands vote. All those in favor of the motion on the floor say aye and raise your hands.

UNIDENTIFIED COMMISSIONER: Aye.

THE CHAIR: One second. One, two -- one, two, three, four, five, six, seven -- seven, eight, nine, ten. Motion passes. Nay, Commissioner Ridley, so --

MR. JACKSON: Could we set a schedule so we both know --

THE CHAIR: Yes, I think that's entirely appropriate.

MR. JACKSON: And just -- again, the lawyer in me thinking ahead a little bit -- could we have a deadline to make an initial -- I guess if the commission's asking for briefing and evidence, I'm not sure exactly, if -- if -- but if we could have a clear understanding of that, and then if we could also have the ability to respond because I have no idea what the City is doing.

THE CHAIR: Sure.

MR. JACKSON: All I have is a two-page letter from the City that says -- and a platting requirement where they took property from my client that we believe is in -- worth in excess of three hundred thousand dollars, so I just want to know what it is I'm responding to.

THE CHAIR: Sure. I -- I would suggest, but I'm certainly open to hearing alternate suggestions either from you-all or from my fellow Commissioners. I would suggest that both sides be prepared to forward to us any briefing or evidentiary materials they wish to have us see by one week from today. That gives you time to pull it all together, to draft whatever it is you need. And then any responsive documentation would need to be filed by the close of business of Monday immediately prior to the hearing. What -- what date would that be?

MS. PESINA: If they give it to us in a week?

THE CHAIR: Yes.

MS. PESINA: It's going to take a day or two to get it to you, so you won't get it until -- you won't get it that week if you want it in any kind of format other than just a

forwarding --

THE CHAIR: Well, I think forwarded is all we need. I think forwarded is all we need, so I would envision you would have until next Thursday to put together whatever documentation, evidentiary, and drafted for this purpose by next Thursday and to respond to each other by -- anything you want to respond, do it by the close of business of Monday. What -- what is that date right before our hearing? If the hearing date would be the sixth, that would be the -- the third. The third. And then nothing after that, and then we'll just come in on the sixth and be prepared to go. Does that -- Commissioner Murphy?

COMMISSIONER MURPHY: As a point of clarification, all that material would have to go to the City --

THE CHAIR: To the City.

COMMISSIONER MURPHY: -- not to us individually because --

THE CHAIR: Correct.

COMMISSIONER MURPHY: -- of the nature of the hearing because I --

THE CHAIR: Yes.

COMMISSIONER MURPHY: --

misunderstand. Yes.

THE CHAIR: Thank you. No, absolutely.

MR. JACKSON: I've directed my -- I've copied both the City Attorney's office and I've directed it to the secretary for the commission thus far.

THE CHAIR: And that would be what you would want to do, and, likewise, for the City Attorneys, they should copy you and Ms. Pesina at the City and Ms. Dean. Yes, Commissioner Murphy?

COMMISSIONER MURPHY: Yes. I think -- the City being Yolanda Hernandez?

THE CHAIR: Yes.

COMMISSIONER MURPHY: I think that's -- she's to receive all the documents --

MR. JACKSON: Yes.

COMMISSIONER MURPHY: -- just so it's consistent, please.

THE CHAIR: Yes.

MR. JACKSON: And -- and could I raise one other issue? Could we have either an agreement or a request from the commission that in the response that is filed, that if there's an objection to any of the evidence that has been provided, that

that be lodged at that time so we know before the hearing whether or not anybody's got a problem with any of the evidence?

THE CHAIR: Absolutely.

MR. JACKSON: Okay.

THE CHAIR: I think that's more than reasonable.

MR. JACKSON: All right. Thank you.

THE CHAIR: Is that agreeable to you?

MS. KASTEN: Yes, it's agreeable to me, but I think that might be moot since the objection -- it wasn't me that they discussed the objection with and I didn't voice an objection to their evidence; however, it may be moot since now we're moving it back so the ten days will already have been passed.

THE CHAIR: That's correct. That's correct. Because we already have that evidence. All right. Commissioner Ridley?

COMMISSIONER RIDLEY: One more detail, Madam Chair, and that is that each party should be required to serve their submission on the other party.

THE CHAIR: Yes, that was part of what I said, that it needed to come -- yes. Absolutely.

All right. Then we have a motion -- yes, Commissioner Anglin?

COMMISSIONER ANGLIN: Could I also make a comment to both parties that don't assume that we know what an exaction is. We are not experts in this area, so you would be both well-advised to assume that we, you know -- you're talking to eighth graders here on this. Explain to us what the problem is, what the law is, that kind of thing. It would be very helpful. Thank you.

THE CHAIR: Thank you.

COMMISSIONER BAGLEY: And one more thing.

THE CHAIR: Yes, Commissioner Bagley?

COMMISSIONER BAGLEY: We need to see a map. You need to show us exactly what -- what you're taking, what that exaction is and why and why do you need it, because that's part -- that was mainly my objection. I didn't know what you were asking other than the appraisal that we got and, yet, we're told as Plan Commissioners we can't be concerned about what something costs, so there's part of that, so we just need to know what -- what you're asking of him and what you don't like about it, so --

UNIDENTIFIED COMMISSIONER: I agree with you.

THE CHAIR: And also our coordinator has just made a very practical observation. She asked that each side just send one email with everything you want to send because we don't want to have confusion about, Well, was there a second or a third and who got what, so just consolidate everything you want to file into one emailing from each side and one only will be then forwarded to us. All right?

Commissioners, there being no further comments, we are -- we are sorry to delay you. Mr. Jackson, I -- I totally understand showing up ready to try things, but I think that having a better-informed commission will be to the advantage of both parties. I think we'll be able to be much more profitable in our discussions on the sixth --

MR. JACKSON: Okay.

THE CHAIR: -- so thank you all.

MR. JACKSON: Thank you.

MS. KASTEN: Thank you.

(End of proceedings.)

REPORTER'S CERTIFICATE

I, Sarah Bina, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the foregoing pages is a transcription of the proceedings of the City Plan Commission Public Hearing in the above-entitled matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this City Plan Commission Public Hearing was taken, and further that I am not financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of $ and was paid in full by .

GIVEN UNDER MY HAND on this the 22nd day of September, 2015.

SARAH BINA, CSR #8075
Certified Shorthand Reporter
In and for the State of Texas
All-American Reporting
P.O. Box 520
Denton, Texas 76202
(972) 219-5161
(940) 320-1992
Tlcandaa@aol.com

My commission expires: 12/31/15

August 6, 2015

City Plan Commission Agenda

RECEIVED
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DALLAS, TEXAS

CITY OF DALLAS

PUBLIC HEARING POSTING

CITY PLAN COMMISSION
HEARING
Thursday, August 6, 2015

Briefings: **5ES*** **11:00 a.m.**

(The City Plan Commission may be briefed on any item on the agendas if it becomes necessary.)

PUBLIC HEARINGS **Council Chambers*** **1:30 p.m.**

PURPOSE: To consider the attached agendas and any other business that may come before this Commission.

*** All meeting rooms and chambers are located in Dallas City Hall, 1500 Marilla, Dallas, Texas**

[Edited on: 07/31/15 4:37 PM]

CITY OF DALLAS
CITY PLAN COMMISSION
Thursday, August 6, 2015
AGENDA

BREFINGS:	5ES	11:00 a.m.
PUBLIC HEARING:	Council Chambers	1:30 p.m.

*The City Plan Commission may be briefed on any item on the agenda if it becomes necessary.

David Cossum, Director
Neva Dean, Interim Assistant Director of Current Planning

BRIEFINGS:

Subdivision Docket
Zoning Docket

ACTION ITEMS:

Subdivision Docket — Planner: Sharon Hurd

Consent Items:

(1) **S145-229**
(CC District 14)

An application to replat a 5.409-acre tract of land containing all of Lot 1, part of an unplatted tract, all of abandoned Jewett Alley, and an abandoned 14-foot street easement in City Block 1/594 into one lot on property bounded by Cochran Street, Watkins Avenue, North Hall Street, and Flora Street
Applicant/Owner: Kroger Texas, LP
Surveyor: Winkelmann & Associates, Inc.
Application Filed: July 8, 2015
Zoning: PD 466 (Subdistrict A)
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

(2) **S145-232**
(CC District 3)

An application to replat a 3.526-acre tract of land containing part of City Block 10/4893 into one 0.787-acre lot and one 2.739-acre lot on property located on South Lancaster Road, north of Ledbetter Drive.
Owner: CVS Pharmacy, Inc.
Surveyor: Piburn & Carson, LLC
Application Filed: July 10, 2015
Zoning: CR
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

(3) **S145-233**
(CC District 11)

An application to create one lot from a 0.47-acre tract of land in City Block 7740 on property located at 7817 Forest Lane.
Applicant/Owner: Alderi, Inc.
Surveyor: Kaz Surveying
Application Filed: July 9, 2015
Zoning: MU-3
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

(4) **S145-235**
(CC District 2)

An application to replat a 0.733-acre tract of land containing all of Lots 7-10 in City Block E/2663 into one lot on property located at Winfield Street and Merrifield Avenue, northwest corner.
Applicant/Owner: Jesus Campa
Surveyor: Davis Land Surveying
Application Filed: July 10, 2015
Zoning: RR
Staff Recommendation: **Approval**, subject to compliance with the conditions listed in the docket.

Subdivision – Under Advisement:

(5) **S145-236**
(CC District 11)

An application to replat a 53.176-acre tract of land containing part of an unplatted tract of land in City Block 7014; part of City Block 7409; and part of Lot 3 and all of Lots 1A, 7A and 8 in City Block A/7409, to create one lot with 16 phases on property generally bounded by Alpha Road on the north, Preston Road on the east, Montfort Drive on the west and Interstate Highway 635 (Lyndon B. Johnson Freeway) on the south.
Applicant/Owner: 13331 Preston Rd. L.P., Algodon I, L.P.
Surveyor: Pacheco Koch
Application Filed: July 13, 2015
Zoning: PD 887
Staff Recommendation: **Denial without prejudice.**
U/A From: July 23, 2015

Apportionment Determination Appeal – Under Advisement:

Lloyd Denman
(CC District 14)

Consideration of an appeal to the director's apportionment determination associated with Plat No. S145-070 to dedicate 10 feet of right-of-way along Mockingbird Lane on property located at the northeast corner of East Mockingbird Lane and Skillman Street.
Staff Recommendation: **Denial**
U/A From: July 23, 2015

Miscellaneous Items:

D145-025
Danielle Lerma
(CC District 7 & 8)

An application for a permanent landscape plan within Subareas 2a and 2b of Planned Development District No. 883, along the north and south lines of Great Trinity Forest Way, west of Jim Miller Road.
Staff Recommendation: **Approval**
Applicant: The Company of Trinity Forest Golfers, Inc.
Representative: Robert Reeves and Associates, Inc.

M145-034
Richard Brown
(CC District 6)

An application for a minor amendment to the site plan for Specific Use Permit No. 1802 for a Machine shop on property zoned Planned Development District No. 631, the West Davis Special Purpose District at the northeast corner of Davis Street and North Dwight Avenue.
Staff Recommendation: **Approval**
Applicant: Barbara Barnes
Representative: J. T. Wiesner

M145-040
Richard Brown
(CC District 2)

An application for a minor amendment to the development plan for Planned Development District No. 820 for certain Mixed Uses on property generally bounded by Fitzhugh Avenue, Bennett Avenue, and Manett Street.
Staff Recommendation: **Approval**
Applicant: JLB Fitzhugh, LP
Representative: Rob Baldwin

M145-045
Richard Brown
(CC District 8)

An application for a minor amendment to the site plan for Specific Use Permit No. 666 for a College on property zoned an R-7.5(A) Single Family District in the northwest quadrant of Bonnie View Road and East Wintergreen Road.
Staff Recommendation: **Approval**
Applicant: Dallas Community College District
Representative: Shelley Potter

Certificates of Appropriateness for Signs:

1507021049
Carrie Gordon
(CC District 14)

An application for a Certificate of Appropriateness, by Terry Hodge of Accent Graphics, Inc., for a 949-square foot upper level attached sign at 1201 Main Street (West elevation).
Staff Recommendation: **Approval**
SSDAC Recommendation: **Approval** for a six-year period, subject to conditions.
Applicant: Terry Hodge

Thoroughfare Plan Amendments:

Community Drive from Denton Drive to Larga Drive Amendment

Tanya Brooks
(CC District 2 & 6)

An amendment to the City of Dallas Thoroughfare Plan to change the dimensional classification of Community Drive from Denton Drive to Larga Drive from a four lane undivided roadway (S-4-U) within 60 feet of right-of-way to a special three lane undivided roadway (SPCL 3U) with bicycle facilities in 60 feet of right-of-way and 44 feet of pavement.
Staff Recommendation: **Approval** of the amendment to the Thoroughfare Plan to change the dimensional classification of Community Drive from Denton Drive to Larga Drive from a four lane undivided roadway (S-4-U) within 60 feet of right-of-way to a special three lane undivided roadway (SPCL 3U) with bicycle facilities in 60 feet of right-of-way and 44 feet of pavement.
CPC Transportation Committee Recommendation: **Approval**

Hawkins Street from Canton Street to Commerce Street Amendment

Tanya Brooks
(CC District 2)

An amendment to the City of Dallas Central Business District Streets and Vehicular Circulation Plan to delete Hawkins Street from Canton Street to Commerce Street.
Staff Recommendation: **Approval** of the amendment to delete Hawkins Street from Canton Street to Commerce Street from the Central Business District Streets and Vehicular Circulation Plan.
CPC Transportation Committee Recommendation: **Approval**

Zoning Cases - Consent:

1. **Z134-325(DJ)**
Danielle Lerma
(CC District 2)

An application for the renewal of and an amendment to Specific Use Permit No. 1376 for a community service center on property zoned an MF-2 Multiple-Family Subdistrict and Planned Development Subdistrict No. 30, both within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Reagan Street and Brown Street.
Staff Recommendation: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/landscape plan and conditions.
Applicant: Resource Center Dallas
Representative: Peter Kavanagh, Zone Systems, Inc.

2. **Z145-195(AF)**
Aldo Fritz
(CC District 6)

An application for an NS(A) Neighborhood Service District on property zoned an R-7.5(A) Single Family District on the southwest corner of Royal Lane and Brockbank Drive.
Staff Recommendation: **Hold under advisement to August 20, 2015.**
Applicant: Edward Ellefson
Representative: Robert Reeves & Associates, Inc.

3. **Z145-219(AF)**
Aldo Fritz
(CC District 9)

An application for a Specific Use Permit for a child-care facility on property zoned an R-10(A) Single Family District and an R-7.5(A) Single Family District on the northeast side of Old Gate Lane, northwest of Diceman Drive.
Staff Recommendation: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.
Applicant: The Children's Center
Representative: Rob Baldwin, Baldwin and Associates

4. **Z145-276(CG)**
Carrie Gordon
(CC District 14)

An application for the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs on property zoned Planned Development District No. 619 on the north side of Main Street and the east side of Four Way Place.
Staff Recommendation: **Approval** for a six-year period, subject to conditions.
Special Sign District Advisory Committee: **Approval** for a six-year period, subject to conditions.
Applicant: Reynolds Outdoors Media
Representative: Rob Baldwin

5. **Z145-277(CG)** Carrie Gordon (CC District 14)
An application for the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the northeast corner of Commerce Street and South Field Street.
Staff Recommendation: **Approval** for a six-year period, subject to conditions.
Special Sign District Advisory Committee: **Approval** for a six-year period, subject to conditions.
Applicant: Reynolds Outdoors Media
Representative: Rob Baldwin

6. **Z145-278(CG)** Carrie Gordon (CC District 14)
An application for the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign on property zoned Planned Development District No. 619 on the south side of Elm Street and the east side of North Akard Street.
Staff Recommendation: **Approval** for a six-year period, subject to conditions.
Special Sign District Advisory Committee: **Approval** for a six-year period, subject to conditions.
Applicant: Reynolds Outdoors Media
Representative: Rob Baldwin

7. **Z145-261(WE)** Warren Ellis (CC District 7)
An application for a Specific Use Permit for a recycling buy-back center for household metals and industrial metals on property zoned an IM Industrial Manufacturing District on the southwest side of South Lamar Street between Lenway Street and Martin Luther King Jr. Boulevard.
Staff Recommendation: **Approval** for a two-year period, subject to a site plan and conditions
Applicant: Gold Auto Parts Recyclers
Representative: Robert Miklos, Miklos Law, PLLC

Zoning Cases – Under Advisement:

8. **Z145-227(WE)** Warren Ellis (CC District 8)
An application for a CR Community Retail District on property zoned an R-5(A) Single Family District on the north line of Simpson Stuart Road, west of Tracy Road.
Staff Recommendation: **Denial**
Applicant: Marrise Jones
Representative: Peter Kavanagh - Zone Systems
U/A From: July 23, 2015

9. **Z145-264(SM)** Sarah May (CC District 6)

An application for a Planned Development District for LO-1 uses and a mortuary, funeral home, or commercial wedding chapel use on property zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District with a D Overlay, on the northeast line of Webb Chapel Road and on the west line of Larga Drive, east of Webb Chapel Extension.
Staff Recommendation: **Approval**, subject to a development plan, landscape plan and conditions.
Applicant: DeWayne D. Hughes
Representative: Maxwell J, Fisher, Masterplan Consultants
U/A From: June 9, 2015 and July 23, 2015

10. **Z145-266(AF)** Aldo Fritz (CC District 6)

An application for a Specific Use Permit for a child-care facility on property zoned an R-5(A) Single Family District on the northeast corner of McBroom Street and North Winnetka Avenue.
Staff Recommendation: **Approval** for a two-year period, subject to a site plan and conditions.
Applicant: Wesley-Rankin Community Center
Representative: Chris A. Anderson, GFF Architects
U/A From: July 23, 2015

Zoning Cases – Individual:

11. **Z145-123(RB)** Richard Brown (CC District 14)

An application for an amendment to portions of Subareas 10, 11, 12, and 12A of Planned Development District No. 298, the Bryan Area Special Purpose District generally bounded by Live Oak Street, Gordon Street, Gaston Avenue, and Skiles Street
Staff Recommendation: **Approval**, subject to revised conditions.
Applicant: Baylor Healthcare System
Representative: Robert Reeves

12. **Z134-322(MD)** Mark Doty (CC District 14)

An application for expansion and modifications to Historic Overlay 36, Adolphus Hotel, on property zoned Planned Development District No. 619 on the northwest corner of South Akard Street and Commerce Street.
Staff Recommendation: **Approval**, subject to preservation criteria.
Landmark Commission Recommendation: **Approval**, subject to preservation criteria.
Applicant: RBP Adolphus LLC
Representative: Craig Melde

13. **Z134-348(MD)** Mark Doty (CC District 14)

An application to consider an Historic Overlay for the Allen Building on property zoned Planned Development District No. 619 on the southeast corner of South Ervay Street and Commerce Street.
Staff Recommendation: **Approval**, subject to preservation criteria.
Landmark Commission Recommendation: **Approval**, subject to preservation criteria.
Applicant: Mehul Patel, Newcrest Image
Representative: Jennifer Picquet-Reyes

Other Matters

Minutes: July 23, 2015

Adjournment

CITY PLAN COMMISSION PUBLIC COMMITTEE MEETINGS

Thursday, August 6, 2015

ZONING ORDINANCE COMMITTEE (ZOC) MEETING - Thursday, August 6, 2015, City Hall, 1500 Marilla Street, in Room 5ES, at 9:00 a.m. to consider **(1) DCA 145-002** Consideration of amending the Dallas Development Code to amend Article X, the Landscape and Tree Preservation regulations.

Note: The official Committee Agendas will be posted in the City Secretary's Office and City Website at www.ci.dallas.tx.us/cso/boardcal.shtml. Please review the official agenda for items for consideration.

EXECUTIVE SESSION NOTICE

The Commission may hold a closed executive session regarding any item on this agenda when:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the Commission/Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex, Govt. Code §551.071]

2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negations with a third person. [Tex. Govt. Code §551.072]

3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negations with a third person. [Tex. Govt. Code §551.073]

4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]

5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]

6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.086]

City's Materials
S145-070

Appeal from Apportionment of Exaction

City Plan Commission
8/6/15

City of Dallas

July 30, 2015

VIA EMAIL

City Planning Commissioners
1500 Marilla St.
Dallas, Texas 75201

RE: Appeal of Plat #S145-070

Dear Commissioners:

Attached please find a collection of documents for your review regarding the above referenced matter which is set for public hearing on August 6, 2015.

You will find an affidavit from Lloyd Denman, an engineer with the City, regarding the facts of this situation with appropriate attached exhibits, including the plats and site plans filed, correspondence between the City and counsel for the Developer as well as photos of the property.

You will also find attached a legal brief outlining not only the facts, but also the law and regulations which apply in this instance.

We expect to have Mr. Denman testify at the hearing as well as have some demonstrative aids in order to illustrate the City's actions and reasons for its decision in this case.

Very truly yours,

s/Katherine C. Kasten

Katherine C. Kasten
Assistant City Attorney

Enclosures

c: Brad Jackson via e-mail (with enclosures)

AFFIDAVIT

STATE OF TEXAS §
§
CITY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared Lloyd Denman whose identity is known by me and being by me duly sworn, upon his oath testified as follows:

1. My name is Lloyd Denman and I am a registered professional engineer for the City of Dallas. I have been with the City of Dallas for a total of 16 years as a registered professional engineer. I have worked in the City's Floodplain Management Group as well as the Transportation Engineering Group. I have been in the City's Sustainable Development and Construction Group for the past four years.

2. During all times relevant to the issues in this case my job duties included overseeing public infrastructure engineering review for all private developments.

3. The property which is the subject of this appeal is 39,491 square feet of land located at Mockingbird Lane and Skillman Street in Dallas. It was purchased by 6101 Mockingbird, LLC, (the "Developer") on or about June 27, 2014. Mockingbird Lane is designated a principal arterial roadway and Skillman Street is designated as a Community Collector on the City of Dallas' Thoroughfare Plan.

4. The City of Dallas staff, including me, were called upon to review Plat S145-070 for the Skill-Mock Subdivision, Lots 1 & 2, Block F/2953, Dallas County, Texas on behalf of the Developer, 6101 Mockingbird, LLC. The preliminary plat was filed January 7, 2015. A true and correct copy of the plat is attached hereto as Exhibit 1.

5. The preliminary plat was conditionally approved, but several adjustments were required for final approval, including the official recognition of the existing ten foot sidewalk and utility easement along Mockingbird Lane as required by the Dallas City Code. A true and correct copy of the letter responding to the Developer is attached hereto as Exhibit 2.

6. During a review of the Developer's submitted site plan I observed that the proposed development did not meet the setback requirements of the Dallas City Code.

7. On February 5, 2015, the City received a letter from Brad Jackson, attorney for the Developer. The letter stated generally that the required dedication (of an existing easement for safety and containing a paved sidewalk) was an "illegal

taking" of the landowner's property. He further stated that the required dedication was an exaction and not allowable under the law. He also stated that the City did not provide any justification for the required dedication of the existing easement. The letter then demanded that the City prove the "rough proportionality" between the required easement dedication and the impact of the landowner's proposed development. A true and correct copy of the letter is attached hereto as Exhibit 3.

8. On February 18, 2015 I sent a letter to Mr. Jackson which informed him that the City was requesting this ten foot easement be formally dedicated on the Developer's plat per the City's Thoroughfare Plan. I further stated to Mr. Jackson that City Code section 51A-1.109 contains the apportionment procedures and to please submit a Developer's Plan as also provided in Section 51A-1.109(b) I then requested that Mr. Jackson submit a Developer's Plan as well as details for the planned development. A true and correct copy of the letter is attached hereto as Exhibit 4.

9. On March 19, 2015, there was a meeting at City Hall in which Mr. Jackson and I attended. I understood from that meeting that the original development plan submitted to the City outlining a medical services clinic was no longer being offered as the current development plan. Mr. Jackson stated at that meeting that he would submit a new development plan that met City setback requirements.

10. On March 20, 2015 the Developer submitted a second preliminary plat seeking to replat lots 1 & 2 into one lot. A true and correct copy of this plat is attached hereto as Exhibit 5.

11. On April 10, 2015, I sent to Mr. Jackson a letter reiterating my understanding that a revised development plan would be submitted by the Developer but I had not yet received it. A true and correct copy of the letter is attached hereto as Exhibit 6.

12. On April 16, 2015, the landowner submitted a revised site plan showing the proposed development that complied with the dedication of the existing ten foot easement on Mockingbird as well as all applicable zoning and setback requirements. No reduction in the size and/or functionality of the proposed development was affected by amending the site plan to conform to the City's requirements. A true and correct copy of the revised site plan is attached hereto as Exhibit 7.

13. On May 14, 2015 I sent a letter to Mr. Jackson responding to his request for a determination of "rough proportionality" of the requested dedication of the existing ten foot easement. I had very little information with which to make the determination as Mr. Jackson failed to provide a Developer Report as defined in City of Dallas Code Section 51A-1.109, and as requested by me in my letter to Mr. Jackson on February 19, 2015. Additionally, very little detail regarding the

proposed development was provided by Mr. Jackson. A true and correct copy of the letter is attached hereto as Exhibit 8.

14. The required ten foot dedication along Mockingbird Lane is the standard width for a parkway in accordance with the Dallas City Code. A parkway is the area between the outside edge of the street pavement and the street right-of-way line abutting private property. The parkway is to provide a buffer, and usually a sidewalk, to separate pedestrians from vehicular traffic. This buffer area also may include buried or aerial utilities.

15. In my May 14, 2015 letter I responded to Mr. Jackson that the first site plan he submitted did not show the ten foot parkway easement, but instead showed the property line to be either on or near the edge of the street pavement. This is unacceptable to the City in order to approve a plat or development of the site.

16. On or about July 21, 1959, the original site plan filed for this property delineates a dedicated sidewalk area. It is my understanding that this amounts to either an express or an implied dedication of the sidewalk easement. A true and correct copy of the original site plan is attached hereto as Exhibit 9.

17. A paved sidewalk has existed at the subject property since the early 1960's and has been in continuous use by the public as a sidewalk and for safe public access to and from the subject property as shown by the aerial and street view photographs of the subject property which are attached hereto as Exhibit 10.

18. Additionally, DART installed a public bus stop within the sidewalk easement inviting the public to access the sidewalk in order to use public transportation. A photo of the DART sign is attached hereto as Exhibit 11.

19. A visit to the property as well as aerial photos show the long existing paved sidewalk.

20. My determination of "rough proportionality", which was stated in my May 14, 2015 letter to Mr. Jackson (Exhibit 8) is based upon the fact that the public needs safe access to and from the subject property based upon its proposed use as an emergency medical facility. The width of the easement is based upon a typical width to accommodate a buffer between pedestrians and vehicles. The existing sidewalk and buffer zone exists on the north side of Mockingbird Lane from approximately US 75 (Central Expressway) west of the subject property to Norris Lane east of the subject property. This landowner is not required to dedicate any more or different property than the adjoining landowners.

21. It is my belief that because of the construction of the paved pedestrian walkway and the continuous use of this ten foot parkway as a public access way for decades that this ten foot strip is a public right-of-way as an easement by prescription. Therefore, the property required to be dedicated by this

Developer's plat has previously been dedicated. The City is not asking for any additional land to be dedicated., and therefore the City's requirement of acknowledging the easement on the plat is not an exaction. The City is merely requiring the Developer to acknowledge the fact of the existing easement on its plat prior to final approval.

22. The proposed development creates the need for a public sidewalk in order for pedestrians to access the property. Consequently, the easement required to be delineated on the plat is "roughly proportional" to the development on the property.

Lloyd Denman, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME on this 30th day of July, 2015, to certify which witness my hand and seal of office.

MARK PROCTOR
Notary Public
STATE OF TEXAS
My Comm. Exp. 12-29-2018

Notary Public in and for the State of Texas

Sustainable Development & Construction Dept.
Subdivision Section
Dallas, TX 75203

FILE NO. S 145-070
Date Received: 01-07-15
Hearing Date: 02-05-15
Reply by Date 01/15/15

Coordinator: ( ) La Shawn Green---------lashawn.green@dallascityhall.com
(x) Ellen Wallace ----------ellen.wallace@dallascityhall.com
( ) Mohammad Bordbar ---mohammad.bordbod@dallascityhall.com
Planner: ( ) Paul Nelson ---------- paul.nelson@dallascityhall.com
(x) Sharon Hurd---------- sharon.hurd@dallascityhall.com
Assistant: (x) Fay Lewis ---------- hilda.lewis@dallascityhall.com

Addition Name SKILL-MOCK SUBDIVISION **Res. Replat** ( ) Yes (X) No

Land Use: commercial # of Lots 2 Mapsco 36.L

PRELIMINARY PLAT REPORT

Attached is a plat of a subdivision (copy of application on the reverse of this page) for review of the proposed layout in terms of the requirements of your division/section. Please return your comments to the Subdivision Administrator no later than the date shown above in order for your comments and requirements to be considered by the City Plan Commission. **If we do not receive a response by the reply date listed above, we will record your response as "approved, with no conditions".**

RECOMMENDATIONS

( ) Deny ( ) Approved, with no conditions (✓) Approved, subject to the following conditions:

✓ BLK. F/2953 L. 16, 17

(X) Please see notes on plat I would like to see second preliminary ( ) Yes ( ) No

REVIEWER

Print Name: BOB SELF

Date: 1-8-15 Signature:

Department: LOT/BLK

ROUTING FULL SIZE PLATS

(1) FILE COPY

(1) Water
(2) Survey
(1) Addressing
(1) Bldg Code
(✓2) GIS Lot/Block
(1) Engineering
(1) Scott Holt (COD property plats only)
(1) District Council
(1) Real Estate
(1) Extra Plats

RECEIVED
JAN 08 2015
SUB DIVISION

EXHIBIT

City of Dallas

APPLICATION FOR LAND SUBDIVISION

DEVELOPMENT SERVICES, SUBDIVISION SECTION
320 E. JEFFERSON BLVD., ROOM 115
DALLAS, TX 75203
TELEPHONE: (214) 948-4335

FOR OFFICE USE ONLY

FILE NUMBER: S 145-070	PREVIOUS FILE NUMBER (IF ANY)
CPC DATE: 2-5-15	NOT APPLICABLE IF ADMINISTRATIVE PLAT: ☐
REPLY DATE: 1-15-15	
PRELIM. $2,716.00 DATE: 1/7/15	FINAL: $ DATE:
REVISED: $ DATE:	CORRECTION: $ DATE:
NOTES:	

OWNER 6101 MOCKINGBIRD, LLC	APPLICANT 6101 MOCKINGBIRD, LLC
TELEPHONE: 214-520-9000	(NOT THE SURVEYOR/ENGINEER UNLESS OWNER)
Email Address:	TELEPHONE: 214-520-9000
ADDRESS:	Email address:
CITY: DALLAS	ADDRESS
STATE/ZIP: TX 75225	CITY: DALLAS
PREVIOUS OWNER: Mockingbird Skillman Mobil, Inc.	STATE/ZIP: TX, 75225

SURVEYOR/ENGINEER: TEXAS HERITAGE SURVEYING, LLC	REPRESENTATIVE: Robert Reeves
TELEPHONE: 214-340-9700	TELEPHONE: 214-749-0530
Email Address:	Email address:
ADDRESS:	ADDRESS:
CITY: DALLAS	CITY: Dallas
STATE/ZIP: TX, 75243	STATE/ZIP: TX. 75202
CONTACT PERSON: DOUG STEWART	SIGNATURE:

ADDITION NAME: SKILL-MOCK SUBDIVISION

LOCATION: 6101 & 6119 E. MOCKINGBIRD LANE

EXISTING LOT#: TRACTS 1 & 17 BLOCK#: F/2953

ACRES:0.9066 ZONING DISTRICT CR

COUNCIL DISTRICT: 14 ✓

SCHOOL DISTRICT: DALLAS

IS THIS PROPERTY NOW OR HAS IT EVER BEEN:

- A CEMETERY? YES ☐ NO ☒
- A LANDFILL? YES ☐ NO ☒
- A BROWNFIELD SITE? YES ☐ NO ☒
- MILL CREEK STORMWATER HAZARD AREA? YES ☐ NO ☒
- WITHIN THE 65 LDN CONTOUR OF LOVE FIELD, ADDISON MUNICIPAL AIRPORT, DALLAS EXECUTIVE AIRPORT or NAVAL AIR STATION (Hensley Field)? YES ☐ NO ☒
- HISTORIC OR CONSERVATION DISTRICT? YES ☐ NO X ☐
- ARE ANY EXISTING OR PROPOSED STREETS ON THE PLAT LISTED IN THE THOROUGHFARE PLAN? YES ☐ NO ☒

PURPOSE OF PLAT: TO CREATE TWO LOTS

NUMBER OF LOTS
EXISTING: TWO TRACTS PROPOSED: 2

EXISTING LAND USE: SERVICE STATION

PROPOSED LAND USE: Commercial

ZONING MAP NO: H-8 MAPSCO PAGE; 36-L

REPLAT YES ☐ NO X

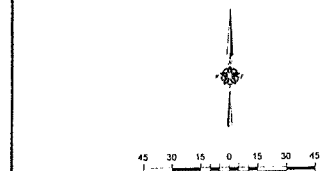
FOR ALL REPLATS, PROVIDE A CERTIFIED COPY OF THE ORIGINAL & THE MOST RECENT RECORDED SUBDIVISION/ ADDITION PLAT(S) FROM THE PERTINENT COUNTY COURTHOUSE

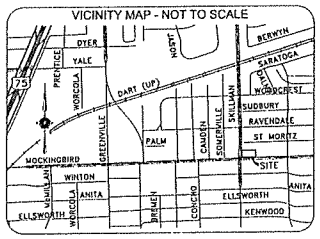
RESIDENTIAL REPLAT: YES ☐ NO X

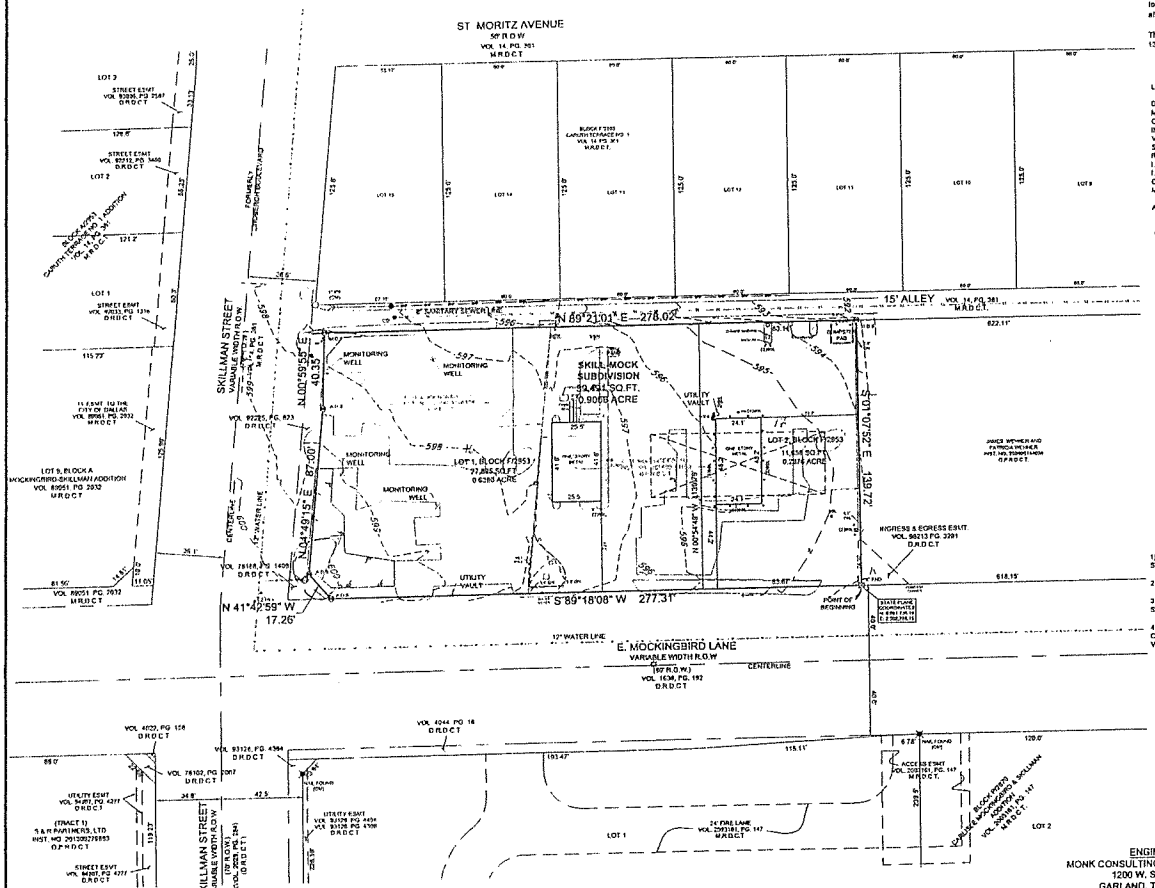
IF YES, SUBMIT THE FOLLOWING: CERTIFIED COPY OF DEED RESTRICTIONS THAT LIMIT THE USE OF THE PROPERTY TO SINGLE FAMILY AND/OR DUPLEX USE

ADMINISTRATIVE PLAT (COMPLETE CHECKLIST ON REVERSE SIDE)

YES ☐ NO X






ST MORITZ AVENUE
50' R.O.W.
VOL. 14, PG. 381 M.R.D.C.
15' ALLEY
VOL. 14, PG. 381 M.R.D.C.
N 89°21'01" E 278.02'
S 89°18'06" W 277.31'
N 41°42'59" W 17.26'
N 00°15'55" E 40.35'
S 01°07'52" E 139.72'
N 04°49'15" E 87.00'
SKILL-MOCK SUBDIVISION
12.494 SQ.FT.
0.9008 ACRE
LOT 1, BLOCK F/2953
27,885 SQ.FT.
0.6283 ACRE
LOT 2, BLOCK F/2953
11,554 SQ.FT.
0.2376 ACRE
POINT OF BEGINNING
E. MOCKINGBIRD LANE
VARIABLE WIDTH R.O.W
(67' R.O.W.)
VOL. 1636, PG. 192 D.R.D.C.
CENTERLINE
SKILLMAN STREET
VARIABLE WIDTH R.O.W
(TRACT 1)
S & R PARTNERS, LTD
INST. NO. 20130027693 O.P.R.D.C.
LOT 1
LOT 2
24' DALLAS VOL. 2003181, PG. 147 M.R.D.C.
8" SANITARY SEWER LINE
12" WATER LINE
MONITORING WELL
UTILITY VAULT
INGRESS & EGRESS ESMT. VOL. 98213 PG. 3291 D.R.D.C.
ACCESS ESMT VOL. 2003181, PG. 147 M.R.D.C.
BLOCK A/5950 MOCKINGBIRD-SKILLMAN ADDITION VOL. 80051, PG. 2932 M.R.D.C.
LOT 9, BLOCK A MOCKINGBIRD-SKILLMAN ADDITION VOL. 80051 PG 2932 M.R.D.C.
VOL. 80051 PG. 2932 M.R.D.C.
VOL. 99225, PG. 823 D.R.D.C.
VOL. 78168, PG. 1409 D.R.D.C.
VOL. 4022, PG. 158 D.R.D.C.
VOL. 93126, PG. 4364 D.R.D.C.
VOL. 78102, PG. 2087 D.R.D.C.
VOL. 4044, PG. 16 D.R.D.C.
UTILITY ESMT VOL. 94151, PG. 4277 D.R.D.C.
STREET ESMT VOL. 94151, PG. 4277 D.R.D.C.
STREET ESMT VOL. 93126, PG. 4364 D.R.D.C.
STREET ESMT VOL. 80051, PG. 2941

FILE

City of Dallas

January 23, 2015

6101 Mockingbird, LLC
Attn: R. Parks

RE: S145-070 "Skill-Mock Subdivision"

The staff has reviewed the above application and has determined that it qualifies for an Administrative Approval; therefore I am approving your preliminary plat for the "Skill-Mock Subdivision" subject to compliance with the following conditions:

1. The final plat shall conform to all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying. Section 51A-8.102(a)(b)(c)(d).
2. Department of Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. Compliance with all plans, contracts, ordinances and requirements of the City of Dallas.
4. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the Plan Commission in a format that is compatible with the "Microstation" format to the Survey Section, Engineering Division in Room 200, 320 E. Jefferson Boulevard.
6. Any structure new or existing structure may not extend across new property lines.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. The maximum number of lots permitted by this plat is determined by the lot area requirements of the Dallas Development Code.
9. On the final plat provide "fee simple" dedication in Owners Dedication for shown streets, alleys and easements.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering

EXHIBIT
tabbies
2

Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.

11. Place a note on the final plat "Lot-to-lot drainage is not permitted without Engineering Section approval."

12. On the final plat dedicate 50 feet of right-of-way from the established center line of Mockingbird Lane.

13. On the final plat maintain 50 feet of right-of-way from the established center line of Skillman Avenue.

14. On the final plat, dedicate a 20 foot by 20 foot corner clip at Mockingbird Lane and Skillman Street.

15. On the final plat, dedicate a 15 foot by 15 foot Alley Sight Easement at Skillman Street and the alley.

16. A site plan must be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed new buildings, development, and proposed water and wastewater service locations with service sizes.

17. Wastewater main extension may be required.

18. On the final plat identify the property as Lots 16, and 17 in City Block F/2953.

These conditions represent additional requirements for preparing the final plat. It will be necessary for your engineer or your surveyor to work directly with the various city departments and public utilities involved in the platting process to determine their individual requirements.

If you have any questions concerning this action, please contact me at (214) 948-4452.

Sincerely,

Paul Nelson

Paul Nelson, Subdivision Administrator
Subdivision Section, Current Planning Division
Sustainable Development and Construction Department
Dallas, Texas 75203

Cc Texas Heritage Surveying, LLC
Attn: Doug Stewart
10610 Metric Drive, Suite 124
Dallas, Texas 75243

E-Mail: Doug Stewart, Michael R. Miller, Dwayne Taylor, John Stepp, Danny Fugate, John Loftis, Julio Delgado; Kathryn Branson, Gordon Robinson, Hamid Fard, Mina Eskander, Bob Self; Mohammad Bordbar, Sharon Hurd

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955

Brad Jackson†
Cheryl L. Mann††

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

††Of Counsel

February 5, 2015

Via Hand Delivery and
C.M.R.R.R. No. 70110470000235729646

Honorable Michael S. Rawlings
Office of the Mayor
Dallas City Hall
1500 Marilla Street
Room 5EN
Dallas, TX 75201

Via Hand Delivery and
C.M.R.R.R. No. 70110470000235729653

Warren M.S. Ernst
City Attorney
Dallas City Hall
1500 Marilla Street
Room 7DN
Dallas, Tx 75201-6622

Via Hand Delivery and
C.M.R.R.R. No. 70110470000235729660

A.C. Gonzalez
City Manager
Dallas City Hall
1500 Marilla Street
Room 4EN
Dallas, TX 75201

Via Hand Delivery and
C.M.R.R.R. No. 70110470000235729677

Paul Nelson, Subdivision Administrator
Subdivision Section, Current Planning Division
Sustainable Development and Construction Department
City of Dallas
320 E. Jefferson Blvd.
Dallas, Texas 75203

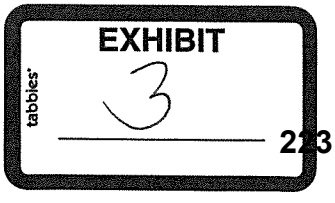
Re: S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Dear Sirs:

Please be advised that I represent 6101 Mockingbird, LLC, owner of the real property identified above and as described on the enclosed Preliminary Plat. As a condition of my client's requested replat of the property, the City of Dallas is requiring that my client dedicate certain property, as set forth in the enclosed January 23, 2015 letter from Paul Nelson, without any compensation.

The required dedication of this real property to the City is an illegal taking of my client's property under Article I, § 17 of the Texas Constitution, the Fifth Amendment to the U.S. Constitution and 42 U.S.C. § 1983 and the case law interpreting same. The City's demand in this regard amounts to an exaction which is not sustainable under the law.

Rcvd. 2/5/2015



The City has not provided any justification for the City's demanded exaction and, without such justification, the required dedication is arbitrary, capricious, unreasonable, unenforceable and illegal.

As you know, TEX. LOC. GOV'T CODE Section 212.904 - Chapter 212 of the TEX. LOC. GOV'T CODE) contains the following provision:

(a) If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

(b) A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body. After hearing any testimony and reviewing the evidence, the governing body shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.

(c) A developer may appeal the determination of the governing body to a county or district court of the county in which the development project is located within 30 days of the final determination by the governing body.

(d) A municipality may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

(e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

The City's demanded exaction that will result from the proposed development exceeds the "roughly proportionate" standard. If the City insists on exaction, we respectfully request that the City prepare the analysis required by Section 212.904 and provide copies to me and my client.

In Town of Flower Mound v. Stafford Estates Limited Partnership, 135 S.W.3d 620 (Tex. 2004) the Texas Supreme Court held that exactions such as the right-of-way dedication required by the City must comply with the United States Supreme Court's requirements in Dolan v. City of Tigard, 512 U.S. 374, 375 (1994). These cases adopt the "rough proportionality" test which requires that any exaction must have a reasonable nexus with the impact from the proposed development on the related infrastructure. The burden of proof is placed on the City to establish the nexus and the rough proportionality of the exaction.

This requirement is similar, but not identical to, the requirements of TEX. LOC. GOV'T CODE Section 212.904 mentioned above. These are separate and independent rights.

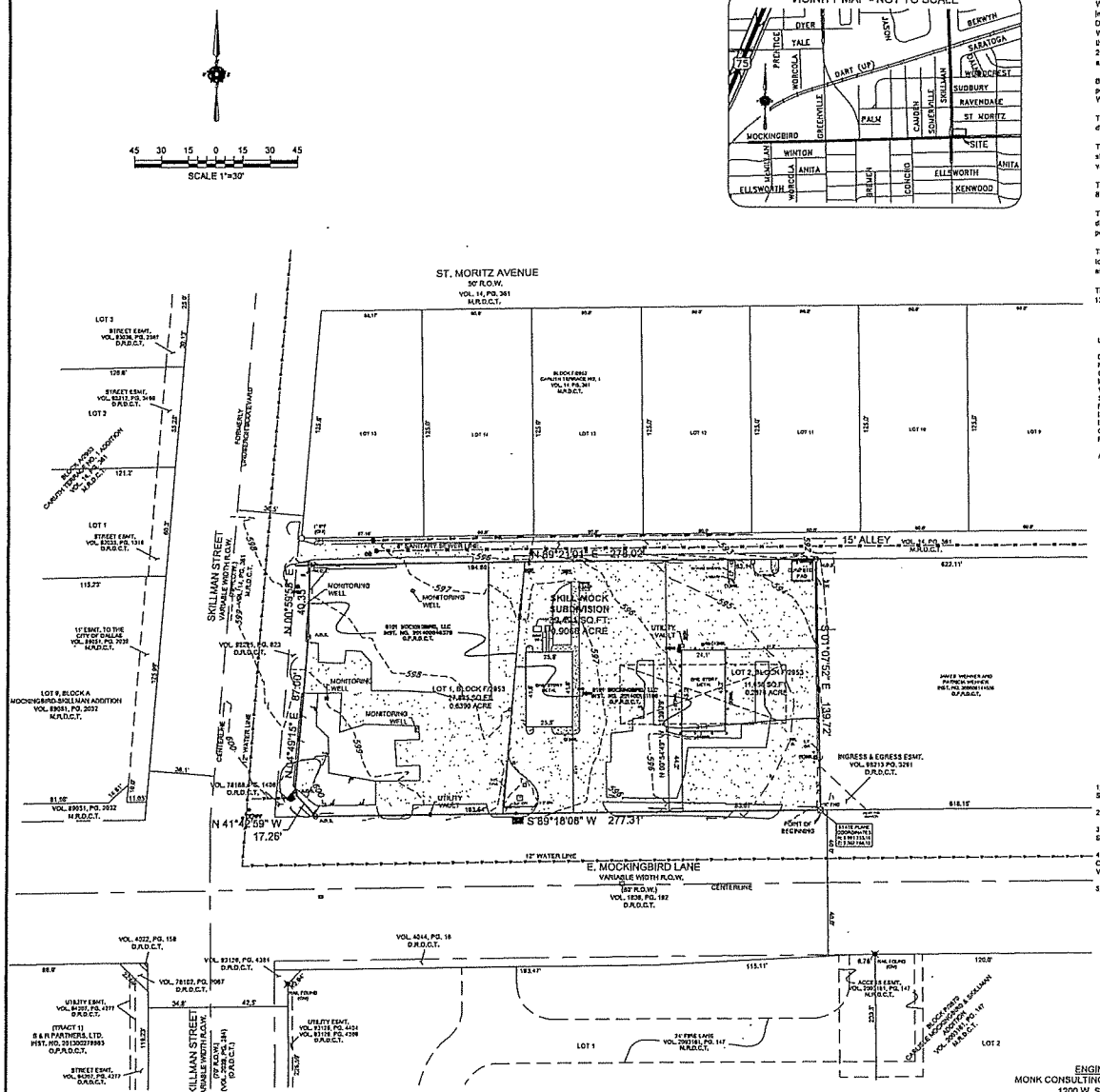
My client requests that the City withdraw the requirement for the dedication as a condition to plat approval.

If the City insists on the exaction, we request that the City satisfy its burden in proving the "rough proportionality" between the required right-of-way dedication and the impact from development of my client's property.

Yours truly,

Brad Jackson

BJ/lc
Encls.



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, 6101 Mockingbird, LLC, a Texas limited liability company are the owner of two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400048378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400181160, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found for corner in the North line of E. Mockingbird Lane (a variable width right-of-way), said point being the Southwest corner of a tract of land conveyed to James Wehner and Patricia Wehner by Special Warranty Deed recorded in Instrument No. 20060014038, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 18 minutes 08 seconds West along the North line of said E. Mockingbird Land, a distance of 277.31 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 41 degrees 42 minutes 59 seconds West, a distance of 17.26 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the East line of Skillman Street (a variable width right-of-way);

Thence North 04 degrees 49 minutes 15 seconds East along the East line of said Skillman Street, a distance of 87.00 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 00 degrees 39 minutes 15 seconds East continuing along the East line of said Skillman Street, a distance of 40.35 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the South line of a 15 foot alley right-of-way;

Thence North 89 degrees 21 minutes 01 seconds East along the South line of said alley, a distance of 278.02 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being the Northwest corner of aforementioned Wehner tract;

Thence South 01 degrees 07 minutes 52 seconds East along the West line of said Wehner tract, a distance of 139.72 feet to the Point of Beginning and containing 39,491 square feet or 0.9066 of an acre of land.

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ.FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
I.R.F.	IRON ROD FOUND
I.P.F.	IRON PIPE FOUND
C.M.	CONTROL MONUMENT
M.D.S.	3" METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS" SET FOR CORNER
A.D.S.	2 1/2" METALIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 TXHS" SET FOR CORNER

HC HANDICAPPED SPACE
P PARKING SPACE
IRON ROD FOUND
IRON ROD SET
IRON PIPE FOUND
FENCE POST CORNER
"X" FOUND / SET
SS SANITARY SEWER MANHOLE COVER
LIGHT POLE
POWER POLE
BRICK COLUMN
AC AIR CONDITIONING
FIRE HYDRANT
ELECTRIC METER
ASPHALT PAVING
COVERED PORCH, DECK OR CARPORT
CONCRETE PAVING
OHS OVERHEAD ELECTRIC SERVICE
OHP OVERHEAD POWER LINE
SS SANITARY SEWER LINE
W WATER LINE
WV- WATER VALVE
WM- WATER METER
BOL- BOLLARD

GENERAL NOTES:

1) BEARINGS ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (2011)

2) THE SOLE PURPOSE OF THIS PLAT IS TO CREATE TWO LOTS.

3) LOT-TO-LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.

4) COORDINATES SHOWN ARE STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.

5) ALL STRUCTURES WILL BE REMOVED

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, 6101 Mockingbird, LLC, acting by and through it's duly authorized agent Robert I. Parks III, does hereby adopt this plat, designating the herein described property as SKILL-MOCK SUBDIVISION, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

WITNESS MY HAND THIS _____ DAY OF _____, 2015.

_____
Robert I. Parks III, manager

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Robert I. Parks III, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

_____
Notary Signature

SURVEYOR'S STATEMENT

I, Gary E. Johnson, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance No. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the _____ day of _____, 2015.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. 01/07/15

Gary E. Johnson
Texas Registered Professional Land Surveyor No. 5209

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

_____
Notary Signature

ENGINEER
MONK CONSULTING ENGINEERS, INC.
1200 W. STATE ST.
GARLAND, TEXAS 75040
P. 972.272.1763

OWNER
6101 MOCKINGBIRD, LLC

SURVEYOR
TEXAS HERITAGE SURVEYING, LLC
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10119300

PRELIMINARY PLAT
SKILL-MOCK SUBDIVISION
LOTS 1 & 2, BLOCK F/2953

WILLIAM P. CORDER SURVEY, ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S145-070

DATE: 12/23/14 / JOB # 1404548-1 / SCALE - 1" = 30' MC

City of Dallas

January 23, 2015

6101 Mockingbird, LLC
Attn: R. Parks

RE: S145-070 "Skill-Mock Subdivision"

The staff has reviewed the above application and has determined that it qualifies for an Administrative Approval; therefore I am approving your preliminary plat for the "Skill-Mock Subdivision" subject to compliance with the following conditions:

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Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.

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17. Wastewater main extension may be required.

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These conditions represent additional requirements for preparing the final plat. It will be necessary for your engineer or your surveyor to work directly with the various city departments and public utilities involved in the platting process to determine their individual requirements.

If you have any questions concerning this action, please contact me at (214) 948-4452.

Sincerely,

Paul Nelson

Paul Nelson, Subdivision Administrator
Subdivision Section, Current Planning Division
Sustainable Development and Construction Department
Dallas, Texas 75203

Cc Texas Heritage Surveying, LLC
Attn: Doug Stewart
10610 Metric Drive, Suite 124
Dallas, Texas 75243

E-Mail: Doug Stewart, Michael R. Miller, Dwayne Taylor, John Stepp, Danny Fugate, John Loftis, Julio Delgado; Kathryn Branson, Gordon Robinson, Hamid Fard, Mina Eskander, Bob Self; Mohammad Bordbar, Sharon Hurd

CITY OF DALLAS

February 18, 2015

Brad Jackson
3701 Turtle Creek Boulevard, Suite 12G
Dallas, Texas 75219

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Dear Mr. Jackson:

I am writing in response to your letter dated February 5, 2015.

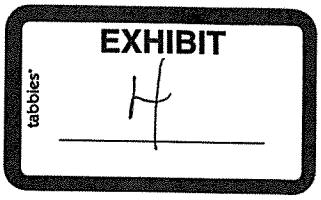
The City of Dallas has requested right-of-way dedication for the subject plat. Specifically, the City has requested the dedication of a standard corner clip and alley sight easement per City Code Section 51A-8.602(d) and (e) respectively. The City also requested dedication of an approximately 10' wide strip of street easement or fee along the Mockingbird Lane frontage per the City's Thoroughfare Plan as stated in City Ordinance No. 20860. Pertinent pages of the City Code and City Ordinance are attached for your reference. Note that the City is not requesting any impact fees associated with this plat or its associated future development.

Your letter quoted the Texas Local Government Code Section 212.904, paragraphs (a) and (b). Paragraph (b) states: "A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body." The apportionment procedures adopted by Dallas are found in City Code Section 51A-1.109 which is attached for your reference. Please submit a full developer report as described in paragraph 51A-1.109(b) as well as details for the planned development. The developer report may be addressed to my attention and submitted to my office with an additional copy submitted to our City Attorney's Office to the attention of Mr. Bertram Vandenberg. I will then evaluate the complete developer report and make the apportionment determination for the right-of-way dedication request for the subject plat.

Sincerely,

Lloyd Denman, P.E.
City of Dallas
Assistant Director, Engineering
Sustainable Development and Construction

C: Bertram Vandenberg, CAO



PRE-FINAL PLAT
REPORT/RELEASE FORM

File S145-070
Date 3-20-15
Reply Date 4-4-15

Attached is a plat of the subdivision named below for the review of the proposed layout in terms of the requirements of your Division. Please return your comments to the Subdivision Section no later than the date shown at the right in order to apply your comments and requirements for Plan Commission consideration.

Addition Name Skill-mock

Location 6101 E. Mockingbird Ln

Land Use Comm.

Area 0.9066

City Map No. H-8 Mapsco No. 36L Zoning CR

Engr/Surveyor Texas Heritage Surveying, LLC

Address: 214-340-9700

_____ Recommended Denial.

_____ Plat is released for filing and fully satisfied the requirements of this Division.

_____ Plat cannot be released for filing until the following attached conditions have been submitted by the applicant and approved by the Division.

_____ See notes on the attached plat.

_____ Street names and locations approved.

Date _____ Signature _____ Dept. _____

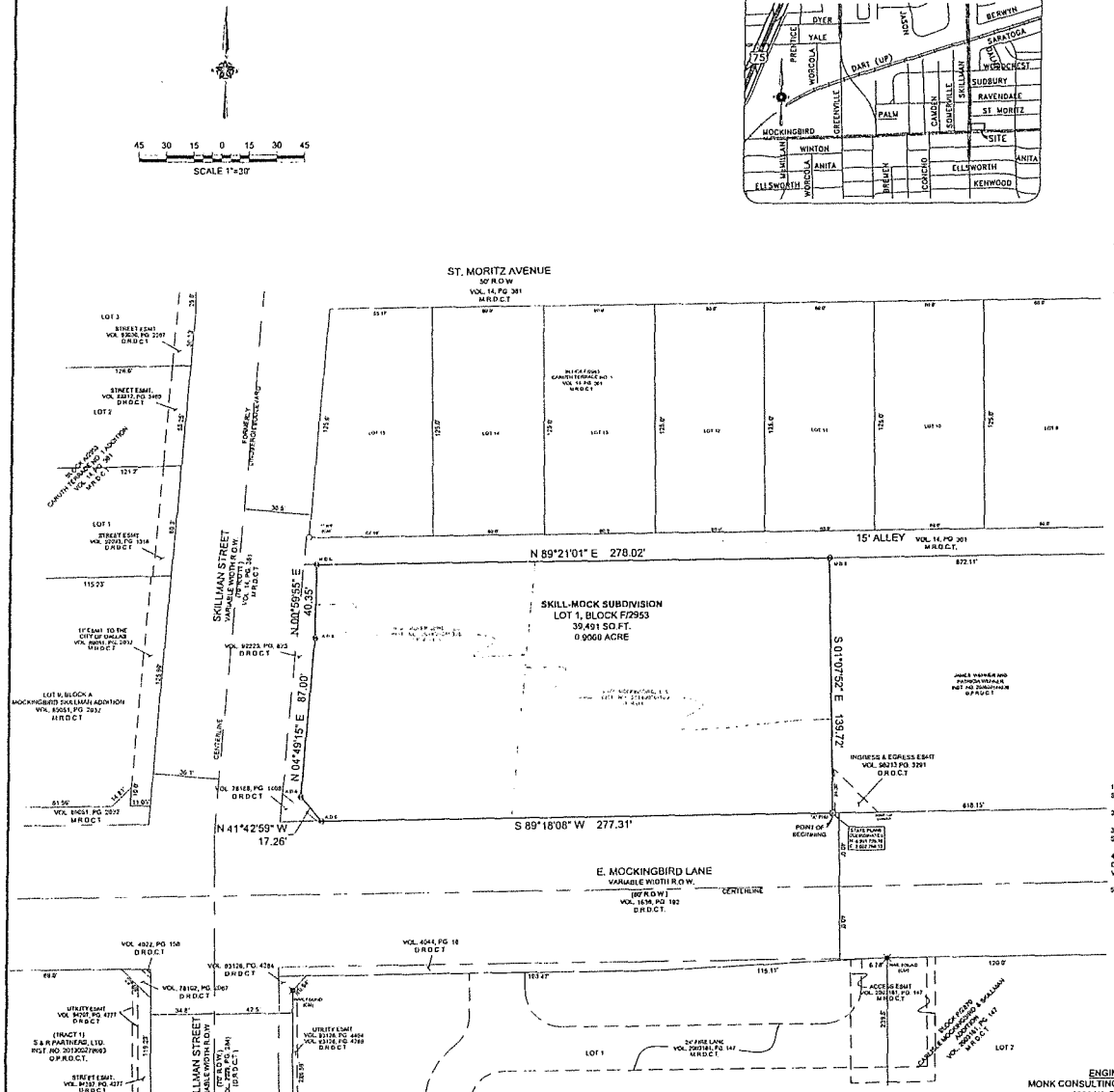
( ) FILE COPY ( ) Water: 1 ( ) Survey: 1 ( ) Arborist: 1 ( ) St Name Coord: 1

( ) Engineering: 1 ( ) Lot/Block: 1 ( ) St. Lights: 1 ( ) Fire: 1 ( ) Addressing: 1

Z PRE-FINAL ROUTING SHEET Pre Final Review Release doc

Changed from 2 lots to 1 Lot.
Same boundary

EXHIBIT
tabbies
5



OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, 6101 Mockingbird, LLC, a Texas limited liability company are the owner of two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400111160, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found for corner in the North line of E. Mockingbird Lane (a variable width right-of-way), said point being the Southwest corner of a tract of land conveyed to James Wehner and Patricia Wehner by Special Warranty Deed recorded in Instrument No. 200600114038, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 18 minutes 08 seconds West along the North line of said E. Mockingbird Lane, a distance of 277.31 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 41 degrees 42 minutes 59 seconds West, a distance of 17.26 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the East line of Skillman Street (a variable width right-of-way);

Thence North 04 degrees 49 minutes 15 seconds East along the East line of said Skillman Street, a distance of 87.00 feet to a 2 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 00 degrees 59 minutes 55 seconds East continuing along the East line of said Skillman Street, a distance of 40.35 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the South line of a 15 foot alley right-of-way;

Thence North 89 degrees 21 minutes 01 seconds East along the South line of said alley, a distance of 278.02 feet to a 2 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being the Northwest corner of aforementioned Wehner tract;

Thence South 01 degrees 07 minutes 52 seconds East along the West line of said Wehner tract, a distance of 139.72 feet to the Point of Beginning and containing 39,491 square feet or 0.9060 of an acre of land.

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.O.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST.NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ.FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
I.R.F.	IRON ROD FOUND
I.P.F.	IRON PIPE FOUND
C.M.	CONTROL MONUMENT
M.D.S.	3" METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS" SET FOR CORNER
A.D.S.	2 1/2" METALIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 TXHS" SET FOR CORNER

HANDICAPPED SPACE; PARKING SPACE; IRON ROD FOUND; IRON ROD SET; IRON PIPE FOUND; FENCE POST CORNER; "X" FOUND / SET; ASPHALT PAVING; COVERED PORCH, DECK OR CARPORT; CONCRETE PAVING; OHE — OVERHEAD ELECTRIC SERVICE; OHP — OVERHEAD POWER LINE; SS — SANITARY SEWER LINE; W — WATER LINE; SANITARY SEWER MANHOLE COVER; LIGHT POLE; POWER POLE; BRICK COLUMN; AC AIR CONDITIONING; FIRE HYDRANT; ELECTRIC METER; WV- WATER VALVE; WM- WATER METER; BOL- BOLLARD

GENERAL NOTES

1) BEARINGS ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983, (2011)

2) THE SOLE PURPOSE OF THIS PLAT IS TO CREATE ONE LOT.

3) LOT-TO-LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.

4) COORDINATES SHOWN ARE STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES. NO SCALE AND NO PROJECTION.

5) ALL STRUCTURES WILL BE REMOVED

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, 6101 Mockingbird, LLC, acting by and through it's duly authorized agent Robert I. Parks III, does hereby adopt this plat, designating the herein described property as **SKILL-MOCK SUBDIVISION**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility)

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

WITNESS MY HAND THIS _____ DAY OF _____, 2015.

Robert I. Parks III, manager

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Robert I. Parks III, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Signature

SURVEYOR'S STATEMENT

I, Gary E. Johnson, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance No. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat

Dated this the ___ _____ day of _____, 2015

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. 03/19/15

Gary E. Johnson
Texas Registered Professional Land Surveyor No. 5289

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared Gary E. Johnson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2015.

Notary Signature

S 145-070

ENGINEER
MONK CONSULTING ENGINEERS, INC.
1200 W. STATE ST.
GARLAND, TEXAS 75040
P. 972.272.1763

OWNER
6101 MOCKINGBIRD, LLC

SURVEYOR
TEXAS HERITAGE SURVEYING, LLC
10810 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm #10165300

PRE-FINAL PLAT
SKILL-MOCK SUBDIVISION
LOTS 1, BLOCK F/2953

WILLIAM P. CORDER SURVEY, ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S.145-070

DATE: 12/23/14 / JOB # 1404548-1 / SCALE - 1" = 30' MC

CITY OF DALLAS

April 10, 2015

Brad Jackson
3701 Turtle Creek Boulevard, Suite 12G
Dallas, Texas 75219

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Dear Mr. Jackson:

I am writing in response to your letter dated April 6, 2015 in which you seem to be asking for a rough proportionality analysis for your client's development plan. My understanding from our in-person meeting at City Hall on March 19, 2015 was that the original development plan that was submitted for a medical services clinic was no longer being offered as the current development plan since it violated city setback requirements per City Code 51A-4.401(a)(2) and or 51A-4.402(a)(2). At our March 19, 2015 meeting you stated that you were going to submit a new development plan to our office that met the City setback requirements. We have not yet received the new development plan and, thus, cannot provide an analysis until we receive it. Please let me know when I can expect to receive your new development plan for the site.

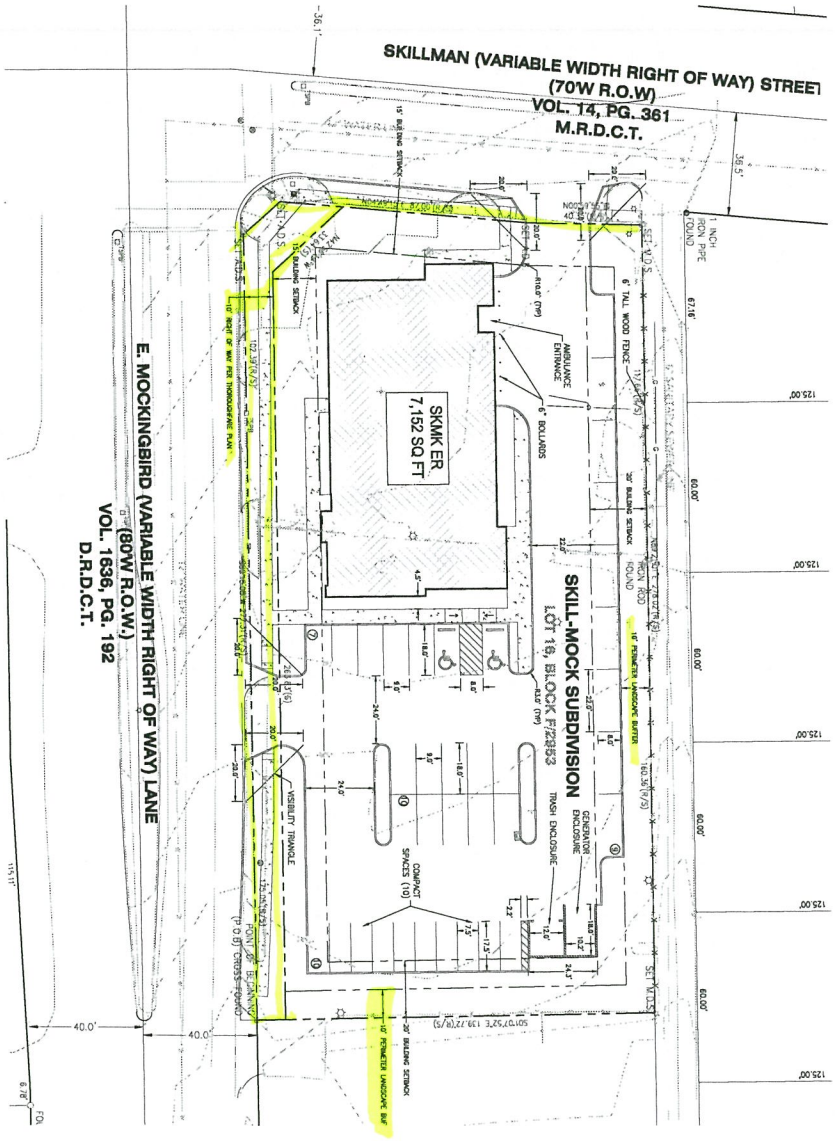
Sincerely,

Lloyd Denman, P.E., Assistant Director
Engineering Division
Dept. of Sustainable Development and Construction

c: Bertram Vandenberg, CAO

EXHIBIT
tabbies
6

USER: Ron Salamie TAB: Site
DATE: April 14, 2015 - 8:19:04 PM
DRAWING: S:\JOBS\Jobs2014\14-0141\CADD_C-Plan\PlotSheets\D_PLAN_SITE_14-0141.dwg



SCALE: 1" = 20'

EXHIBIT

tabbies

1

DESIGN/DUE BY	AR
DRAWN BY	MJK
CHECKED BY	RJS
DRAWING SCALE	
DATE	04/14/2015
Job Number	14-0141
Sheet Number	C3.0

SKMK EMERGENCY ROOM
6101 MOCKINGBIRD LANE
DALLAS, TX 75206

SITE PLAN

INTERIM REVIEW

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

ENGINEER: RONALD SALAMIE, P.E.
P.E. LICENSE NO.: 82073
DATE: APRIL 14, 2015

DEVELOPER/OWNER:
DR. ROBERT PHELAN
HIGHLAND PARK EMERGENCY CENTER
5150 LEMMON AVE., SUITE 108
DALLAS, TX 75209

THE PROFESSIONAL WHOSE SIGNATURE AND PERSONAL SEAL APPEAR HEREON ASSUMES RESPONSIBILITY ONLY FOR WHAT APPEARS ON THIS PAGE AND DISCLAIMS ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS, OR OTHER DOCUMENTS OR INSTRUMENTS NOT SEALED BY THE UNDERSIGNED PROFESSIONAL RELATING TO OR INTENDED TO BE USED FOR ANY PART OR PARTS OF THE PROJECT TO WHICH THIS PAGE REFERS.

DATE	NO	REVISION

CITY OF DALLAS

May 14, 2015

Brad Jackson
3701 Turtle Creek Boulevard, Suite 12G
Dallas, Texas 75219

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

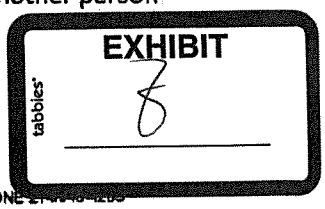
Dear Mr. Jackson:

Thank you for your e-mail dated April 16, 2015 in which you attached a revised site plan for the subject property. This plan meets the City of Dallas zoning code for building setbacks along Mockingbird Lane.

The revised site plan that you submitted does not constitute a "developer report" as defined in the City of Dallas Code Section 51A-1.109 nor have you provided much detail for your planned development. Nevertheless, based on the limited revised site plan information that you did submit, I will respond to your request for a rough proportionality determination for the requested right-of-way along Mockingbird Lane.

The ten feet of right-of-way requested along the Mockingbird Lane frontage of the subject property is the standard width for a parkway, otherwise known as the area between the outside edge of street pavement and the street right-of-way line abutting private property. The parkway area typically includes a public sidewalk and a buffer or planting area to separate pedestrians from vehicular traffic. The site plan that you submitted shows the edge of the existing street pavement to be on or within a couple of feet of the property line with no parkway otherwise delineated. However, whether or not it was disclosed to you by the previous owner, there is indeed a public parkway which includes public sidewalk along the edge of the Mockingbird Lane street pavement that has been in use by the public for decades. There is even a bus stop in place inviting the public to use this existing parkway area adjacent to the Mockingbird Lane street pavement. The public has used this parkway area for decades for safe passage to and through the subject site and will continue to utilize it to safely access the proposed development. Note that the Skillman pedestrian crosswalk even lines up to the public parkway area that is along Mockingbird Lane.

The public use of the parkway area for decades along this north side of Mockingbird Lane has created an easement by prescription for public use. We are simply requesting that the existing public use easement now be expressly dedicated by plat. The ten feet of right-of-way required by this plat is the width necessary to accommodate the public sidewalk alignment as shown on your revised site plan. A copy of the revised site plan is attached for your reference. On the site plan the requested ten feet of dedication is labeled as "10' right of way per thoroughfare plan." Your proposed use for this site as an emergency clinic creates a need for safe public access to and from your site, especially for those individuals with impaired mobility that may use a wheelchair or require assistance from another person which definitely supports the use of a full width parkway.



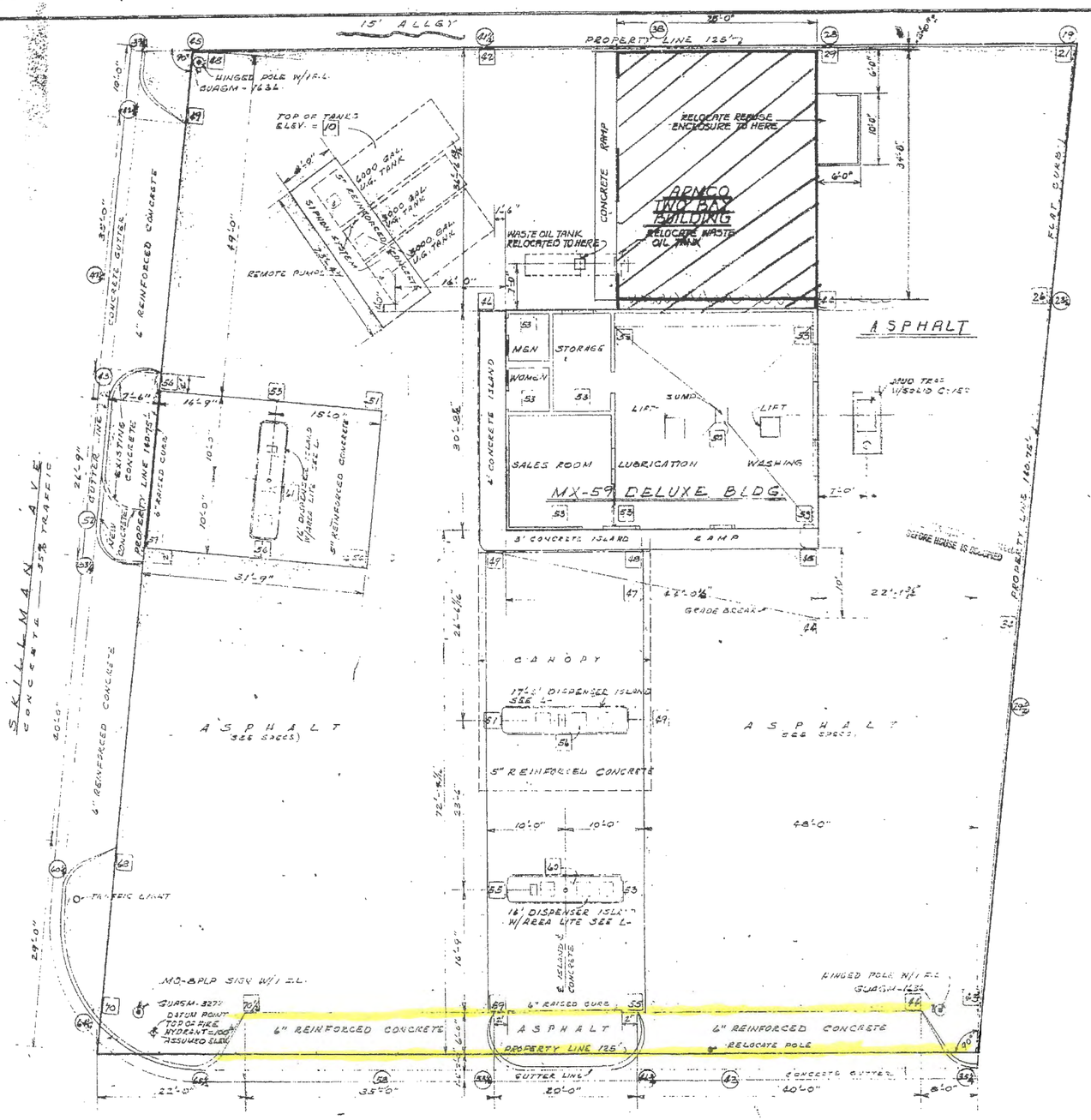
Therefore, in round and approximate numbers, a five feet wide public sidewalk safely separated from the street pavement by a five feet wide buffer area as shown on the very site plan you submitted should adequately and necessarily serve the needs created by your proposed property development and is roughly proportional to the impact of the property development project as represented in your site plan.

Sincerely,

Lloyd Denman, P.E.
City of Dallas
Assistant Director, Engineering
Sustainable Development and Construction

c: Bertram Vandenberg, CAO

Attachment



MOCKINGBIRD LANE
CONCRETE — 65% TRAFFIC

194

GENERAL NOTES

1. GENERAL CONCTOR SHALL CLEAR ALL EXISTING IMPROVEMENTS TO EDGE OF STREET PAVEMENT. ALL MATERIAL SO DEMOLISHED SHALL BECOME PROPERTY OF CONTRACTOR AND BE REMOVED FROM PROPERTY.
2. EXPANSION JOINTS SHOWN THUS: ———— -- ————
3. EXISTING GRADES SHOWN THUS (100) IN INCHES
4. FINISH GRADES SHOWN THUS 50 IN INCHES.
5. ALL CURB RADII 10'0".
6. PORCELAIN ENAMEL BUILDING TO BE FURNISHED AND ERECTED BY MC AX CORPORATION.

SCOPE OF WORK

ADD ONE ARMCO TUNE UP BUILDING 28'0"x34'8". COMPLETE WITH FOUNDATION, ETC. RELOCATE EXISTING IMPROVEMENTS AS SHOWN ON PLOT PLAN.

LIST OF DRAWINGS

SHEET	FILE NO.	SHEET	FILE NO.
1	DA-6	8	L-8156
2	L-8354	9	L-8355
3	L-8267	10	L-8221
4	L-8337	11	L-8221
5	L-8280	12	L-7963
6	L-8358	13	L-
7	L-8357		

DATE	BY		DESCRIPTION
3-7-63	RT	0	ADDED ARMCO TUNE UP BLDG.

SOCONY MOBIL OIL COMPANY, INC.
MOBIL OIL MARKETING DEPARTMENT
SOUTHWEST DIVISION
DALLAS, TEXAS

PLOT PLAN S/S# 11112-0 MX-59 DELUXE
DALLAS TEXAS
MOCKINGBIRD LANE & SKILLMAN AVE.

DRAWN BY: ZET	DATE: 7-21-59	FILE NO. L-DA-6	SHEET 1
CHECKED BY:	SCALE: 1/8"=1'0"		
APPROVED	DATE:	BY:	

6101 E. MOCKINGBIRD LN

(2)

1

EXHIBIT 9

237

Google Skillman St

Dallas, Texas

Street View - Apr 2015

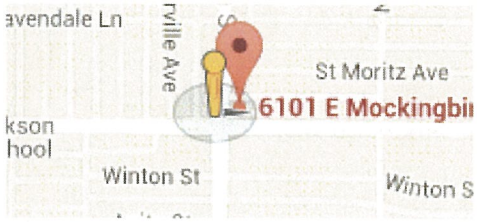


Image capture: Apr 2015 © 2015 Google

EXHIBIT
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238

Google Skillman St

Dallas, Texas

Street View - Apr 2015

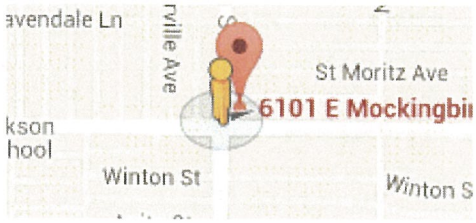

Image capture: Apr 2015 © 2015 Google

Google E Mockingbird Ln

Dallas, Texas

Street View - Apr 2015

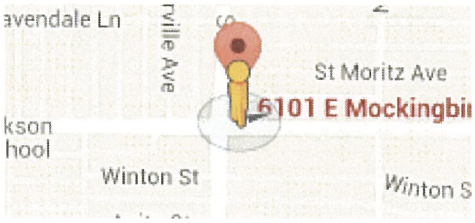

Image capture: Apr 2015 Image capture: Apr 2015 © 2015 Google

Google E Mockingbird Ln

Dallas, Texas

Street View - Apr 2015

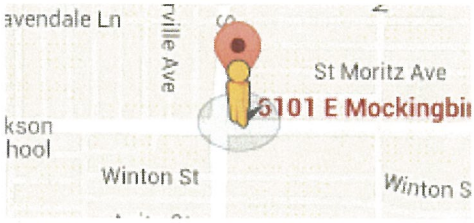

Image capture: Apr 2015 Image capture: Apr 2015 © 2015 Google

Google E Mockingbird Ln

Dallas, Texas

Street View - Apr 2015

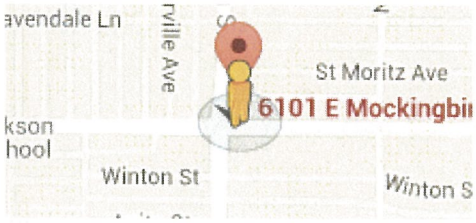

Image capture: Apr 2015 Image capture: Apr 2015 © 2015 Google

Google E Mockingbird Ln

Dallas, Texas

Street View - Apr 2015

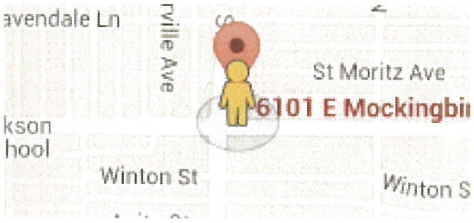

Image capture: Apr 2015 © 2015 Google

Google E Mockingbird Ln

Dallas, Texas

Street View - Apr 2015

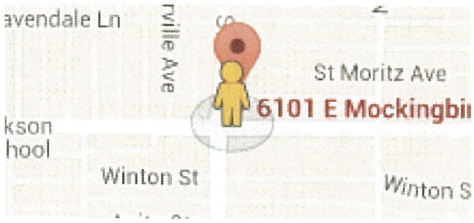

Image capture: Apr 2015 © 2015 Google

DONUTS
snap
EXHIBIT
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11

PLAT NO. S145-070
DALLAS CITY PLAN COMMISSION

IN THE MATTER OF THE APPEAL
BY 6101 MOCKINGBIRD, LLC

CITY'S BRIEF

TO THE HONORABLE DALLAS CITY PLAN COMMISSION:

The City submits this brief to assist the Dallas City Plan Commission in reviewing 6101 Mockingbird, LLC 's appeal of the Director of Sustainable Development's requirement that 6101 Mockingbird, LLC, dedicate a 10 foot sidewalk easement (the "Sidewalk Easement") on the subdivision plat that was filed with the City and would show the Commission as follows:

I. INTRODUCTION

6101 Mockingbird, LLC, argues that the City is proposing to take its property in violation of the US and Texas Constitutions by requiring it to dedicate a 10 foot sidewalk easement across its property. The City's position is that it is not proposing to take 6101 Mockingbird, LLC's property because a sidewalk has existed on the Property for decades. The public has obtained a prescriptive right to use the sidewalk for several decades so the Sidewalk Easement has already been dedicated to public use. Additionally, there is an implied easement for the 10 foot area because 6101 Mockingbird, LLC's predecessor in title showed the sidewalk on a plot plan in 1959 and constructed the existing sidewalk in the early 1960s.

The City is asking 6101 Mockingbird, LLC, to identify the Sidewalk Easement on the final plat of the Property. Alternatively, if a dedication by prescription or the implied easement has not occurred for the entire 10 foot area, the City contends that no money is due 6101 Mockingbird, LLC, because the requirement of a sidewalk across the front of its property along Mockingbird Lane is related to the needs created by 6101 Mockingbird, LLC's property development project and is roughly proportionate[1] to the impact of the property development project and the requirement for a 10 foot easement area for pedestrian travel substantially advances a legitimate state interest in ensuring the safety of pedestrians on the sidewalk. . 6101 Mockingbird, LLC is proposing to develop the Property with a medical clinic and those persons visiting the clinic will need to utilize a safe sidewalk to access the facility.

II. FACTS

This appeal involves the property located at 6101 East Mockingbird Lane (the "Property"), which is at the intersection of Mockingbird Lane and Skillman Avenue. The Property is currently owned by 6101 Mockingbird, LLC.

In 1959 the former owner of the Property, who was developing the property as a gas station, submitted a plot plan to the City showing a concrete sidewalk along Mockingbird Lane (the "Sidewalk").

---

[1] The City will use the words "proportionate" and "proportional" interchangeably.

The Property had a sidewalk along Mockingbird for decades and to the extent that it was formally dedicated for pedestrian use by a plat or easement document, it was dedicated for pedestrian use by prescription. The use of the sidewalk area has created a sidewalk easement area (the "Sidewalk Easement").

There is a DART bus stop within the Sidewalk. The existence of the DART bus stop indicates that the Sidewalk Easement, in addition to having pedestrians utilizing the Sidewalk, is utilized by people using DART.

6101 Mockingbird, LLC, submitted a preliminary plat (the "Preliminary Plat") to the City for the Property which is known as the Skill-Mock Subdivision and the plat was given the following identifies: S145-070. The Preliminary Plat did not show the existence of the Sidewalk easement.

The City reviewed the Preliminary Plat and noted that it did not show the Sidewalk Easement on the Plat. The City notified 6101 Mockingbird, LLC, that the Sidewalk Easement needed to be shown on the final plat for the Property.

6101 Mockingbird, LLC, objected to the City's requirement for the Sidewalk.

The City sent a letter to 6101 Mockingbird, LLC, requesting a developer's report as provided by section 51A-1.109 of the Dallas City Code. The developer never submitted the developer's report, however it did submit a revised site plan showing the proposed improvements.

The City then sent a letter to the developer/owner 6101 Mockingbird, LLC, outlining the need for the sidewalk. 6101 Mockingbird, LLC, then appealed the City's determination about the necessity of the Sidewalk Easement to the Commission.

III. ARGUMENT AND AUTHORITIES

A. City's Platting Regulations.

The regulations for the platting of property within the City are contained in Article VIII of Chapter 51A of the City's Code of Ordinances. The Property must be platted pursuant to section 51A-8.401 of the Dallas City Code. One of the requirements of the City's plat regulations provides that a property owner is required to make certain dedications of property. More specifically, section 51A-8.602(a) provides, in pertinent part, as follows:

> (a) Generally. The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, **sidewalks**, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of this article.

Dallas, Tex., Code § 51A-8.602(a). (emphasis added).

In addition to dedicating the area for sidewalks, developers are also required to construct the sidewalks. Section 51A-8.603 states that: "Sidewalks must be provided in accordance with Section 51A-8.606 of this article." Section 51A-8.606 outlines the requirements for sidewalk construction and subsection (a) of that

section states: "Sidewalk construction is required along all public and private streets unless waived by the director and the chief planning officer." Dallas, Tex., Code § 51A-8.606(a).

A developer who does not want to construct sidewalks may ask for a waiver of the requirement to construct sidewalks. The waiver provisions are as follows:

> (d) Waiver of sidewalks. A person desiring a waiver of a sidewalk requirement shall make application to the director and the chief planning officer. The director and the chief planning officer shall take into account any specific pedestrian traffic need such as a project recommended by the school children safety committee, transit stops, parks and playgrounds, and other population intensive areas when considering the request for sidewalk waivers. Should the director and the chief planning officer waive the required sidewalks, the waiver does not preclude the city from installing sidewalks at some later time and assessing the abutting owners for the cost of the installation. A waiver of the sidewalk requirement may be appropriate in the following instances:
>
> (1) The potential pedestrian traffic in the area is so minimal that sidewalks are not warranted.
>
> (2) In a single family or duplex zoning district, at least 50 percent of the lots located on the same side of the block as the proposed plat have been developed with completed, approved structures without sidewalks.
>
> (3) A permanent line and grade cannot be set within the public street right-of-way.
>
> (4) It is desirable to preserve natural topography or vegetation preexisting the proposed plat, and pedestrian traffic can be accommodated internally on the property.

Dallas, Tex., Code § 51A-8.606(d).

6101 Mockingbird, LLC has not requested a waiver of the requirement to dedicate and construct a sidewalk.

B. <u>The Texas and U.S. Constitutions.</u>

Since 6101 Mockingbird, LLC, is alleging that the City's request that it identify the Sidewalk Easement on the Plat is a taking of its property, an analysis of the law regarding takings is necessary.

Article I, section 17 of the Texas Constitution prohibits the taking of private property for public use without adequate compensation. Tex. Const. art. I, § 17; *see Mayhew v. Town of Sunnyvale*, 964 S.W.2d 922, 933 (Tex.1998). This provision and the Just Compensation Clause of the Fifth Amendment to the United States Constitution, were "designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole." *Armstrong v. United States*, 364 U.S. 40, 49 (1960); *see* U.S. Const. amends. V, XIV.

Takings can be classified as either physical or regulatory. *Mayhew*, 964 S.W.2d at 933. A physical taking occurs when the government authorizes an unwarranted physical occupation of an individual's property. *Id*. A regulatory taking may occur when a government conditions the granting of a permit or some other type of government approval on an exaction from a landowner seeking that approval. *See Dolan v. City of Tigard*, 512 U.S. 374, 384–85 (1994); *Town of*

Flower Mound v. Stafford Estates Ltd. P'ship, 135 S.W.3d 620, 634 (Tex.2004). An exaction occurs if a governmental entity requires an action by a landowner as a condition to obtaining government approval of a requested land development. *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 71 S.W.3d 18, 30 (Tex. App.—Fort Worth 2002), *aff'd*, *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620 (Tex.2004); *City of Carrollton v. RIHR, Inc*., 308 S.W.3d 444, 449 (Tex. App.—Dallas 2010, pet. denied).

For an exaction to be compensable, the Texas Supreme Court in *Stafford Estates* said it must be a cost that, in fairness and justice, should be borne by the public instead of the individual. To apply this sense of fairness and justice, the Texas Supreme Court has adopted a "rough proportionality" test to determine whether an exaction constitutes a compensable taking:

> [C]onditioning government approval of a development of property on some exaction is a compensable taking unless the condition (1) bears an essential nexus to the substantial advancement of some legitimate government interest and (2) is roughly proportional to the projected impact of the proposed development.

Stafford Estates, 135 S.W.3d at 634.

C. ***Nollan* and *Dolan***

The law regarding exactions is based on two U.S. Supreme Court cases. The first, *Nollan*, requires a court to determine the relationship or "nexus" between (1) what the municipality seeks to exact from the developer by way of imposing a

condition that takes land and (2) the projected impact of the proposed development. In *Nollan*, the Court required that there be an "essential nexus" between the title condition imposed and the stated police power objective of requiring development to meet the needs created by the development. *Id*., 483 U.S. 837.

After *Nollan*, it was unclear as to the degree of nexus that a municipality was required to establish in order for a land dedication condition to pass constitutional muster. In *Dolan*, the Supreme Court clarified *Nollan* by adopting the "rough proportionality" test as the means for determining the degree of nexus required between a real property exaction imposed by a municipality and the projected impact of a proposed development. In *Dolan*, the Court addressed the question of a second nexus required between the city's conditions of title transfer and the projected impact caused by the proposed development. *Id*., 512 U.S. at 388.

To evaluate this question, the *Dolan* Court established a two-pronged test. First, as determined in *Nollan*, there must be an essential nexus between legitimate state interests and the permit conditions. *Id.* at 386. Second, the exaction required by the permit condition must be roughly proportional to the projected impact of the proposed development. *Id.* at 391. Under this prong, the government bears the burden of proof and must show that the dedication or exaction is roughly proportional to the impact of the project. *Id.* The Court noted that traditional land

use planning tools such as dedications for streets, **sidewalks** and other public ways will generally be considered reasonable exactions. *Id.* at 395.

The facts of *Nollan* are that the California Coastal Commission required the Nollans to give the public an easement across their beachfront property as a condition to granting the Nollans a permit to build a house. The Commission refused the permit to build unless the couple granted an easement across the shorefront part of their land for public use. The Supreme Court recognized the general police power of the Commission, but found that there was no "essential nexus" between the exaction (a public easement across the beach front of the Nollans' land) and the state impact created or worsened by the construction of a new house (ability to see the beach, assisting the public in overcoming the "psychological barrier" to using the beach created by a developed shorefront, and preventing congestion on the public beaches). *Nollan*, 483 U.S. at 835. The Court held that the absence of any "nexus" between the exaction and the state interest asserted by the Commission resulted in taking without just compensation in violation of the U.S. Constitution. *Id*.

In the *Dolan* case, Mrs. Dolan operated a store which had a gravel parking lot. A creek ran across part of her property. Mrs. Dolan applied for a permit to increase the size of her store and pave the parking lot. The city conditioned the permit upon a dedication by Mrs. Dolan of a portion of her land for use as a flood

control area and upon the dedication of an additional 15-foot strip of land adjacent to the creek as a bicycle path. *Dolan*, 512 U.S. at 385-86. The city claimed that the creek land was necessary to control flooding and the bicycle path might alleviate congestion on the streets and was necessary for the health, welfare and safety of the public. Mrs. Dolan complained on appeal that the city had not identified any "special quantifiable burdens" created by her new parking lot or building that would justify the particular exactions from her.

After concluding that there was a "nexus" between the exactions and the claimed state interest, the Supreme Court framed the following additional question: "What is the required degree of connection between the exactions imposed by the city and the projected impacts of the proposed development." *Id.*, 512 U.S. at 375. The Court answered as follows:

> We think a term such as 'rough proportionality' best encapsulates what we hold to be the requirement of the Fifth Amendment. No precise mathematical calculation is required, *but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development*.

Id., 512 U.S. at 391 (emphasis added).

The exactions were stricken because less invasive measures than taking Mrs. Dolan's land would have accomplished the same stated goals. Read together, *Nollan* and *Dolan* appear to inquire first whether the government imposition of the exaction would constitute a taking if done without the corresponding application

for a permit by the landowner. If the question is answered affirmatively, the Court then applies the two part "rough proportionality" test which asks whether the exaction demanded is roughly proportional both in nature (nexus) and extent (proportionality) to the impact of the proposed development.

D. <u>Section 212.904 of the Texas Local Government Code</u>.

As a result of the *Nollan*/*Dolan* and other cases, the Texas Legislature enacted Section 212.904 of the Local Government Code which codified the requirements of *Nollan*/*Dolan* and established procedures regarding a developer who disagrees with a municipality's determination of what is required for a development project. Section 212.904 provides as follows:

> **Sec. 212.904. APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS.**
>
> (a) If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the **making of dedications**, the payment of fees, or the payment of construction costs, **the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development** as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.
>
> (b) A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. **At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body.** After hearing any testimony and reviewing the evidence, the governing body shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.

(c) A developer may appeal the determination of the governing body to a county or district court of the county in which the development project is located within 30 days of the final determination by the governing body.

(d) A municipality may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

(e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

(f) This section does not diminish the authority or modify the procedures specified by Chapter 395.

Tex. Loc. Gov't Code Ann. § 212.904. (emphasis added)

E. <u>Section 51A-1.109 of the Dallas City Code</u>.

After the Texas Legislature adopted section 212.904 of the Texas Local Government Code, the City adopted section 51A-1.109 of the Dallas City Code to address the issue of exactions. Section 51A-1.109 provides as follows:

(a) Exactions must be related and proportionate.

(1) No exactions may be imposed unless the exactions are:

(A) related to the needs created by the property development project; and

(B) roughly proportionate to the impact of the property development project.

(2) No precise mathematical calculation is required, but the city must make an individualized determination that the required exaction is

related both in nature and extent to the impact of the property development.

(b) Developer report. If the director determines that a developer report is necessary, the developer shall submit a report prepared by a professional engineer licensed to practice in Texas to the director containing an analysis of existing municipal infrastructure, including streets capacity and condition, alleys, street lighting, street signals, water service, wastewater service, fire hydrants, storm water drainage system, solid waste collection, and sanitary sewer; an analysis of the need for municipal infrastructure additions or improvements; and any other information related to the property development project that the director deems necessary.

(c) Waiver. The director may waive the developer report if:

(1) The developer will bear the total cost of the exactions, such as infrastructure improvement necessitated solely by, and internal to, the property development project.

(2) The developer has volunteered to pay a greater proportion of the costs of the exactions.

(3) The director determines that the developer report is unnecessary.

(d) Apportionment determination.

(1) Within 30 days after submission of the developer report, the director shall notify the developer that the report is complete or notify the developer in writing of any deficiencies in the report and of any additional documentation required.

(2) A professional engineer licensed to practice in Texas and retained by the city shall evaluate the complete developer report and make the apportionment determination.

(3) The apportionment determination is a determination of the proportion of exactions to be borne by the developer. For example, if the total cost of the municipal infrastructure additions or improvements is $10,000, and the need for the municipal

infrastructure additions or improvements is related to the needs created by the property development project, and the property development project accounts for 80 percent of the impact on the municipal infrastructure additions or improvements, then the developer's portion is 80 percent of the cost of the municipal infrastructure additions or improvements, or $8,000.

(4) The director shall notify the developer of the apportionment determination within 60 days after deeming the developer report complete, prior to approval of any related zoning district classification or boundary change, prior to final release of any related plat, or prior to execution of any related private development contract, whichever is earliest.

(5) Cost sharing of municipal infrastructure additions or improvements between the developer and the city shall be documented in a cost sharing contract pursuant to Section 51A-8.614.

(e) Appeal.

(1) No waiver. A developer shall not be required to waive the right of appeal as a condition for approval of a development project.

(2) City plan commission. A developer may appeal the director's apportionment determination to the city plan commission by filing written notice with the director within 30 days after the date of the determination. If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city plan commission the complete record of the matter being appealed, including the developer report, if any, and the apportionment determination. The city plan commission shall hold a public hearing where the developer and director may present evidence and testimony under procedures adopted by the city plan commission. The developer shall have the burden of proof at the public hearing. The city plan commission shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city plan commission shall use the standard in

Subsection (a). The city plan commission shall make its determination within 30 days after the hearing.

(3) City council. A developer may appeal the city plan commission's decision to the city council by filing a written notice with the director within 30 days after the date of the city plan commission's decision. If an appeal is filed, the city council shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city council the complete record of the matter being appealed, including the developer report, if any, the apportionment determination, and the record of the city plan commission hearing. City council shall hold a public hearing where the developer and the director may present evidence and testimony under procedures adopted by city council. The developer shall have the burden of proof at the public hearing. The city council shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city council shall use the standard in Subsection (a). The city council shall make its determination within 30 days after the hearing.

(4) County or district court. A developer may appeal the city council's decision to a county or district court of the county where the development project is located within 30 days after the date of the city council's final determination. The sole issue on appeal is whether the city council erred in its review of the city plan commission determination.

F. <u>Easements</u>.

Streets or rights-of-way are broadly defined as a public thoroughfare or highway in a city, town, or village, *Austin v. Daniels*, 322 S.W.2d 384 (Tex. Civ. App.—Austin 1959), aff'd, 335 S.W.2d 753 (Tex. 1960), and sidewalks are included in the definition of streets. *Richardson v. Walsh*, 292 S.W.2d 855 (Tex. Civ. App.—San Antonio 1956, no writ).

A dedication grants an easement to the general public in the land dedicated for its use. *Wolf v. Brass*, 12 S.W. 159, 160 (Tex. 1888). Dedication may be either express or implied; common law or statutory. Under the common law, no particular course of action is required for dedication; any words or conduct may make the intention clear. *Patterson v. City of Bowie*, 295 S.W.2d 676 (Tex. Civ. App.—Fort Worth 1956, no writ).

1. Prescriptive Easement.

An easement by prescription occurs when one or more people use someone else's land in a manner that is "open, notorious, continuous, exclusive, and adverse for the requisite period of time." *Brooks v. Jones*, 578 S.W.2d 669, 673 (Tex. 1979). In this regard, an easement by prescription is like obtaining property by adverse possession. The "requisite period of time" in this case is 10 years. See, *Barstow v. State*, 742 S.W.2d 495 (Tex. Civ. App.—Austin 1987, no writ); Tex. Civ. Prac. & Rem. Code § 16.026. The public has obtained an easement by prescription in the Sidewalk Easement since the Plot Plan shows that a sidewalk was to be constructed on the Property, coupled with the existence of the concrete that shows to be more than 10 years and the aerial photographs going back decades which show the existence of the sidewalk.

2. Implied Easement.

An implied easement can be created when a property owner takes certain action that creates a belief that the landowner intended to dedicate the property to public use. Intent to dedicate can be implied by the conduct of the owner. *Viscardi v. Pajestka*, 576 S.W.2d 16 (Tex. 1978). 6101 Mockingbird, LLC's, predecessor in title impliedly dedicated the Sidewalk Easement by virtue of including it on the Plot Plan as well as by constructing the sidewalk within the Sidewalk Easement. Therefore, there also has been an implied easement for the Sidewalk Easement by virtue of the actions taken by the former owner of the Property.

G. <u>Is there an exaction in this case?</u>

As the U.S. Supreme Court in *Nollan* and *Dolan* held, as well as the Texas Supreme Court in *Mayhew*, there can only be a taking if the government asks a property owner to either give the government land or money for a public improvement project. Since the Sidewalk Easement has already been dedicated as right-of-way for pedestrian travel, the City is not asking 6101 Mockingbird, LLC to give the City any land or to make any additional dedication of property. Therefore, there has been no exaction as to the requirement that the Sidewalk Easement be shown on the final plat.

H. Assuming there was an exaction, does the requirement to dedicate a 10 foot area for a sidewalk substantially advance a legitimate state interest, is it related to the needs generated by the proposed development by 6101 Mockingbird, LLC, and is it roughly proportionate to the impact of the development?

Assuming that there is a portion of the 10 foot area to be shown on the plat that has not been acquired by prescription or through an implied easement, is the City's requirement that such 10 foot area be dedicated an improper exaction? The City contends that it does not amount to an improper exaction because the requirement of a 10 foot area for the sidewalk itself and for the greenspace substantially advances a legitimate state interest in keeping pedestrians safe by separating them from vehicular traffic. Additionally, the City's requirement that 6101 Mockingbird, LLC, dedicate a ten foot wide area for a sidewalk is roughly proportionate and proportional to the needs generated by its proposed development of an emergency clinic. Pedestrians will be required to utilize the sidewalk to arrive at and leave the emergency clinic. This includes people using wheelchairs and other ambulatory assistance devices. In fact, there is a bus stop in the 10 foot area so this further illustrates the point that people will be utilizing the Sidewalk Easement to access the Property. Therefore, the requirement to dedicate the 10 foot area is roughly proportionate to the needs generated by the proposed development.

IV. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, the City respectfully requests that the Dallas Plan Commission deny 6101 Mockingbird, LLC's appeal and affirm the Director's decision concerning the required dedication of the Sidewalk Easement.

Respectfully submitted,

WARREN M. S. ERNST
Dallas City Attorney

/s/Christopher J. Caso
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Katherine.kasten@dallascityhall.com
Christopher J. Caso
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Assistant City Attorneys

City Attorney's Office
1500 Marilla Street, Room 7D North
Dallas, Texas 75201
Telephone: 214-670-3519
Telecopier: 214-670-0622

CERTIFICATE OF SERVICE

This is to certify that on this the 30th day of July, 2015, a true and correct copy of the above and foregoing was served upon counsel for 6101 Mockingbird, LLC and the secretary of the City Plan Commission via e-mail.

/s/Katherine Kasten
Katherine Kasten

August 3, 2015

City of Dallas

VIA EMAIL

City Planning Commissioners
1500 Marilla St.
Dallas, Texas 75201

RE: Appeal of Plat #S145-070

Dear Commissioners:

Please accept this as the City's rebuttal to the legal arguments, documents and reports submitted by the Developer in this case.

1. In his letter brief, the paragraph entitled "**City's Rough Proportionality Determination**" page two, Developer states that the determination by the City is "improper, untimely, incorrect and unsupported by facts". However, Developer provides no opposing facts or legal argument supporting this conclusion. The City has no way to respond as it does not know why the Developer contends the City is in error.

2. In the paragraph entitled "**Developer's Evidence Concerning Impact**" the Developer refers to a report by Jerry Monk, P.E. which purports to contradict the City's finding that the required ten foot easement is necessary. The City offers the following points in rebuttal:
    a. The Developer as evidenced by Mr. Monk's letter report, misses the issue in this case. The sidewalk and utility easement was not determined to be roughly proportional considering only the vehicle traffic entering and leaving the proposed development. Therefore, Trip Generation Rates are irrelevant. Hopefully the vehicles will not be using the sidewalk except in designated driveway locations. The issue for the formal dedication of the sidewalk and utility easement is the pedestrian traffic accessing the development and space for utilities. It is reasonable to assume that persons needing to access the development will not all arrive in vehicles, and that there will be some persons accessing the property by foot. In light of the DART bus stop located in the existing prescriptive easement it is nearly a foregone conclusion that people will be using the sidewalk to gain access to not only this property but also adjoining and nearby properties.
    b. As to Mr. Monk's conclusion that the proposed new development will generate less vehicular traffic to the site as compared to the prior use, even if this were an issue, the City is not required to give back property already in the public domain merely because the use of the property changes. The prior use of the property does not affect the City's determination of rough proportionality for this Developer's proposed use. The currently proposed use will generate pedestrian traffic sufficient to warrant the platting of the City's ten foot easement and construction by the Developer of a concrete sidewalk.

c. Mr. Monk also discusses the access of utilities to the property. This also is not an issue in this case. Utilities were accessed by prior landowners for prior developments.
d. Mr. Monk's conclusion that the proposed development will not have an impact on the infrastructure of the City of Dallas sufficient to warrant dedication of the ten foot sidewalk and utility easement is based upon an incorrect premise and irrelevant data. The Developer has not provided any relevant evidence that contradicts the City's determination that formal dedication of the sidewalk and utility easement is required by the new improvements.

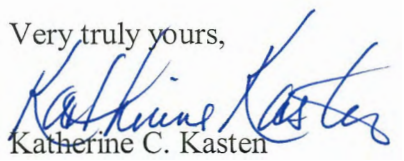
3. The Developer also presents an appraisal by Michael Massy, MAI and Greg Connelly, purporting to value the property they assert is being "taken" by the City. Although the value of the property is irrelevant at this time, there are several problems with this value opinion.
    a. First, the appraiser does not accurately reflect, or value, the part sought by the City to be formally dedicated. According to the photos and estimate of the taking line made by Mr. Massey and shown on pages 9, 10, and 11 of the appraisal, Mr. Massey outlines a parcel of property which begins at the edge of the existing sidewalk pavement and ends generally ten feet into the property. This is incorrect. The actual sidewalk and utility easement sought to be formally dedicated begins at the property line which is approximately two feet from the back of the curb and extends approximately three feet beyond the existing concrete walkway. See Exhibit 1 attached hereto.
    b. Second, the appraiser uses properties which are not comparable to the subject property for many reasons, including location, market conditions, and size. As an example, comparables 1 and 2 (page 25 of the appraisal) are so dissimilar to the subject that they had to be adjusted for differences a total of 30% and 35% respectively. That represents roughly a third of the sales prices for these properties.
    c. The appraiser's second and third comparables were sold in September of 2014. Those properties sold for $69+ and $79+ respectively. Comparable 1 sold for $185+, but is located at Northwest Highway and Preston Road. It is apparent that a Highland Park location is very dissimilar to Mockingbird Lane and Skillman Avenue. Unfortunately, with sales under $80 a square foot the appraiser opines that this property is worth nearly $105 a square foot. Additionally, the appraiser improperly concluded the value based upon an average of his sales.
    d. The subject property is vacant land; the appraiser's comparables 1, 2 and 3 are improved properties. Improved properties are irrelevant to the value of vacant land.
    e. The appraiser also errs in determining the compensation payable by the City as 100% of the property value, when the City is only seeking an easement. An easement leaves title to the fee in the landowner and merely grants a use to the easement holder. Therefore the value opinion of compensation is inaccurate and irrelevant.
    f. Even with all these errors and improper assumptions, the Developer's own appraiser concludes that the "taking" of the sidewalk and utility easement by formal dedication does not damage the property.

4. The Developer's counsel misconstrues the law and improperly seeks an award of attorney fees and expenses. This issue is irrelevant at this stage so an evaluation of the documentation provided will not be done in this rebuttal.

5. The Developer complains that the City has taken a two-tiered appeal procedure, that is, first the appeal is to be considered by the CPC and then by the City Council if the appellant is not satisfied with the CPC's decision. However, since Dallas is a home-rule city, it can enact any ordinance that does not conflict with state law. Nothing in section 212.904 prohibits the City from adopting an ordinance which provides that the CPC shall consider the matter before the City Council. Section 212.904 authorizes the City to adopt rules and regulations regarding the appeal and the City has chosen to have the first step in the appeal process be at the CPC. Therefore, the two-tiered appeal process adopted by the City does not conflict with state law.

6. The Developer also complains that the City has misplaced the burden of proof regarding the appeal process onto the Developer rather than on the City in violation of the Texas and U.S. Constitutions, common law and section 212.904. First, nothing in the Texas or U.S. Constitutions or the common law contain an appeal process so Developers argument that the burden of proof issue in the appeal process is without merit. Second, section 212.904 establishes an appeal process by the Developer. Since the Developer is one the one taking the appeal, it is the Developer that has the burden to convince the CPC and/or the City Council that the City's exaction determination is incorrect. Nothing in section 212.904 places the burden of proof on the City

Very truly yours,



Katherine C. Kasten
Assistant City Attorney
Chris Caso
Assistant City Attorney

Enclosures

c: Brad Jackson via e-mail (with enclosures)

EXHIBIT

tabbies

1A

269

tabbies
EXHIBIT
19

EXHIBIT
1C

City of Dallas

August 5, 2015

VIA EMAIL

City Planning Commissioners
1500 Marilla St.
Dallas, Texas 75201

RE: Appeal of Plat #S145-070

Dear Commissioners:

Please accept this as the City's rebuttal to the supplemental evidence submitted by the Developer yesterday. The Developer argues that the City is "taking" the 10' strip of property in fee and not as an easement so it should not be allowed. The City would like to clarify:

The City is authorized under State law and the City Code to own, buy, sell and condemn property in fee or easement.

The original CPC letter dated January 23, 2015, Condition Number 12, stated: "On the final plat dedicate 50 feet of right-of-way from the established center line of Mockingbird Lane." That language does not distinguish between fee simple or easement.

This language is the standard language used for almost all CPC street right-of-way width dedication as condition letters. The centerline of the street is the reference. There is an existing 40' of right-of-way by easement (the original 1930 dedication) upon which Mockingbird Lane sits, and the City is now asking for 10' more of right-of-way, by easement or fee, to include the existing sidewalk area for a total of 50' of right-of-way to be dedicated by this Plat. This total 50' is what the Thoroughfare Plan calls for. The City believes the existing 40' of Mockingbird needs to be fee simple by this plat. The additional 10' should also be in fee simple but the City will take an easement if the Developer would prefer to retain an interest in the 10' for tax purposes. The underlying fee owner will be responsible for payment of property taxes for the 10' strip easement.

Respectfully submitted,

KATHERINE C. KASTEN
Assistant City Attorney
CHRIS CASO
Assistant City Attorney

Appellant's Materials
S145-070

Appeal from Apportionment of Exaction

City Plan Commission
8/6/15

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

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Brad Jackson†
Cheryl L. Mann††

Legal Assistants:
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Dawnie Jackson

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Texas Board of Legal Specialization

††Of Counsel

July 30, 2015

Via email to katherine.kasten@dallascityhall.com

Katherine Kasten
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201

Via email to yolanda.hernandez@dallascityhall.com

Secretary of the Commission
City Plan Commission
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Introduction

This letter brief is being served in accordance with the City Plan Commissioners' request to provide argument, authority and evidence in support of the appeal filed by 6101 Mockingbird, LLC ("6101 Mockingbird" or "Developer").

Objection to Appeal Procedures

6101 Mockingbird lodges the following objections to the Procedure for Appeal of Apportionment of Exactions ("Procedures") and related issues used and adopted by the City of Dallas.

First, the Procedures adopted by the City of Dallas do not place the burden of proof appropriately. They do not comply with United States or Texas constitutional or common law or with Tex. Loc. Gov't Code 212.904 and do not comply with the Dallas City Code Sec. 51A-1.109 (a)(2). It is the City's burden to prove rough proportionality of the impact to the proposed development.

Second, the City adopted a two-tier appeal procedure instead of the one-tier procedure contemplated by Tex. Loc. Gov't Code 212.904. This added step to the appeal process constitutes an undue burden on the Developer as the Procedures add additional time and burden to the appeal process before the Developer can appeal to a District Court.

Third, Developer objects to any attempt by the City to assert any objections to the introduction of any of Developer's evidence without having clearly and unambiguously set forth such rules or requirements in the Procedures pursuant to which it imposes such objection.

Developer objects and reserves all of its rights to each of these issues individually and collectively as they are unfair to Developer, contrary to constitutional, statutory and case law and deprive Developer of due process.

Definition of Exaction

An "exaction" occurs if a governmental entity requires an action by a landowner as a condition to obtaining government approval of a requested land development. *Mira Mar Development Corp. v.City of Coppell, Texas*, 421 S.W.3d 74 (Tex. App. Dallas 2013, no pet.).

The Law and Burden of Proof

For an exaction to be compensable, it must be a cost that, in fairness and justice, should be borne by the public instead of the individual. To apply this sense of "fairness and justice," the Texas Supreme Court has adopted a "rough proportionality" test to determine whether an exaction constitutes a compensable taking:[C]onditioning government approval of a development of property on some exaction is a compensable taking unless the condition (1) bears an essential nexus to the substantial advancement of some legitimate government interest and (2) is roughly proportional to the projected impact of the proposed development. *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620, 634 (Tex.2004); *see Dolan v. City of Tigard*, 512 U.S. 374, 384-85, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994); *Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825, 837, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987).

Chapter 212 of the TEX. LOC. GOV'T CODE codified the law concerning exactions and Section 212.904 (Exhibit A) contains the following provision:

> (a) If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

Evidence of Exaction

6101 Mockingbird has dedicated the property pursuant to the demand of City staff as a condition of plat approval. An exaction has occurred. Evidence of the exaction is:

May 14, 2015 Letter from City of Dallas with approved plat, attached hereto as Exhibit B.

City's Rough Proportionality Determination

In Exhibit B, Lloyd Denman, P.E. purports to make the requisite rough proportionality determination finding that the required dedication is "roughly proportionate to the impact of the property development project."

6101 Mockingbird contends that the rough proportionality determination is improper, untimely, incorrect and unsupported by the facts.

Developer's Evidence Concerning Impact

6101 Mockingbird retained Jerry Monk, P.E. to provide an opinion concerning the impact of the proposed development on the infrastructure of the City. Mr. Monk's report is attached hereto as Exhibit C. Mr. Monk determined that the development project does not impact the infrastructure of the City.

Entitlement to Compensation for Taking

The City has required 6101 Mockingbird to dedicate property as a condition of receiving the approval of its plat, and, in order to obtain its plat, 6101 Mockingbird has complied with the City's demand. Therefore, an exaction has occurred. Because the exaction is not roughly proportionate to the impact of the property development, the City has taken 6101 Mockingbird's property without compensation in contravention of the United States Constitution, the Texas Constitution, Tex. Loc. Gov't Code Section 212.904 and common law. Therefore, 6101 Mockingbird is entitled to fair compensation for the property taken.

A copy of an appraisal report reflecting the value of the land taken is attached hereto as Exhibit D.

Entitlement to Attorneys Fees and Expert Fees

TEX. LOC. GOV'T CODE Section 212.904 contains the following provision:

> (e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

Because an exaction has occurred and the City of Dallas has not met its burden of proving that the exaction is roughly proportionate to the property development's impact on the infrastructure of the City, 6101 Mockingbird is entitled to its attorneys fees and expert witness fees.

Attached hereto as Exhibit E is evidence of 6101 Mockingbird's attorneys fees to date. Attached as Exhibits F and G are 6101 Mockingbird's expert witness fees to date.

Yours truly,

/s/ Brad Jackson

Brad Jackson

BJ/lc

Vernon's Texas Statutes and Codes Annotated
Local Government Code (Refs & Annos)
Title 7. Regulation of Land Use, Structures, Businesses, and Related Activities
Subtitle A. Municipal Regulatory Authority
Chapter 212. Municipal Regulation of Subdivisions and Property Development (Refs & Annos)
Subchapter Z. Miscellaneous Provisions

V.T.C.A., Local Government Code § **212.904**

§ **212.904**. Apportionment of Municipal Infrastructure Costs

Effective: June 18, 2005

Currentness

(a) If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

(b) A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body. After hearing any testimony and reviewing the evidence, the governing body shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.

(c) A developer may appeal the determination of the governing body to a county or district court of the county in which the development project is located within 30 days of the final determination by the governing body.

(d) A municipality may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

(e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.

(f) This section does not diminish the authority or modify the procedures specified by Chapter 395.

Credits

Added by Acts 2005, 79th Leg., ch. 982, § 1, eff. June 18, 2005.

Notes of Decisions containing your search terms (0)
View all 2

V. T. C. A., Local Government Code § **212.904**, TX LOCAL GOVT § **212.904**
Current through Chapters effective immediately through Chapter 46 of the 2015 Regular Session of the 84th Legislature

End of Document

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CITY OF DALLAS

May 14, 2015

Brad Jackson
3701 Turtle Creek Boulevard, Suite 12G
Dallas, Texas 75219

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Dear Mr. Jackson:

Thank you for your e-mail dated April 16, 2015 in which you attached a revised site plan for the subject property. This plan meets the City of Dallas zoning code for building setbacks along Mockingbird Lane.

The revised site plan that you submitted does not constitute a "developer report" as defined in the City of Dallas Code Section 51A-1.109 nor have you provided much detail for your planned development. Nevertheless, based on the limited revised site plan information that you did submit, I will respond to your request for a rough proportionality determination for the requested right-of-way along Mockingbird Lane.

The ten feet of right-of-way requested along the Mockingbird Lane frontage of the subject property is the standard width for a parkway, otherwise known as the area between the outside edge of street pavement and the street right-of-way line abutting private property. The parkway area typically includes a public sidewalk and a buffer or planting area to separate pedestrians from vehicular traffic. The site plan that you submitted shows the edge of the existing street pavement to be on or within a couple of feet of the property line with no parkway otherwise delineated. However, whether or not it was disclosed to you by the previous owner, there is indeed a public parkway which includes public sidewalk along the edge of the Mockingbird Lane street pavement that has been in use by the public for decades. There is even a bus stop in place inviting the public to use this existing parkway area adjacent to the Mockingbird Lane street pavement. The public has used this parkway area for decades for safe passage to and through the subject site and will continue to utilize it to safely access the proposed development. Note that the Skillman pedestrian crosswalk even lines up to the public parkway area that is along Mockingbird Lane.

The public use of the parkway area for decades along this north side of Mockingbird Lane has created an easement by prescription for public use. We are simply requesting that the existing public use easement now be expressly dedicated by plat. The ten feet of right-of-way required by this plat is the width necessary to accommodate the public sidewalk alignment as shown on your revised site plan. A copy of the revised site plan is attached for your reference. On the site plan the requested ten feet of dedication is labeled as "10' right of way per thoroughfare plan." Your proposed use for this site as an emergency clinic creates a need for safe public access to and from your site, especially for those individuals with impaired mobility that may use a wheelchair or require assistance from another person which definitely supports the use of a full width parkway.

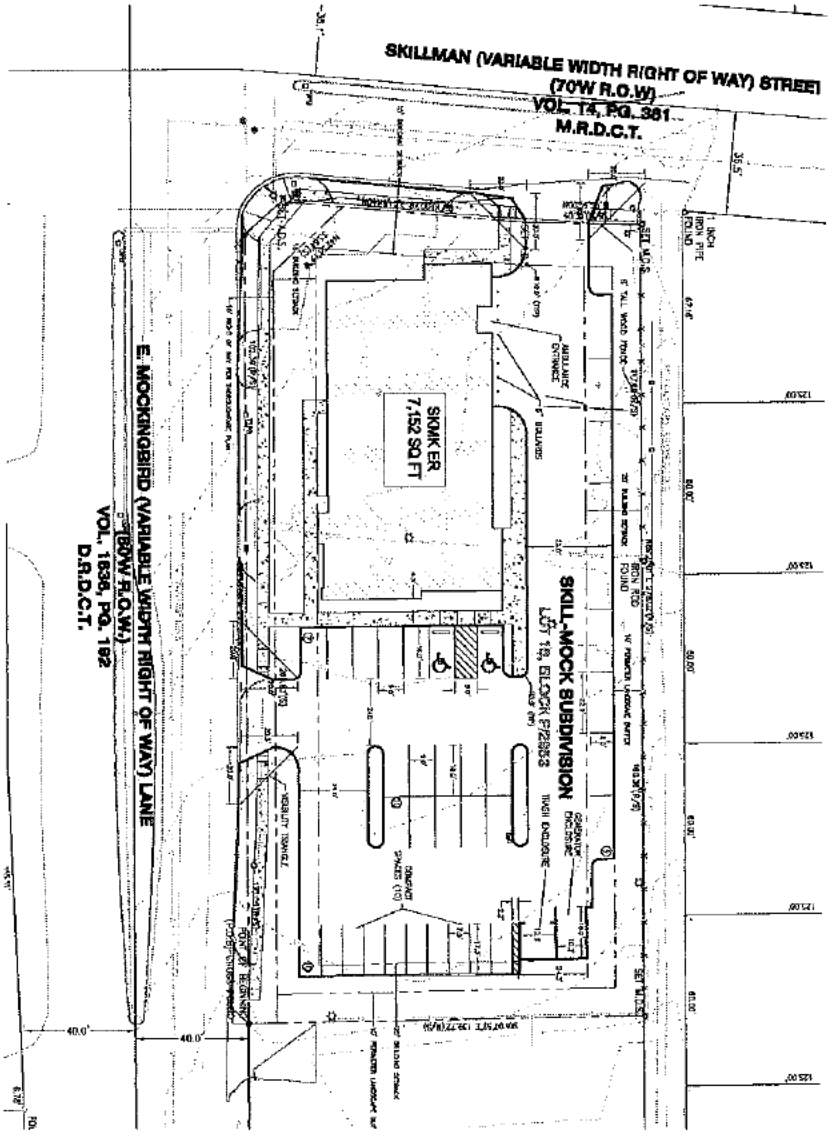
Therefore, in round and approximate numbers, a five feet wide public sidewalk safely separated from the street pavement by a five feet wide buffer area as shown on the very site plan you submitted should adequately and necessarily serve the needs created by your proposed property development and is roughly proportional to the impact of the property development project as represented in your site plan.

Sincerely,

Lloyd Denman, P.E.
City of Dallas
Assistant Director, Engineering
Sustainable Development and Construction

c: Bertram Vandenberg, CAO

Attachment



SCALE: 1" = 20'

C3.0	14-0141	04-17-2015	SHEET NO.	DRAWN BY: AR	DESIGNED BY: MJK
					CHECKED BY: RJS

SKMK EMERGENCY ROOM
8101 MOCKINGBIRD LANE
DALLAS, TX 75205

SITE PLAN

INTERIM REVIEW

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

ENGINEER: RONALD SHANE, P.E.
P.E. LICENSE NO.: 92023
DATE: APRIL 16, 2015

OWNER/APPLICANT:
DR. ROBERT PHELAN
HIGHLAND PARK EMERGENCY CENTER
5950 LEMMON AVE. SUITE 108
DALLAS, TX 75209

ALL PROFESSIONAL DESIGN, DRAWINGS AND PROVISIONS SEAL AFFIXED HEREON ASSUMES RESPONSIBILITY ONLY FOR THE WORK AS PERFORMED BY THIS FIRM, AND DISCLAIMS ANY RESPONSIBILITY FOR ALL OTHER WORK, DOCUMENTS, REVISIONS, OR FIELD CHANGES OF INSTRUMENTS NOT SEALED BY THE ASSIGNED PROFESSIONAL SEALING THIS SET AS APPLIED TO THE SCOPE FOR, AND NOT IN PLACE OF THE PERMITS TO WORK WITH OTHER OTHERS.

DATE	NO	REVISION DESCRIPTION

MONK CONSULTING ENGINEERS, INC.

July 21, 2015

To Whom It May Concern:
City of Dallas

RE: Skill-Mock Subdivision
Lots 1 & 2, Block F/2953

I am familiar with the development project known as Skill-Mock Subdivision Lots 1 & 2, Block F/2953 and its intended use as an emergency medical facility. I am also familiar with the prior uses of the subject property which consisted of two service stations. I am familiar with and have analyzed the infrastructure impact of both uses.

The original use of this property was gasoline sales / minor mechanical repairs and a car wash. The Institute of Transportation Engineers Common Trip Generator, 8th Edition, states that the previous usage would have been a combination of the following categories: # 941 Quick Lube, #944 Gas Sales, #945 Service Station with Convenience store, and #946 Gasoline sales and Carwash

The 2 business previously operating on this tract were a service station with 4 fueling stations plus a 3,000 sf building with 4 service bays; the other business was a convenience store/carwash with approximately 8 fueling stations. This information is based on Arial maps from NTCOG. Based on these usages the PM peak in and out would have been approximately as follows:

	PM Peak Hour
4 Service bays	11 in 9 out
4 Fueling Stations	28 in 28 out
8 Fueling stations/Conv. Store/carwash	54 in 54 out
Total	93 in 91 out*

*These numbers are based on the PM Peak Hour of Traffic for both businesses. See Attached Trip Generator Reports

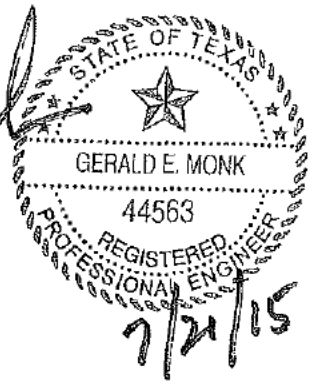
Based on information forwarded to me, similar projects, Highland Park ER and Preston Hollow ER are each averaging between 15-20 patients per day (keep in mind open for business 24 hours a day). They will probably run 3 - 8-hour shifts or 2 - 12-hour shifts per day – with about 5 employees on staff per shift. The doctor will usually be there for 24-hours.

It is also my opinion, based on the City of Dallas water and sewer maps, that there are adequate city services present for the new usage. At present there are 12" water lines in Skillman and in Mockingbird. There is also a fire hydrant on the corner of Skillman and Mockingbird on this tract's SW corner. There is also an 8" sanitary sewer in the alley at the rear of this tract. Based on the old surveys of the removed building, there were 3 sewer connections and 3 water meters serving the businesses. The new services would be less than this.

It is my opinion that the development project's use as an emergency medical facility will not have an impact on the infrastructure of the City of Dallas such that any infrastructure improvements are required or that the 3132 sq. ft. of Right of Way Dedication reflected on the Final Plat of the Skill-Mock Subdivision Lots 16, Block F/2953 is related in nature or extent to the impact of the proposed development.

Sincerely;

Gerald. E. Monk, PE



Instructions:
Enter Numbers into the "Expected Units" in the Corresponding Yellow Column

Trip Generation Rates from the 8th Edition ITE Trip Generation Report

NA: *Not Available*
DU: *Dwelling Unit*
Occ.Room: *Occupied Room*
KSF² *Units of 1,000 square feet*
Fuel Position: *# of vehicles that could be fueled simultaneously*

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out
Waterport/Marine Terminal 010	Berths	171.52	NA	NA	NA		0	NA	NA	NA
Commercial Airport 021	Employees	13.40	0.80	54%	46%		0	0	NA	NA
Commercial Airport 021	Avg Flights/Day	104.73	5.75	56%	44%		0	0	NA	NA
Commercial Airport 021	Com. Flights/Day	122.21	6.88	54%	46%		0	0	NA	NA
General Aviation Airport 022	Employees	14.24	1.03	45%	55%		0	0	NA	NA
General Aviation Airport 022	Avg. Flights/Day	1.97	NA	NA	NA		0	NA	NA	NA
General Aviation Airport 022	Based Aircraft	5.00	0.37	45%	55%		0	0	NA	NA
Truck Terminal 030	Acres	81.90	6.55	43%	57%		0	0	NA	NA
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.62	22%	78%		0	0	NA	NA
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	0.81	28%	72%		0	0	NA	NA
Light Rail Station w/ Park 093	Parking Space	2.51	1.24	58%	42%		0	0	NA	NA
Light Rail Station w/ Park 093	Occ. Spaces	3.91	1.33	58%	42%		0	0	NA	NA
General Light Industrial 110	KSF²	6.97	0.97	12%	88%		0	0	NA	NA
General Light Industrial 110	Employees	3.02	0.42	21%	79%		0	0	NA	NA
General Heavy Industrial 120	KSF²	1.50	0.66	NA	NA		0	0	NA	NA
General Heavy Industrial 120	Employees	0.82	0.88	NA	NA		0	0	NA	NA
Industrial Park 130	KSF²	6.96	0.86	21%	79%		0	0	NA	NA
Industrial Park 130	Employees	3.34	0.46	20%	80%		0	0	NA	NA
Manufacturing 140	KSF²	3.82	0.74	36%	64%		0	0	NA	NA
Manufacturing 140	Employees	2.13	0.35	44%	56%		0	0	NA	NA
Warehousing 150	KSF²	3.56	0.32	25%	75%		0	0	NA	NA
Warehousing 150	Employees	3.89	0.59	35%	65%		0	0	NA	NA
Mini Warehouse 151	KSF²	2.50	0.26	51%	49%		0	0	NA	NA
Mini Warehouse 151	Storage Units	0.25	0.02	NA	NA		0	0	NA	NA
Mini Warehouse 151	Employees	61.90	6.04	52%	48%		0	0	NA	NA
High-Cube Warehouse 152	KSF²	1.44	0.10	33%	67%		0	0	NA	NA
High-Cube Warehouse 152	Employees	NA	0.66	35%	65%		0	0	NA	NA
Utilities 170	KSF²	NA	0.76	45%	55%		0	0	NA	NA
Utilities 170	Employees	NA	0.76	90%	10%		0	0	NA	NA
Single Family Homes 210	DU	9.57	1.01	63%	37%		0	0	NA	NA
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA
Apartment 220	DU	6.65	0.62	65%	35%		0	0	NA	NA
Apartment 220	Persons	3.31	0.40	NA	NA		0	0	NA	NA
Apartment 220	Vehicles	5.10	0.60	NA	NA		0	0	NA	NA
Low Rise Apartment 221	Occ.DU	6.59	0.58	65%	35%		0	0	NA	NA
High Rise Apartment 222	DU	4.20	0.35	61%	39%		0	0	NA	NA
Mid-Rise Apartment 223	DU	NA	0.39	58%	42%		0	0	NA	NA
Rental Townhouse 224	DU	NA	0.72	51%	49%		0	0	NA	NA
Resd. Condo/Townhouse 230	DU	5.81	0.52	67%	33%		0	0	NA	NA
Resd. Condo/Townhouse 230	Persons	2.49	0.24	67%	33%		0	0	NA	NA
Low Rise Resd. Condo 231	DU	NA	0.78	58%	42%		0	0	NA	NA
High Rise Resd. Condo 232	DU	4.18	0.35	62%	38%		0	0	NA	NA
Luxury Condo/Townhouse 233	Occ. DU	NA	0.55	63%	37%		0	0	NA	NA
Mobile Home Park 240	DU	4.89	0.59	62%	38%		0	0	NA	NA
Mobile Home Park 240	Persons	2.45	0.26	63%	37%		0	0	NA	NA
Retirement Community 250	DU	NA	0.27	56%	44%		0	0	NA	NA
Elderly Housing-Detached 251	DU	3.71	0.27	61%	39%		0	0	NA	NA
Congregate Care Facility 253	Occ.DU	2.15	0.17	56%	44%		0	0	NA	NA
Elderly Housing- Attached 252	Occ.DU	3.48	0.16	60%	40%		0	0	NA	NA
Recreational Homes 260	DU	3.15	0.26	41%	59%		0	0	NA	NA
Residential PUD 270	DU	7.50	0.62	65%	35%		0	0	NA	NA
Hotel 310	Occ. Room	8.92	0.70	49%	51%		0	0	NA	NA
Hotel 310	Rooms	8.17	0.59	53%	47%		0	0	NA	NA
Hotel 310	Employees	14.34	0.80	54%	46%		0	0	NA	NA
All Suites Hotel 311	Occ.Room	6.24	0.55	42%	58%		0	0	NA	NA
All Suites Hotel 311	Rooms	4.90	0.40	45%	55%		0	0	NA	NA

NEXT 2 PAGES ↓

Daycare Center 565	KSF²	79.26	12.46	47%	53%		0	0	NA	NA
Daycare Center 565	Students	4.48	0.82	47%	53%		0	0	NA	NA
Daycare Center 565	Employees	28.13	4.79	47%	53%		0	0	NA	NA
Cemetery 566	Employees	58.09	7.00	33%	67%		0	0	NA	NA
Prison 571	KSF²	NA	2.91	NA	NA		0	0	NA	NA
Prison 571	Employees	NA	0.23	28%	72%		0	0	NA	NA
Library 590	KSF²	56.24	7.30	48%	52%		0	0	NA	NA
Library 590	Employees	52.52	5.40	47%	53%		0	0	NA	NA
Lodge/Fraternal Organization 591	Members	0.29	0.03	NA	NA		0	0	NA	NA
Lodge/Fraternal Organization 591	Employees	46.80	4.05	NA	NA		0	0	NA	NA
Hospital 610	KSF²	16.50	1.14	42%	58%		0	0	NA	NA
Hospital 610	Beds	11.81	1.31	36%	64%		0	0	NA	NA
Hospital 610	Employees	5.20	0.33	31%	69%		0	0	NA	NA
Nursing Home 620	Beds	2.37	0.22	33%	67%		0	0	NA	NA
Nursing Home 620	Employees	4.03	NA	26%	74%		0	NA	NA	NA
Clinic 630	KSF²	31.45	5.18	NA	NA		0	0	NA	NA
Clinic 630	Employees	7.75	1.23	41%	59%		0	0	NA	NA
General Office 710 (Equation)	KSF²	Equation	Equation	17%	83%		0	0	NA	NA
General Office 710	KSF²	11.01	1.49	17%	83%		0	0	NA	NA
Corporate Headquarters 714	KSF²	7.98	1.40	10%	90%		0	0	NA	NA
Corporate Headquarters 714	Employees	7.98	1.40	10%	90%		0	0	NA	NA
Single Tenant Office Bldg 715	KSF²	11.57	1.72	15%	85%		0	0	NA	NA
Single Tenant Office Bldg 715	Employees	3.62	0.50	15%	85%		0	0	NA	NA
Medical Dental Office 720	KSF²	36.13	3.46	27%	73%		0	0	NA	NA
Medical Dental Office 720	Employees	8.91	1.05	34%	66%		0	0	NA	NA
Government Office Building 730	KSF²	68.93	1.21	31%	69%		0	0	NA	NA
Government Office Building 730	Employees	11.95	1.91	74%	26%		0	0	NA	NA
State Motor Vehicles Dept. 731	KSF²	166.02	17.09	NA	NA		0	0	NA	NA
State Motor Vehicles Dept. 731	Employees	44.54	4.58	NA	NA		0	0	NA	NA
US Post Office 732	KSF²	108.19	11.12	51%	49%		0	0	NA	NA
US Post Office 732	Employees	28.32	2.84	51%	49%		0	0	NA	NA
Gov. Office Complex 733	KSF²	27.92	2.85	31%	69%		0	0	NA	NA
Gov. Office Complex 733	Employees	7.75	0.79	31%	69%		0	0	NA	NA
R&D Center 760	KSF²	8.11	1.07	15%	85%		0	0	NA	NA
R&D Center 760	Employees	2.77	0.41	10%	90%		0	0	NA	NA
Building Materials/Lumber 812	KSF²	45.16	4.49	47%	53%		0	0	NA	NA
Building Materials/Lumber 812	Employees	32.12	2.77	51%	49%		0	0	NA	NA
Free-Standing Discount Superstore 813	KSF²	53.13	4.61	49%	51%		0	0	NA	NA
Free-Standing Discount Store 815	KSF²	57.24	5.00	50%	50%		0	0	NA	NA
Free-Standing Discount Store 815	Employees	28.84	3.48	50%	50%		0	0	NA	NA
Hardware/Paint Store 816	KSF²	51.29	4.84	47%	53%		0	0	NA	NA
Hardware/Paint Store 816	Employees	53.21	5.05	NA	NA		0	0	NA	NA
Nursery (Garden Center) 817	KSF²	36.08	3.80	NA	NA		0	0	NA	NA
Nursery (Garden Center) 817	Employees	22.13	1.99	NA	NA		0	0	NA	NA
Nursery (Wholesale) 818	KSF²	39.00	5.17	NA	NA		0	0	NA	NA
Nursery (Wholesale) 818	Employees	23.40	0.47	NA	NA		0	0	NA	NA
Shopping Center 820 (Equation)	KSF²	Equation	Equation	49%	51%		0	0	NA	NA
Shopping Center 820 Rate	KSF²	42.94	3.37	49%	51%		0	0	NA	NA
Factory Outlet Center 823	KSF²	26.59	2.29	47%	53%		0	0	NA	NA
Quality Restaurant 931	KSF²	89.95	7.49	67%	33%		0	0	NA	NA
Quality Restaurant 931	Seats	2.86	0.26	67%	33%		0	0	NA	NA
High Turnover/Sit Down Rest 932	KSF²	127.15	11.15	59%	41%		0	0	NA	NA
High Turnover/Sit Down Rest 932	Seats	4.83	0.41	57%	43%		0	0	NA	NA
Fast Food w/o Drive Thru 933	KSF²	716.00	25.15	51%	49%		0	0	NA	NA
Fast Food w/o Drive Thru 933	Seats	42.12	2.13	64%	36%		0	0	NA	NA
Fast Food w/ Drive Thru 934	KSF²	496.12	33.48	52%	48%		0	0	NA	NA
Fast Food w/ Drive Thru 934	Seats	19.52	0.94	53%	47%		0	0	NA	NA
Drive Thru Only 935	KSF²	NA	153.85	54%	46%		0	0	NA	NA
Drinking Place 925	KSF²	NA	11.34	66%	34%		0	0	NA	NA
Quick Lube Shop 941	Service Bays	40.00	5.16	55%	45%	4.0	160	21	11	9

Automobile Care Center 942	Service Bays	12.48	2.17	NA	NA		0	0	NA	NA
Automobile Care Center 942	KSF[2]	15.86	3.38	50%	50%		0	0	NA	NA
New Car Sales 841	KSF[2]	33.34	2.59	39%	61%		0	0	NA	NA
New Car Sales 841	Employees	21.14	0.96	48%	52%		0	0	NA	NA
Automobile Parts Sales 843	KSF[2]	61.91	5.98	49%	51%		0	0	NA	NA
Gasoline/Service Station 944	Fuel. Position	168.56	13.87	50%	50%	4.0	674	55	28	28
Serv.Station w/ Conven.Mkt 945	Fuel Position	162.78	13.38	50%	50%	8.0	1,302	107	54	54
Serv.Stat.w/Conv.Mkt.&Carwash 946	Fuel Position	152.84	13.94	51%	49%	4.0	611	56	28	27
Self-Service Carwash 947	Stalls	108.00	5.54	51%	49%		0	0	NA	NA
Tire Store 848	Service Bays	NA	3.54	42%	58%		0	0	NA	NA
Tire Store 848	KSF[2]	24.87	4.15	43%	57%		0	0	NA	NA
Wholesale Tire Store 849	Service Bays	30.55	3.17	47%	53%		0	0	NA	NA
Supermarket 850	KSF[2]	102.24	10.50	51%	49%		0	0	NA	NA
Convenien. Mkt. (Open 24 hrs) 851	KSF[2]	737.99	52.41	51%	49%		0	0	NA	NA
Convenien. Mkt. (Open 16 Hrs) 852	KSF[2]	NA	34.57	49%	51%		0	0	NA	NA
Convenien. Mkt w/ Gas Pumps 853	KSF[2]	845.60	59.69	50%	50%		0	0	NA	NA
Discount Supermarket 854	KSF[2]	96.82	8.90	50%	50%		0	0	NA	NA
Wholesale Market 860	KSF[2]	6.73	0.88	53%	47%		0	0	NA	NA
Discount Club 857	KSF[2]	41.80	4.24	50%	50%		0	0	NA	NA
Home Improvement Store 862	KSF[2]	29.80	2.37	48%	52%		0	0	NA	NA
Electronics Superstore 863	KSF[2]	45.04	4.50	49%	51%		0	0	NA	NA
Toy/Children's Superstore 864	KSF[2]	NA	4.99	50%	50%		0	0	NA	NA
Apparel Store 876	KSF[2]	66.40	3.83	50%	50%		0	0	NA	NA
Drugstore w/o Drive-Thru 880	KSF[2]	90.06	8.42	50%	50%		0	0	NA	NA
Drugstore w/ Drive-Thru 881	KSF[2]	88.16	10.35	50%	50%		0	0	NA	NA
Furniture Store 890	KSF[2]	5.06	0.45	48%	52%		0	0	NA	NA
Video Arcade 895	KSF[2]	NA	56.81	52%	48%		0	0	NA	NA
Video Rental Store 896	KSF[2]	NA	31.54	50%	50%		0	0	NA	NA
Walk-in Bank 911	KSF[2]	156.48	12.12	44%	56%		0	0	NA	NA
Drive-in Bank 912	Drive-in Windows	139.25	27.41	49%	51%		0	0	NA	NA
Drive-in Bank 912	KSF[2]	148.15	25.82	50%	50%		0	0	NA	NA

] *

NA: Not Available
DU: Dwelling Unit

KSF[2]: Units of 1,000 square feet
Fuel Position: # of vehicles that could be fueled simultaneously

MICHAEL W. MASSEY & ASSOCIATES

Real Estate Appraisers & Consultants

Address of Property: NEC Mockingbird Lane and Skillman Road, Dallas, Dallas County, Texas 75214
Property Owner: 6101 Mockingbird, LLC
Address of Property Owner:
Texas, 75225
Occupant's Name: None
Whole: ☐ Partial: ☒ Acquisition

Project:
Parcel: NA
Entity: NA
County: Dallas

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of the fee simple title to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas and sulphur. If this acquisition is of less than the whole property, then any special benefits and /or damages to the remainder property must be included in accordance with the laws of Texas.

Market Value

Market value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

Certificate of Appraiser

I hereby certify:

That it is my opinion the total compensation for the acquisition of the herein described property is $ 327,603 as of July 7, 2015 based upon my independent appraisal and the exercise of my professional judgment;

That on July 7, 2015 and other dates, I personally inspected in the field the property herein. The most recent inspection was July 7, 2015.

That the comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on (shown on sales sheets) (date)(s);

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the client, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified to such findings;

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

I certify to the best of my knowledge and belief:

That the statements of fact contained in this report are true and correct;

That the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;

That I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right of way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement for which such property is to be acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to the physical deterioration within the reasonable control of the owner, has been disregarded in estimating the compensation for the property.

Respectfully submitted,
MICHAEL W. MASSEY & ASSOCIATES

Michael W. Massey, MAI
President
Texas Cert. #TX-1320163-G

Greg Connelly
Senior Appraiser
Texas Cert. #TX-1324452-G

CERTIFICATE

I certify that, to the best of my knowledge and belief....

The statements of facts contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, unbiased professional analyses, opinions, and conclusions.

As of the date of the appraisal only, I have no present or prospective interest in the property that is the Subject of this report, and I have no personal interest or bias with respect to the parties involved.

My compensation is not contingent on the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event.

The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the code of Professional Ethics of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

Greg Connelly (TX-1324452-G) provided significant professional assistance to the persons signing this report.

As of the date of the appraisal, Michael W. Massey has completed the requirements of the voluntary continuing education program of the Appraisal Institute, the Texas Real Estate Commission – Broker's License and the Texas Appraiser Licensing and Certification Board.

The property was physically inspected by Michael W. Massey, MAI and Greg Connelly.

Michael W. Massey and Greg Connelly have not provided real estate services as contemplated by USPAP for the Subject within the past three years.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

Michael W. Massey, MAI
President
Texas Cert. #TX-1320163-G

Greg Connelly
Senior Appraiser
Texas Cert. #TX-1324452-G

USPAP REQUIREMENTS

CLIENT

The "Client" for this assignment is the 6101 Mockingbird, LLC (property owner) and Brad Jackson (agent).

INTENDED USERS OF REPORT

The intended users of this report are the 6101 Mockingbird, LLC (property owner) and Brad Jackson (agent) and their designated assignees or contractors.

INTENDED USE OF REPORT

The "Intended Use" of this report is for the estimation of just compensation due the property owner in condemnation proceedings relating to the subject property.

PROPERTY RIGHTS APPRAISED

The property rights being appraised are those of a fee simple estate. **A Fee Simple Estate** is defined as: "Absolute ownership unencumbered by other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."[1]

NATURE OF ASSIGNMENT

The nature of this assignment and report is to estimate the "Market Value"[2] of the Fee Simple Interest of the real property to be acquired, encumbered by any existing easements not to be extinguished, less oil, gas and sulfur. If the acquisition is of less than the entire property, any special benefits and damages to the remaining property will be included in accordance with the laws of Texas.

DEFINITION OF MARKET VALUE

The following definition of Market Value is generally that definition accepted by the courts of the State of Texas under Texas Laws (City of Austin v. Cannizzo, SW 2d 808 Tex 1954):

> "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

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[1] Appraisal Institute, *The Appraisal of Real Estate*, 13th Ed., (Chicago, 2008), page 69.

[2] The value estimate is to be "as is" and includes valuation of the Whole Property, the Part to be Acquired, and the Remainder.

EFFECTIVE DATE OF VALUATION

The effective date of valuation is July 7, 2015. The on-site inspection date of the subject was July 7, 2015 and other dates. The most recent on-site inspection of the subject was July 7, 2015. The date of this report is July 13, 2015.

EXTRAORDINARY ASSUMPTIONS

An extraordinary assumption is an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. The assumption is assumed to be true, but is not certain. If these assumptions turn out to be untrue, the value conclusion could be impacted. The reader is referred to the Assumptions and Limiting Conditions section of this report. The appraiser is not qualified to render an engineer's report or assess the detailed physical condition of the subject.

HYPOTHETICAL CONDITIONS

Hypothetical Conditions is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Hypothetical conditions are contrary to know facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. The reader is referred again to the Assumptions and Limiting Conditions section of this report.

IDENTIFICATION OF PROPERTY

The whole subject property is 0.9066 acres, or 39,491 SF of land located on the northeast corner of Mockingbird Lane and Skillman Road in the City of Dallas, Dallas County, Texas. The size of the land and improvements were provided by the owner and are assumed correct. The tract is zoned "CR" Community Retail District by the City of Denton. The Property is legally described as: two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400161160, Official Public Records, Dallas County, Texas, containing 39,491 SF or 0.9066 of an acre of land.

SCOPE OF WORK

1. The appraisal includes the process of investigating and gathering all pertinent data that is deemed necessary to arrive at an opinion of the Market Value of the subject property's fee simple interest and compensation due.
2. The gathering of market data from various sources (CoStar, Roddy, buyers/sellers, area brokers, appraisers, city officials, deed records and others).
3. Analysis of the city and neighborhood trends, analysis of market trends with regard to supply and demand.
4. Analysis of the subject site and improvements (if any) from a physical and economic standpoint.
5. An analysis of the Highest and Best Use of the subject property.
6. Review of the City of Denton maps pertaining to the subject.
7. The employment of the three approaches to value (if applicable) as explained herein.

Comparable land sales and listings were researched in the Dallas area over the last five years. Market data was confirmed by knowledgeable sources to include real estate brokers, buyers, sellers, appraisers, tax assessors, and sales reporting services. The subject property and all sales utilized were personally inspected and were photographed. Since the subject property is vacant land, only the Sales Comparison Approach to value will be used to value the site.

PERSONAL PROPERTY, FIXTURES, AND INTANGIBLE ITEMS

According to the requirements of the Uniform Standards of Professional Appraisal Practice ("USPAP"), it is necessary to identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal. The impact of their inclusion or exclusion on the estimated value should be discussed. This appraisal report includes only real property associated with the subject property, and does not consider any personal property, fixtures or intangible items. **The scope of this assignment does not include apportioning the estimated compensation for the acquisition between any parties that may have an interest.**

PROPERTY INSPECTION

The subject property inspected on July 7, 2015 and other dates. Previous and subsequent inspections were conducted during the construction of the appraisal report.

OWNERSHIP/SALES HISTORY OF SUBJECT

The subject property is currently owned by 6101 Mockingbird, LLC. Ownership acquired the subject in two separate transactions. The ± 16,152 SF (6101 Mockingbird) hard corner portion was purchased on February 26, 2014 from Mockingbird Skillman, Inc., while the ±23,475 SF (6119 Mockingbird) was purchased on June 27, 2014 from Quik Way Retail As II, Ltd. At the time of sale, 6101 Mockingbird was improved with an operating gas station/service center, while 6119 Mockingbird was improved with an operating gas station/convenience store.

Since acquiring the properties the improvements on both tracts have been razed and the underground fuel tanks have been removed. To the best of our knowledge, no other sale or transfer of ownership has occurred within the past three years. Ownership is currently negotiating with users to ground lease the site.

TYPE OF APPRAISAL REPORT

The appraisal is a "Real Property Appraisal" developed in accordance with Standard Rule 1-1 through 5 of USPAP. The format of the appraisal is that of an "Appraisal Report" as specified in the requirements of USPAP, Standard Rule 2-2a.

EXPOSURE TIME AND MARKETING TIME

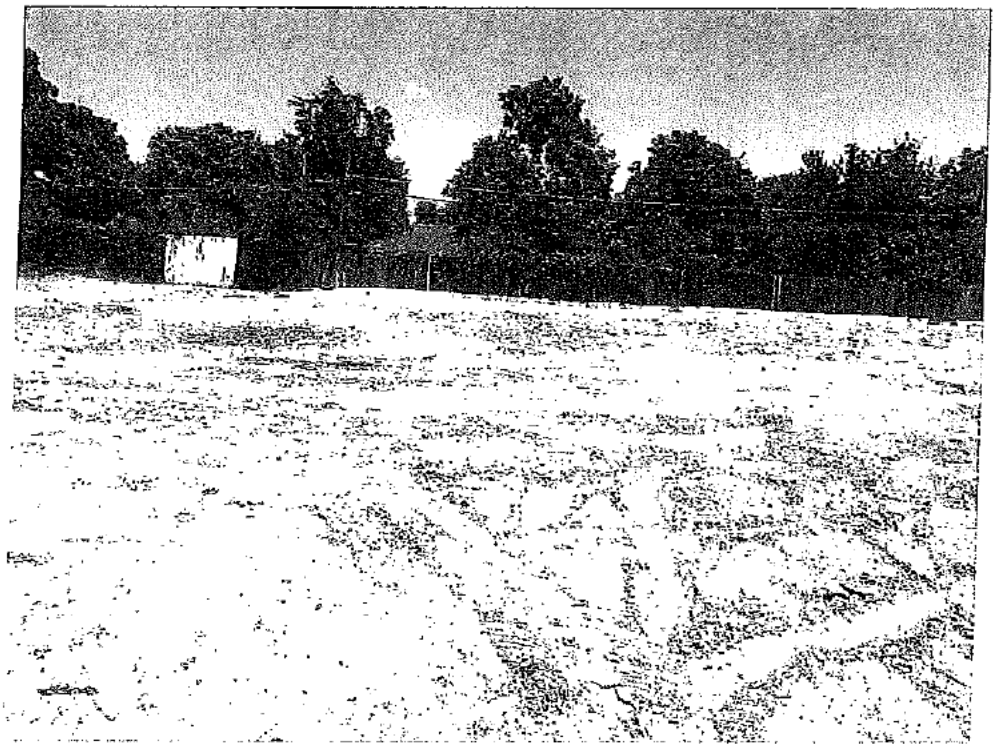
Exposure time is the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. The estimated exposure time of the fee simple interest of the subject is estimated at 12 months or less based on discussions with area brokers, marketing time for comparable properties and the physical characteristics of the subject property. The above estimated exposure time assumes ample exposure to the market and diligent marketing efforts by the brokers or principals. The estimated future marketing time is estimated to be 12 months.

COMPETENCY CLAUSE

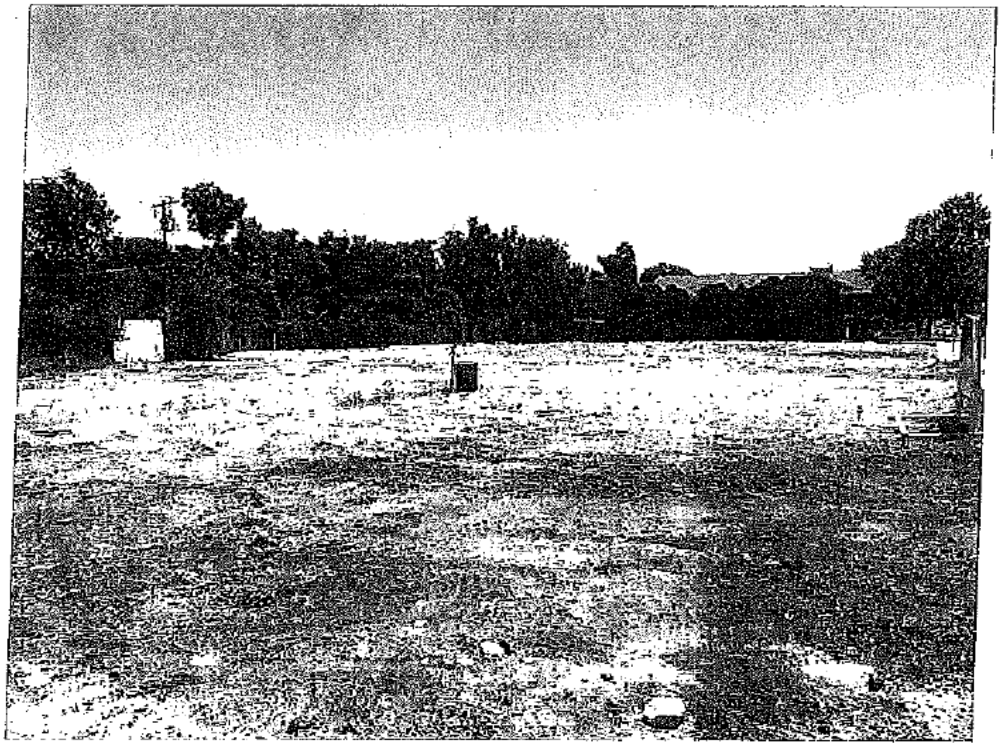
The appraiser has sufficient technical education and practical experience in appraising similar properties in this market to meet the competency requirements as outlined in USPAP. Michael W. Massey has over 35 years experience.

JURISDICTIONAL EXCEPTIONS

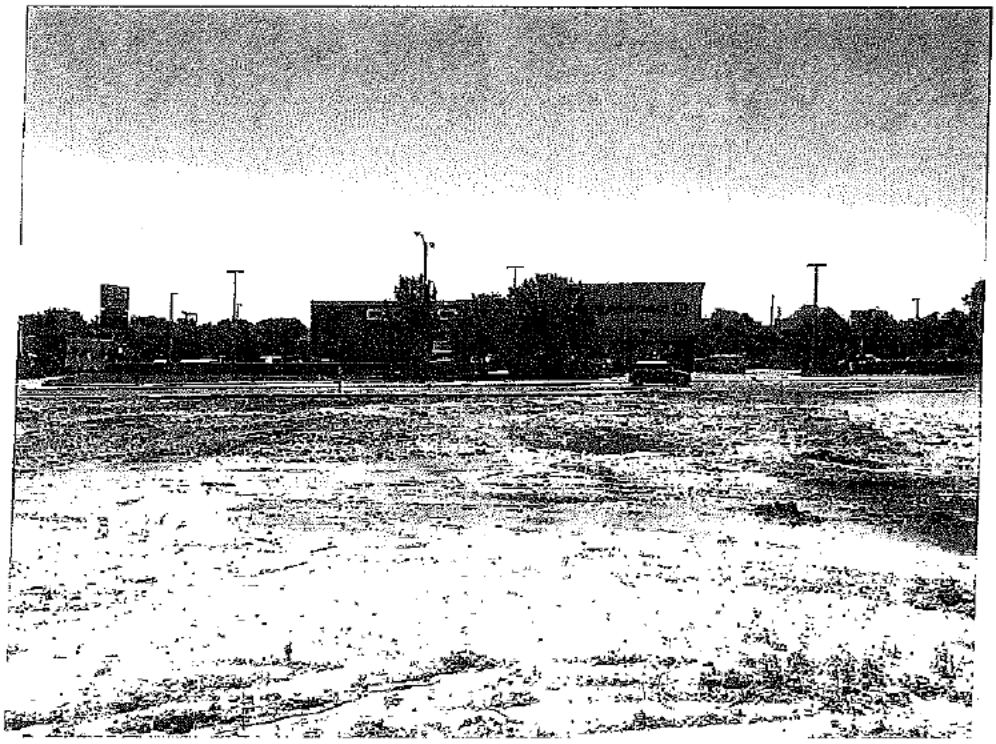
An assignment condition that voids the force of a part or parts of USPAP, when compliance with part or parts of USPAP is contrary to law or public policy applicable to the assignment. In this regard, project enhancement will not be considered in our valuation.



SUBJECT PROPERTY – LOOKING NORTH FROM MOCKINGBIRD LANE

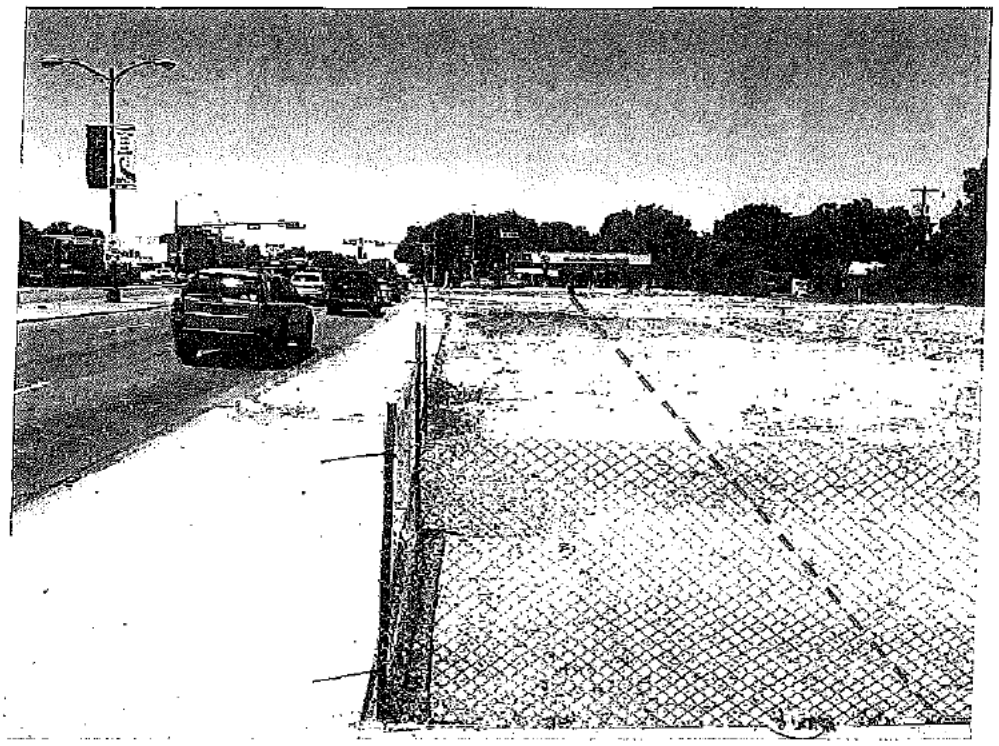


SUBJECT PROPERTY – LOOKING EAST FROM SKILLMAN ROAD



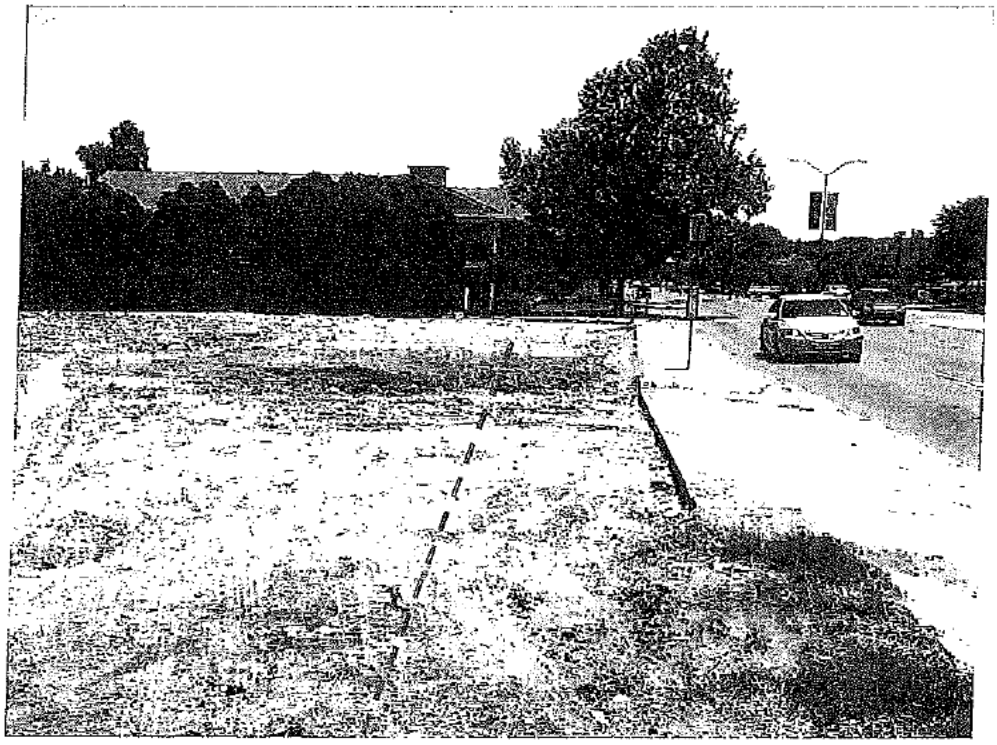
SUBJECT PROPERTY – LOOKING SOUTH

SUBJECT PROPERTY – LOOKING WEST

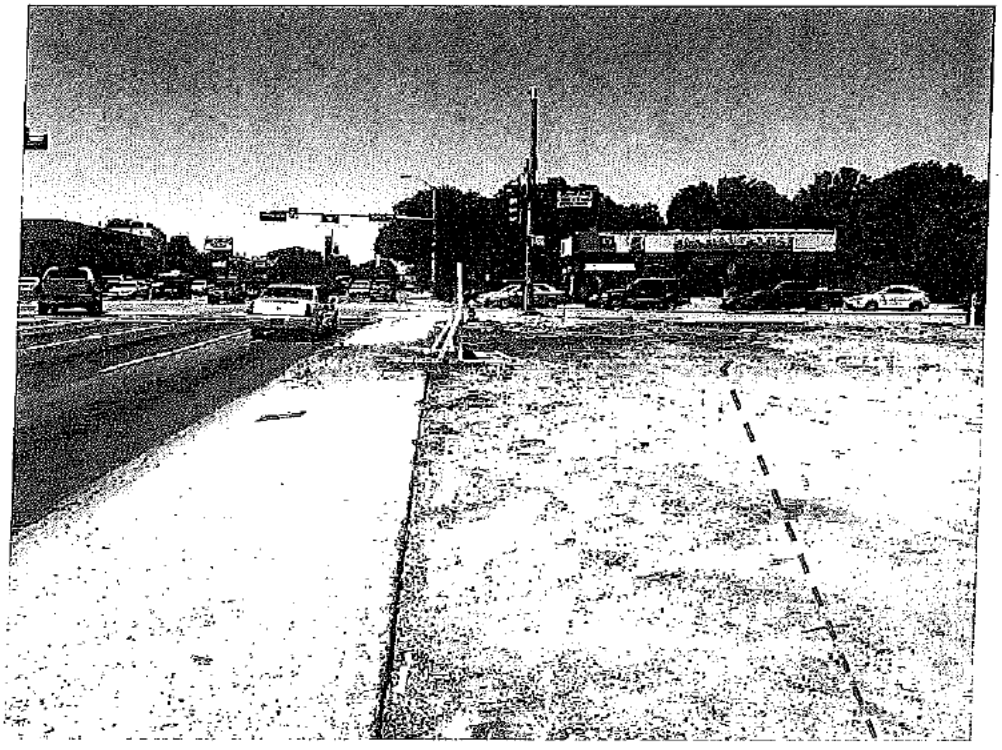


PART-TO-BE-ACQUIRED (PTA) – LOOKING WEST

PART-TO-BE-ACQUIRED (PTA) – LOOKING WEST

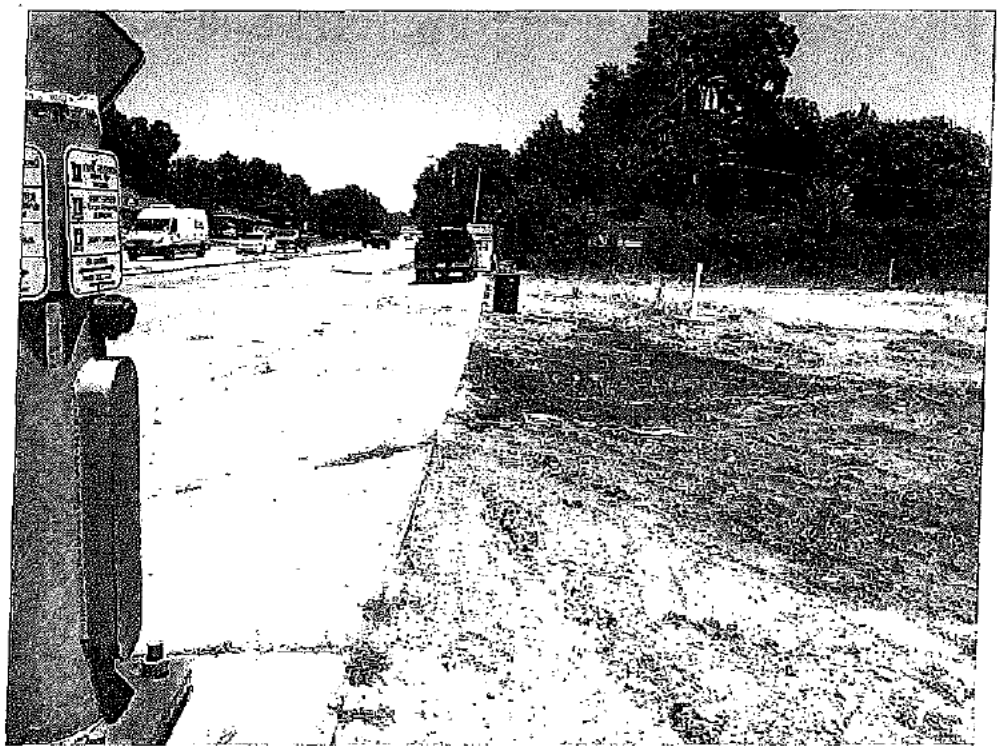


PART-TO-BE-ACQUIRED - LOOKING EAST ALONG TAKING



PART-TO-BE-ACQUIRED - LOOKING WEST ALONG TAKING

PART-TO-BE-ACQUIRED - LOOKING SOUTH ALONG TAKING



PART-TO-BE-ACQUIRED - LOOKING NORTH ALONG TAKING

MOCKINGBIRD LANE LOOKING WEST

SKILLMAND ROAD LOOKING SOUTH

SITE ANALYSIS

Tract	The subject is 0.9066 acres, or 39,491 SF of land. The tract is located on the northeast corner of Mockingbird Lane and Skillman Road in the City of Dallas, Dallas County, Texas.
Dimensions	Rectangular
Land Area	Whole Site – 0.9066 acres, or 39,491 SF.
Shape	Rectangular
Frontage/Access	± 277.31' along the north side of Mockingbird Lane, 17.26' along the Mockingbird/Skillman corner clip, and ± 127.35' along the east side of Skillman Road. Access to the site is available from two curb cuts along Skillman Road and four curb cuts along Mockingbird Lane.
Topography	Level to slight slope. Tract is at the street grade of both frontage roads.
Streets	Mockingbird Lane is a six-lane, divided, east/west primary thoroughfare. The 2002 daily traffic count was ± 42,571 cars. Skillman Road is a four-lane, divided, north/south, primary thoroughfare. The 2009 traffic count was ± 19,749 cars. The overall access and visibility is considered good.
Utilities	All available
Flood Zone	Per FEMA Map #48113C0335-K, dated July 7, 2014, no portion of the Subject is located within the 100-year flood plain. The site is not negatively affected by flood plain.
Zoning	"CR" – Community Retail District
Easements/ Encroachments	No easements and/or encroachments onto the subject site were noted during the inspection. Only typical utility easements and building setbacks are assumed present. However a survey and title are recommended for an exact determination of any unforeseen conditions.
Environmental	No environmental assessment or soil study of the subject site was provided to the appraiser; however, an inspection of neighboring properties does not indicate any hazardous material or problems associated with the soil. The value contained in this report is based on the assumption that there are no environmental concerns with respect to the subject property.
Improvements	None
Other	According to the survey conducted by Texas Heritage Surveying, LLC, dated December 23, 2014, the site contains 0.9066 acres or 39,491 SF of land. This is considered to be correct and will be used.

ZONING SUMMARY

The Subject is zoned "CR" Community Retail District by the City of Dallas. The purpose of this district is to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. Allowable uses include office, financial, retail, restaurant, medical, ambulatory surgical center, commercial uses. Development guidelines are summarized as follows.

Zoning	"CR" Community Retail District
Set Backs	
Front Yard	15'
Side & Rear Yard	20' if abuts residential district, no side and rear yard required in all other cases; however, if required it must be a minimum of 10'
Maximum FAR	0.5 for office uses; and 0.75 for all uses combined
Maximum Lot Coverage	60%
Stories	4
Maximum Building Height	54'
Parking Requirements	Depends on use

TAX EXHIBIT

The subject property is assessed by the Dallas County Appraisal District (DCAD) under two accounts. The preliminary 2015 assessment is summarized in the following chart.

Real Estate Assessment Summary			
Account #	Land Size SF	2015 Assessed Value	2015 Assessed Value/SF
00000240769000000	16,152	$565,320	$35.00
00000240766000000	23,475	$821,630	$35.00
Total*	39,627	$1,386,950	$35.00

*Assessment PSF based on DCAD's land area of 39,627 SF.

Taxing Authority	2015 Assessed Value	2014 Tax Rate/$100	Estimated
City of Dallas	$1,386,950	0.797000	$11,054
Dallas County*	$1,386,950	0.663875	$9,208
Dallas ISD	$1,386,950	1.282085	$17,782
Total	$1,386,950	2.742960	$38,044

*Includes Dallas County, Dallas County Community College District and Dallas County Hospital District.

Part-to-be-Acquired (PTA)

The part-to-be-acquired (PTA) involves the fee taking of one land tract for street right-of-way (ROW). The PTA contains 0.0717 acres, or 3,123 SF of land located is located along the south side of the tract along Mockingbird Lane and along the east side of Skillman Road. Only vacant land is located within the taking.

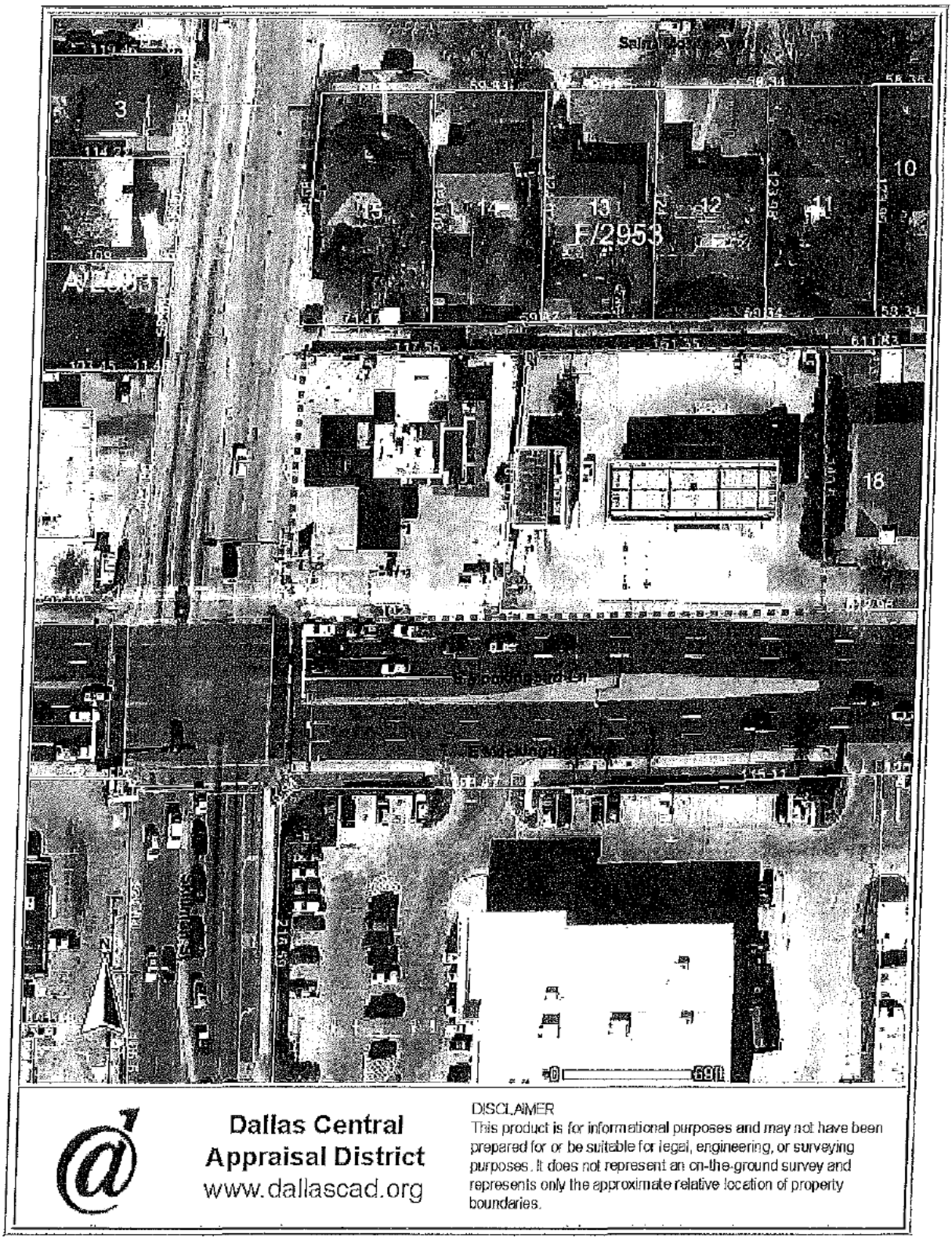
The PTA is irregular in shape, with a level topography. The tract has ± 277.31' of frontage along the north side of Mockingbird Lane, ± 17.26' along the Mockingbird Land/Skillman Road corner clip and ± 22' along the east side of Skillman Road. The width ranges from ± 10' along the south portion and ± 22' along the southwest portion of the acquisition.

Due to the small size and narrow shape of the taking, the part-to-be-acquired tract is not considered to be self-sustaining economic unit and will be valued as part of the whole.

Visual representation of the part-to-be-acquired can be seen on pages 20, 21 and 37. The subject tract is summarized in the following chart.

	Whole Property		Taking Tract		Remainder Tract	
	Acres	SF	Acres	SF	Acres	SF
Whole - Fee	0.9066	39,491	-0.0717	-3,123	0.8349	36,368
Total	**0.9066**	**39,491**	**-0.0717**	**-3,123**	**0.8349**	**36,368**

The following are exhibits for the subject property.


3
15
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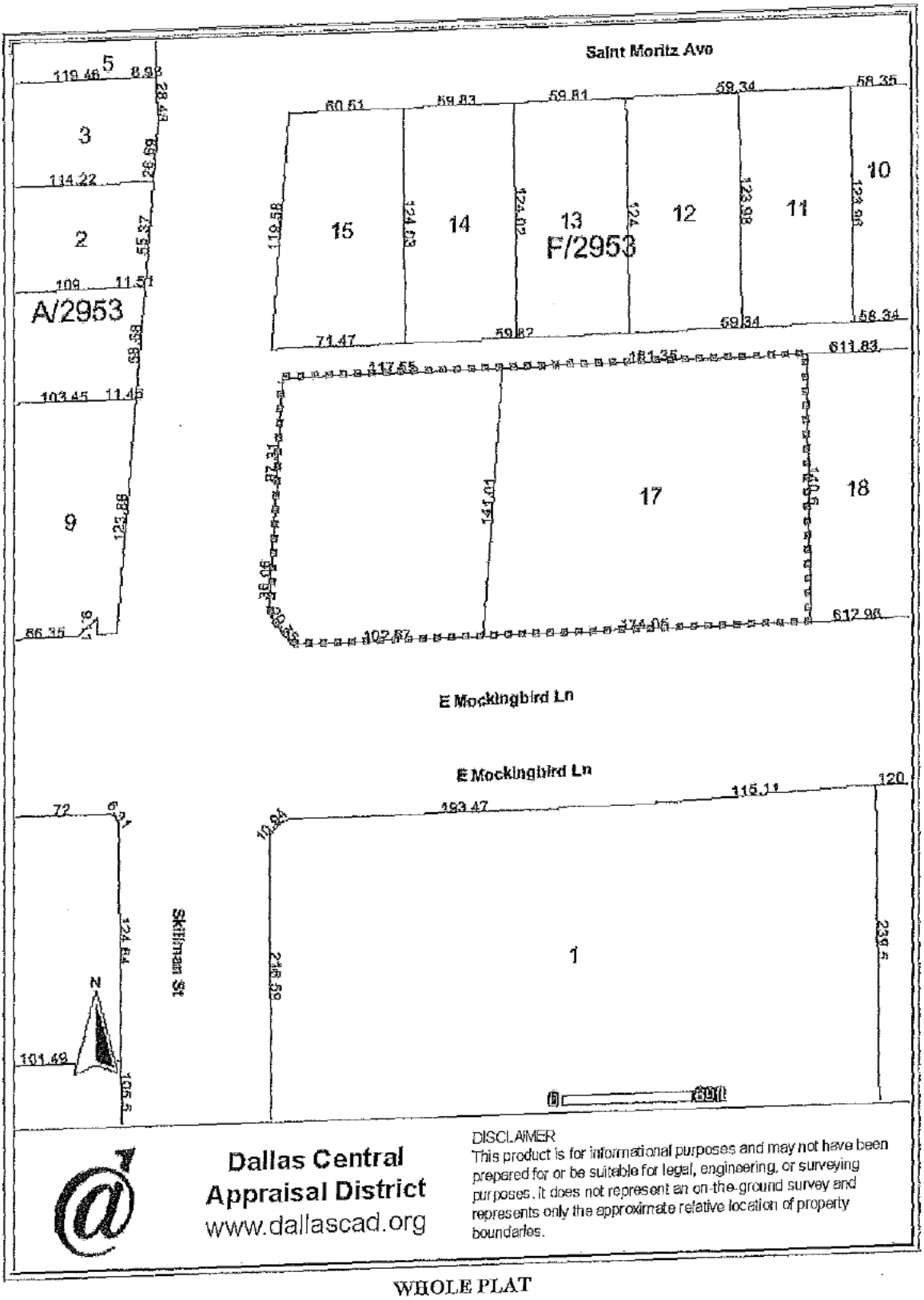
Dallas Central
Appraisal District
www.dallascad.org
DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

AERIAL


Saint Moritz Ave
E Mockingbird Ln
E Mockingbird Ln
Skillman St
A/2953
F/2953
Dallas Central Appraisal District
www.dallascad.org
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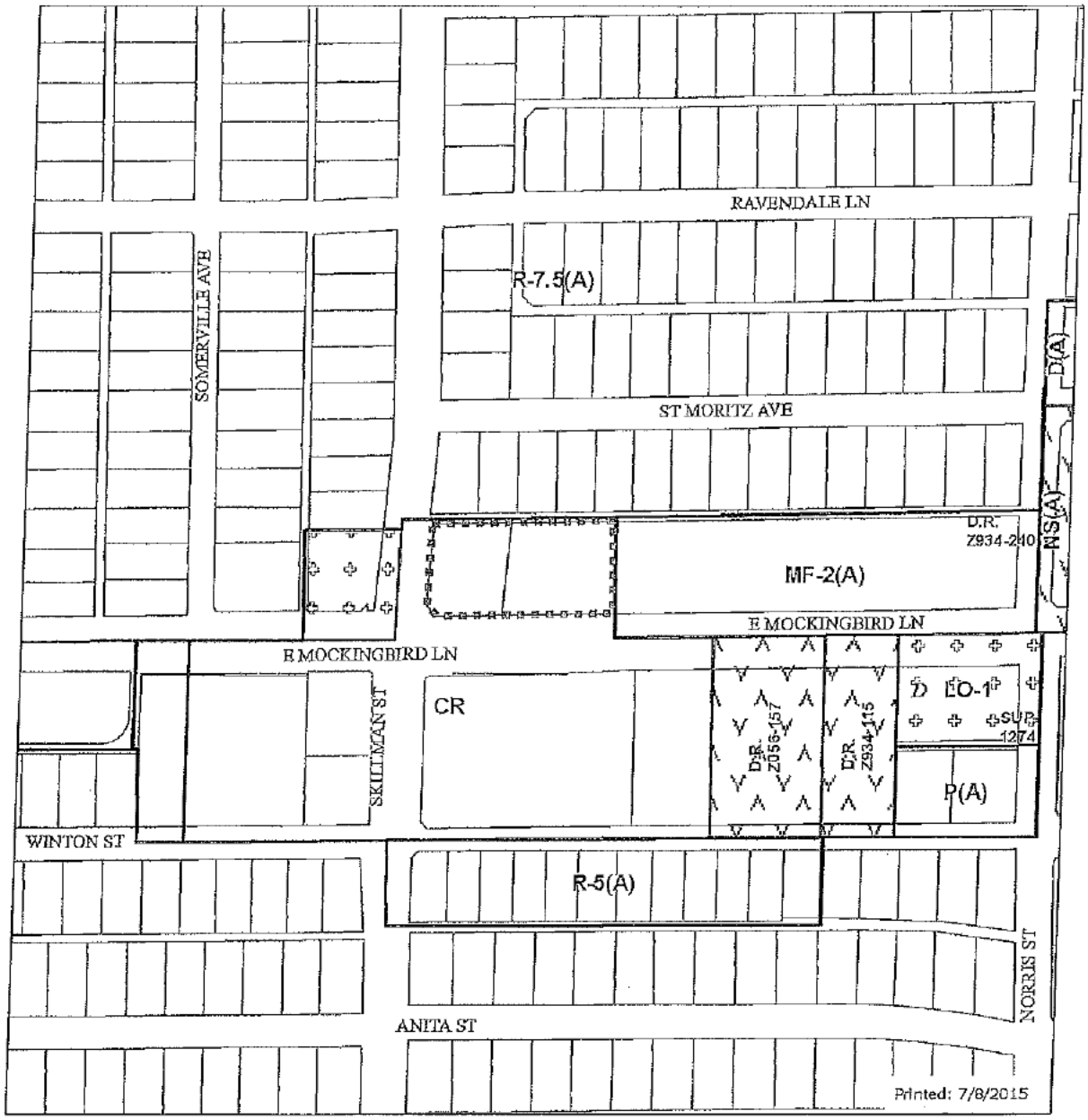
WHOLE PLAT



Legend

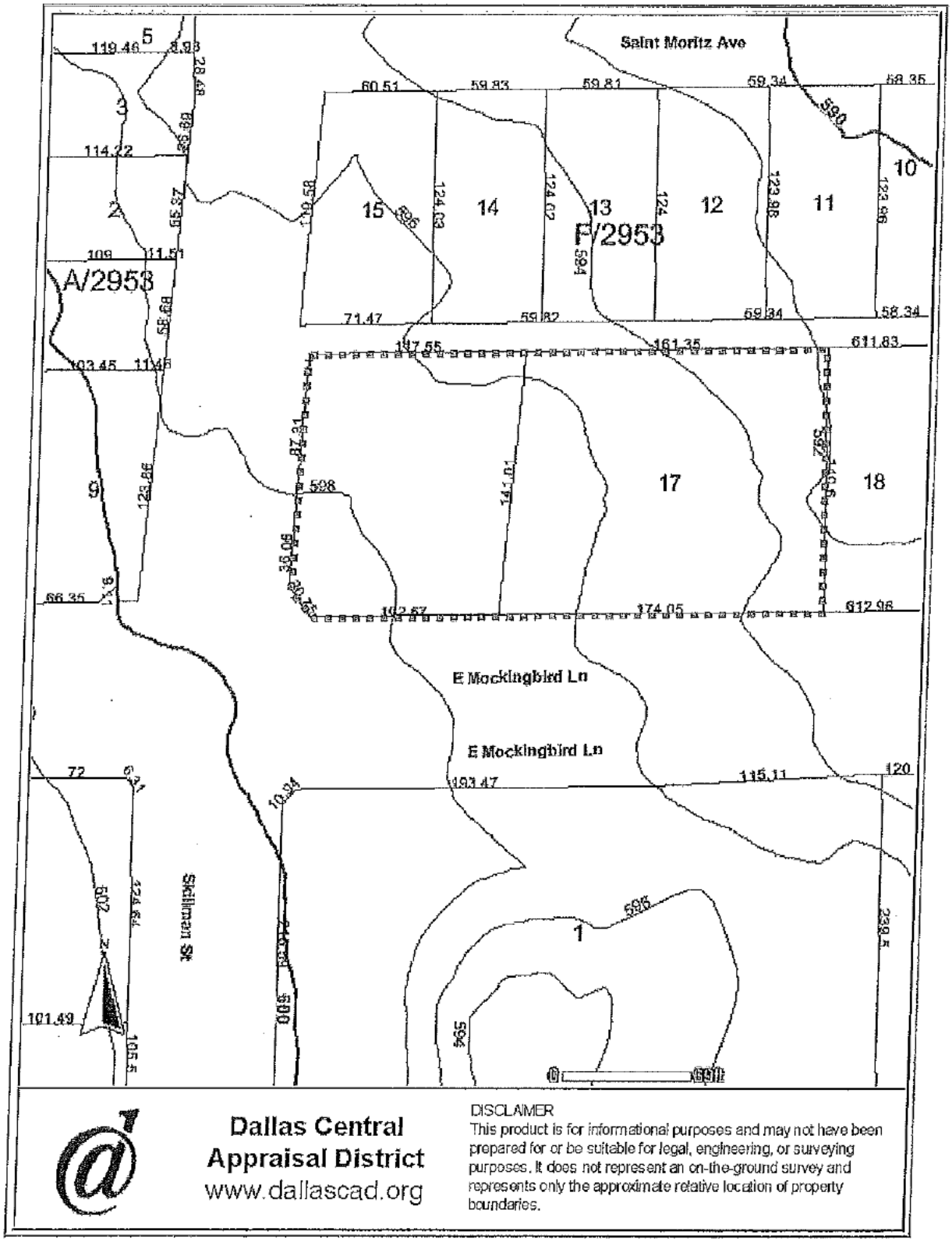
City Limits
School
Floodplain
100 Year Flood Zone
Mill's Creek
Peak's Branch
X Protected by Levee
Parks
railroad
Certified Parcels
Base Zoning
PD 193 Oak Lawn
Dallas Environmental Corridors
SPSD Overlay
Deed Restrictions
SUP
Dry Overlay
D
D-1
CP
SP
MD Overlay
Historic Subdistricts
Historic Overlay
Height Map Overlay
CD Subdistricts
PD Subdistricts
PDS Subdistricts
NSO Subdistricts
NSO_Overlay
Escarpment Overlay
Parking Management Overlay
Shop Front Overlay

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2061.102)

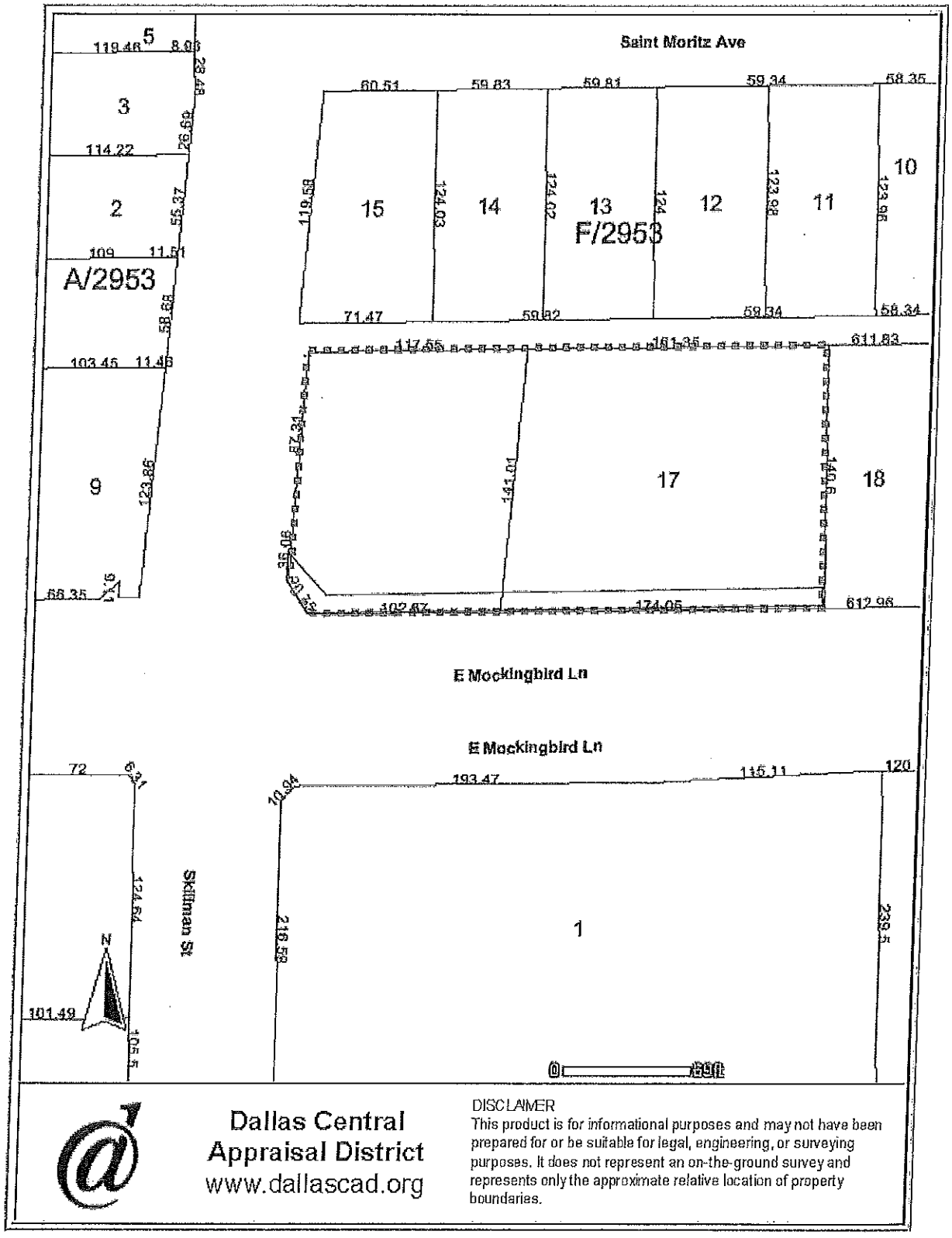
N

1:2,400

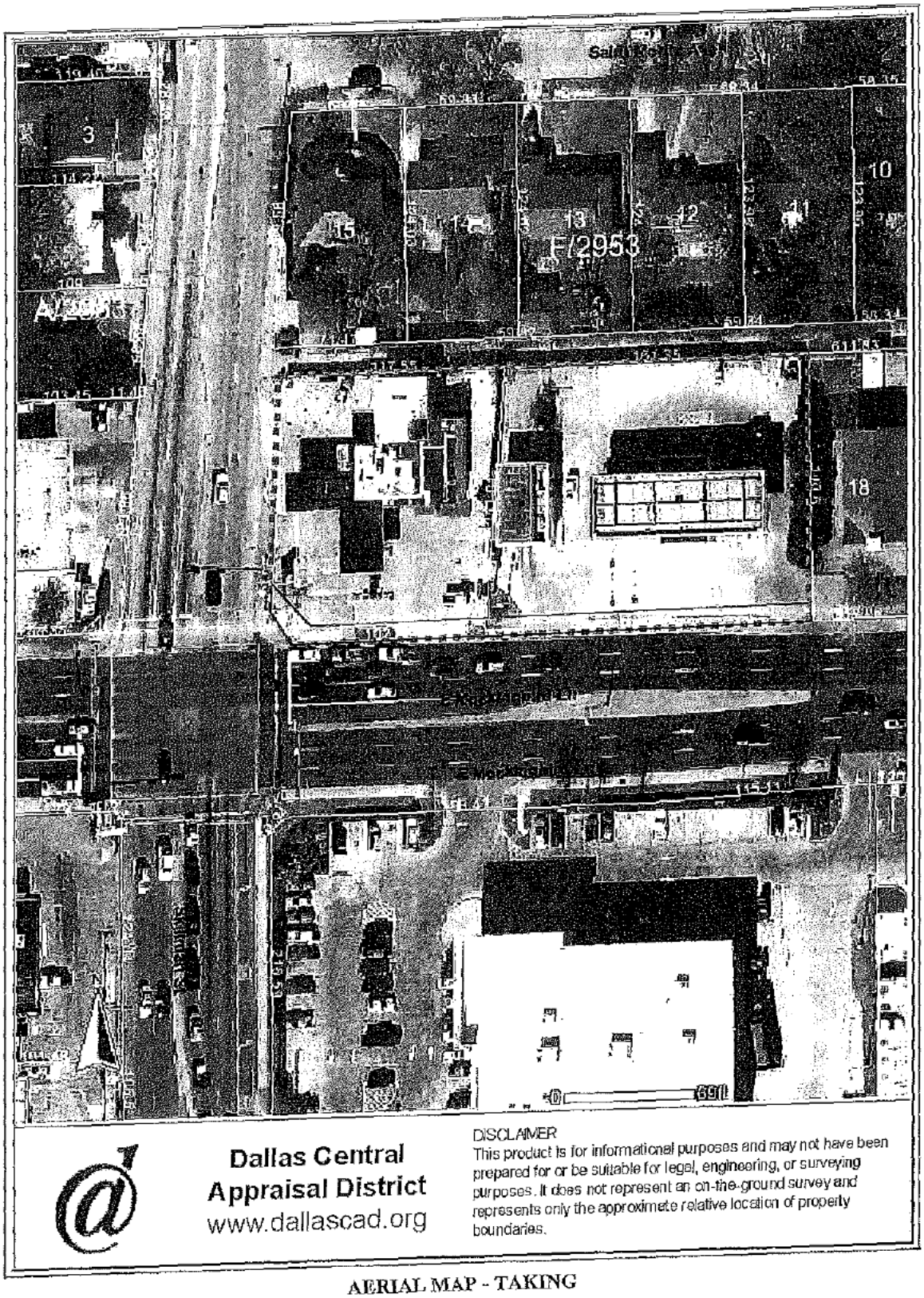
ZONING MAP



WHOLE TOPOGRAPHY MAP

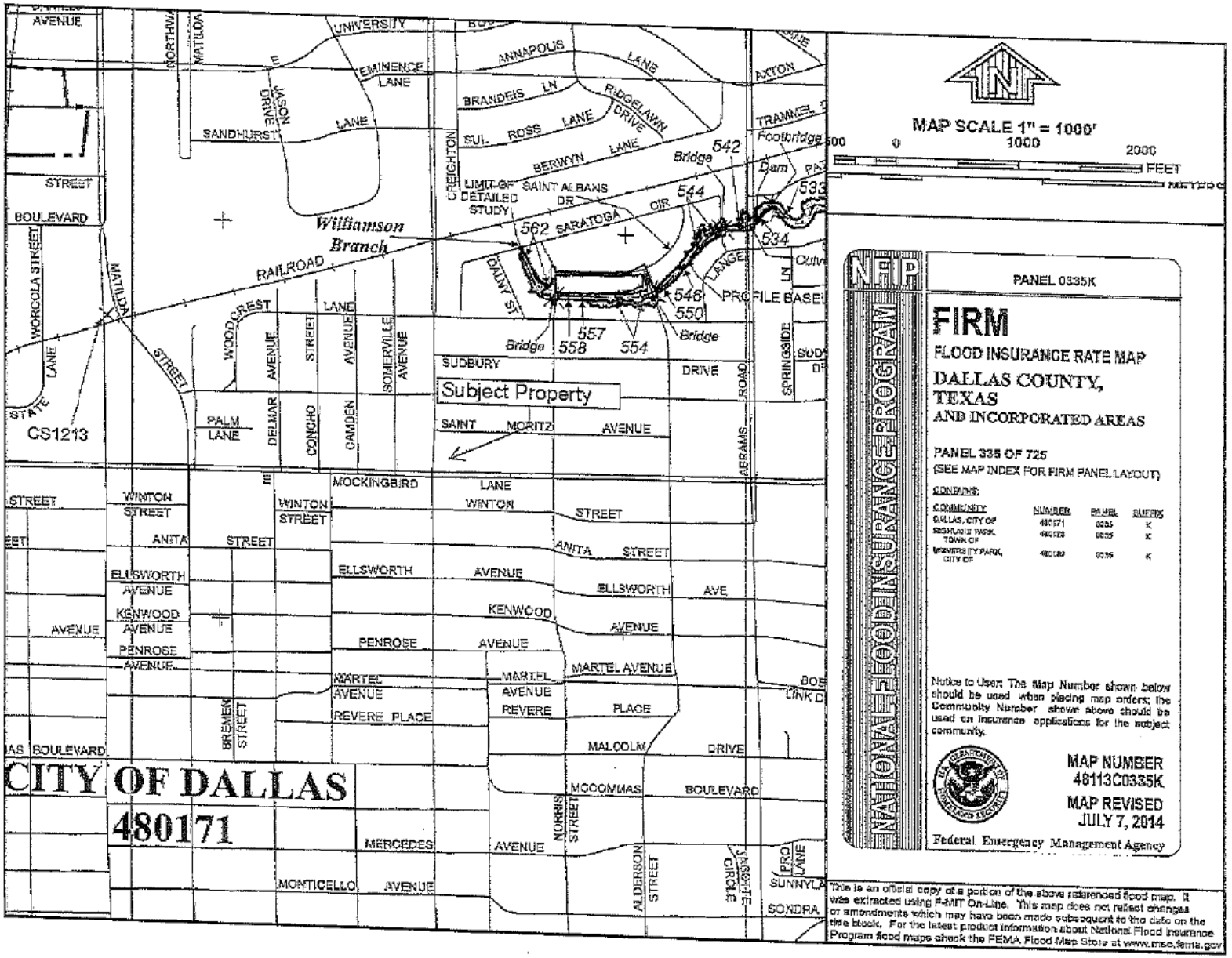


PART-TO-BE-ACQUIRED (PTA)



AERIAL MAP - TAKING

FLOOD PLAIN MAP



PROPERTY VALUATION SUMMARY

Whole: ☒ Part to be Acquired: ☐ Remainder After: ☐

HIGHEST AND BEST USE ANALYSIS: See next page.

VALUATION APPROACHES
Insert value estimate, then describe, analyze, and support each approach as required.

Cost Approach	NA		
Sales Comparison Approach	$	4,142,606	(Land Only)
Income Approach	NA		
Reconciliation of Approaches to Value	$	4,142,606	

Contributory Value of Improvements (Itemized)	
	$ -
	$ -
	$ -
	$ -
	$ -
	$ -
Total Contributory Value of Improvements	$ -

Easement Value	-	acres/sq. ft. @	$	-	=	$	-		
Fee Land Value	39,491	sf/sq. ft. @	$	104.90	=	$	4,142,606	Say $	4,142,606

Reconciled Final Value ..... $ 4,142,606

Each approach developed follows this page and is sequenced as shown below.

Land Value,	Cost Approach,	Sales Comparison Approach,	Income Approach,
page 25	page NA	page NA	page NA

HIGHEST AND BEST USE ANALYSIS - SUBJECT WHOLE PROPERTY

The highest and best use of land, as though vacant and ready to be put to it's highest and best use, and as improved must meet four criteria. The highest and best use must be:

1) physically possible;
2) legally permissible;
3) financially feasible,
4) maximally productive.

After analyzing the existing improvements and the data gathered in the site analysis, the following analysis was made which considers the highest and best use of the subject.

AS VACANT LAND

1) **Physically Possible**
There are no physical problems associated with size, topography, easements, or flood plain that would limit development of the subject property. All utilities are available to the site. Therefore, the possible uses of the subject tract based on physical characteristics are varied with no physical issues.

2) **Legal Restrictions**
The subject tract is zoned "CR" Community Retail District. This zoning allows a wide range of office, professional services, retail, financial, medical restaurant and commercial uses. There are no known legal restrictions upon the use of the subject.

3) **Financially Feasible**
The surrounding properties and land uses are considered when determining feasible uses. The subject property is located on the northeast corner of Mockingbird Lane and Skillman Road. Both frontage roads are major thoroughfares that provide good access and visibility in an area developed with retail, office, restaurant and commercial uses.

4) **Maximally Productive**
The highest and best use "As Is" is for retail, office or commercial development that conforms to the surrounding uses.

SALES COMPARISON APPROACH Whole: ☒ Land: ☒ Part to be Acquired: ☐ Improved: ☐ Remainder After: ☐

LAND VALUATION GRID **Representative Comparable Sales**

	Subject	Comp. No 1		Comp. No 2		Comp. No 3	
Grantor		Colonial Bank		Quik Way Retail As II, Ltd.		Rosebriar Caruth Haven, LP	
Grantee		MC Preston, LP		CCP Green Belmont, LP		In N Out Burger	
Date of Sale		10/5/2011		9/17/2014		09/30/2014	
Unit Price		$ 161.11		$ 69.51		$ 79.26	
Relative Location	NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas		SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas		E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas	
Distance from Subject		± 3.2 Miles Northwest		± 1.4 Miles Southwest		± 1.7 Miles Northwest	
Property Rights Conveyed		Fee Simple	0%	Fee Simple	0%	Fee Simple	0%
Financing		Cash to Seller	0%	Cash to	0%	Cash to	0%
Conditions of Sale		Market	15%	Market	0%	Market	0%
Market Conditions			0%		0%		0%
Adjusted Price			$185.28		$69.51		$79.26
Location/Access/Visibility		Superior	-50%	Inferior	20%	Inferior	15%
Size SF	39,491	9,000	20%	22,184	15%	50,464	0%
Zoning		Similar	0%	Similar	0%	Similar	0%
Shape/Topography		Similar	0%	Similar	0%	Similar	0%
Utilities		Similar	0%	Similar	0%	Similar	0%
Flood Plain		Similar	0%	Similar	0%	Similar	0%
Total Adjustment			-30%		35%		15%
	Indicated Unit Value	SF	$ 129.70	SF	$ 93.84	SF	$ 91.15
Estimated Unit Value							$ 104.90

39,491 SF @ $ 104.90 $ 4,142,606

Estimated Value by Sales Comparison Approach ..... $ 4,142,606

See next page for explanation of adjustments.

EXPLANATION OF ADJUSTMENTS – WHOLE PROPERTY

Property Rights Conveyed – All of the sales were purchased in Fee Simple and no adjustment is necessary.

Financing – All of the sales comparables were purchased with cash to the Sellers and no adjustment is necessary.

Conditions of Sale – The sales comparables did not require adjustments for conditions of sale.

Market Conditions – Sale 1 occurred in October 2011, while Sales 2 and 3 occurred in September 2014. Overall market conditions have improved significantly since 2011 and an upward adjustment will be applied to Sale 1. No adjustment will be applied to Sales 2 and 3.

Location/Access/Visibility – The subject is located on the northeast corner of Mockingbird Lane and Skillman Road. Both frontage roads are primary thoroughfares that provide good access and visibility.

Sale 1 is located on the southwest corner of Northwest Highway and Preston Road, approximately 3.2 miles northwest of the Subject. Both frontage roads are primary thoroughfares that provide good access and visibility in an area heavily developed with office and retail uses. The overall location is considered to be superior to the subject and a downward adjustment will be made.

Sale 2 is located on the southwest corner of Greenville Avenue and Belmont Avenue, approximately 1.4 miles southwest of the Subject. Greenville Avenue is a primary thoroughfare, while Belmont Avenue is a secondary roadway. The overall location, access and visibility are inferior to the Subject and an upward adjustment will be applied.

Sale 3 is located along the east side of the Central Expressway (US-75) service road, just south of Caruth Haven Lane, approximately 1.7 miles northwest of the Subject. Central Expressway is a major freeway; however Sale 3's interior location is deemed inferior to the Subject corner location and an upward adjustment will be applied.

Size – The whole subject property contains 0.9066 acres, or 39,491 SF of land. In built-up areas similar to the Subject a premium is paid for larger more developable tracts than smaller tracts that require assemblage. Sale 1 contains only 9,000 SF, which is detrimental to its development utility and an upward adjustment will be applied. Sale 2 contains 22,184 SF and will be adjusted upward. Sale 3 contains 50,464 SF, which is similar to the Subject and no adjustment will be made.

Shape/Topography – The subject property is rectangular in shape with a level to slightly sloping topography. The overall shape and topography of the subject and comparable sales are similar and no adjustment is warranted.

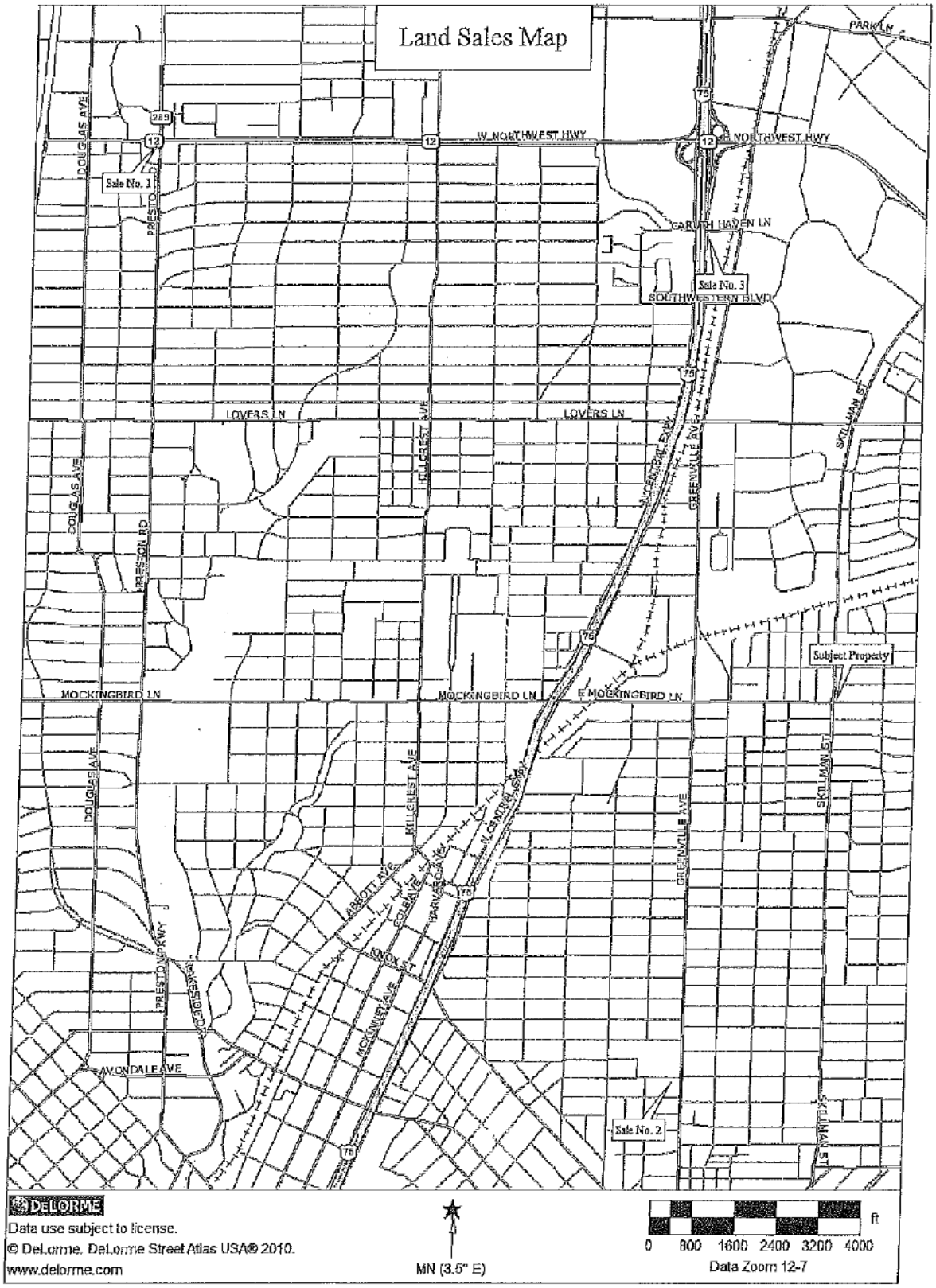
Flood Plain – No portion of the subject property or comparable sales are located in the flood plain. No adjustments will be made. **Zoning** – The subject's zoning and zoning of the comparable sales allow for similar uses and no adjustment is necessary.

Utilities – The subject and comparable sales have access to all utilities. No adjustments are necessary.

Final Reconciliation – The adjusted sales range from $91.15/SF to $129.70/SF, with an average of $104.90/SF. Each is a tract with the same highest and best use as the subject. After adjustments, these sales indicated a narrow range of unit values for the subject property. An equal emphasis will be given to all the sales. For our analysis, a price per square of $104.90/SF is reasonable and will be utilized.

The value of the subject whole property is calculated as follows.

Whole Land Value						
39,491	SF	@	$	104.90	=	$ 4,142,606


Land Sales Map
Sale No. 1
Sale No. 2
Sale No. 3
Subject Property
W NORTHWEST HWY
E NORTHWEST HWY
PARK LN
CARUTH HAVEN LN
SOUTHWESTERN BLVD
LOVERS LN
MOCKINGBIRD LN
E MOCKINGBIRD LN
DOUGLAS AVE
PRESTON RD
HILLCREST AVE
GREENVILLE AVE
SKILLMAN ST
ABBOTT AVE
COLGATE
HARVARD AVE
KNOX
MCKINNEY AVE
AVONDALE AVE
PRESTON PARKWAY
DELORME
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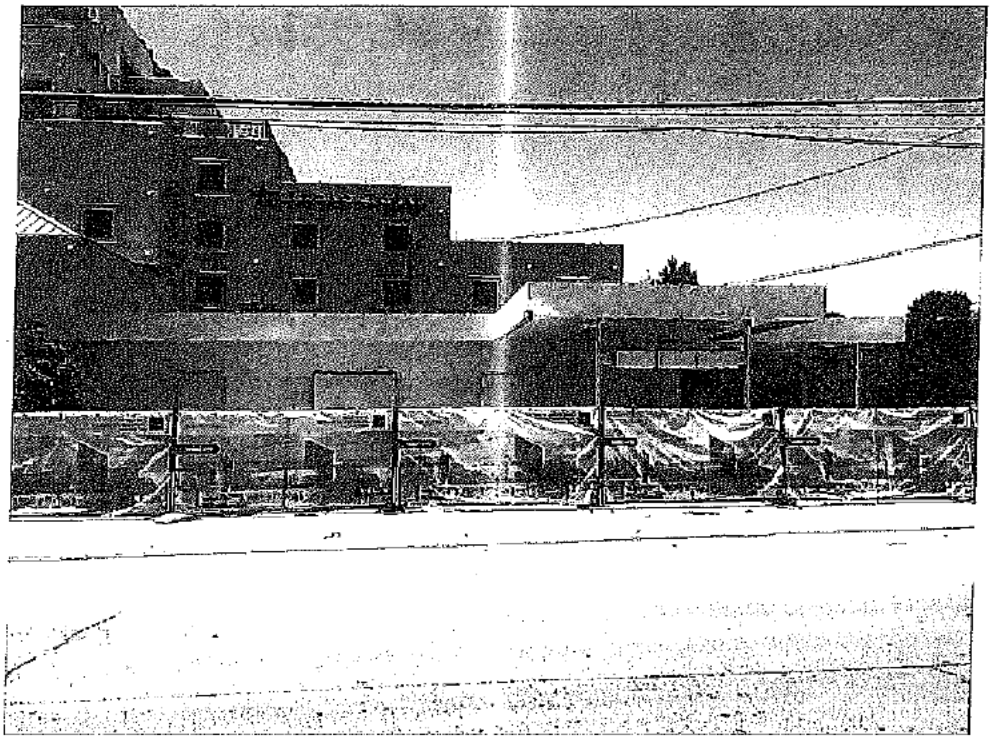
www.delorme.com
MN (3.5° E)
0 800 1600 2400 3200 4000 ft
Data Zoom 12-7

COMPARABLE DATA SUPPLEMENT – SALE 1

Land Sale ☒ Improved Sale ☐ Rental Data ☐

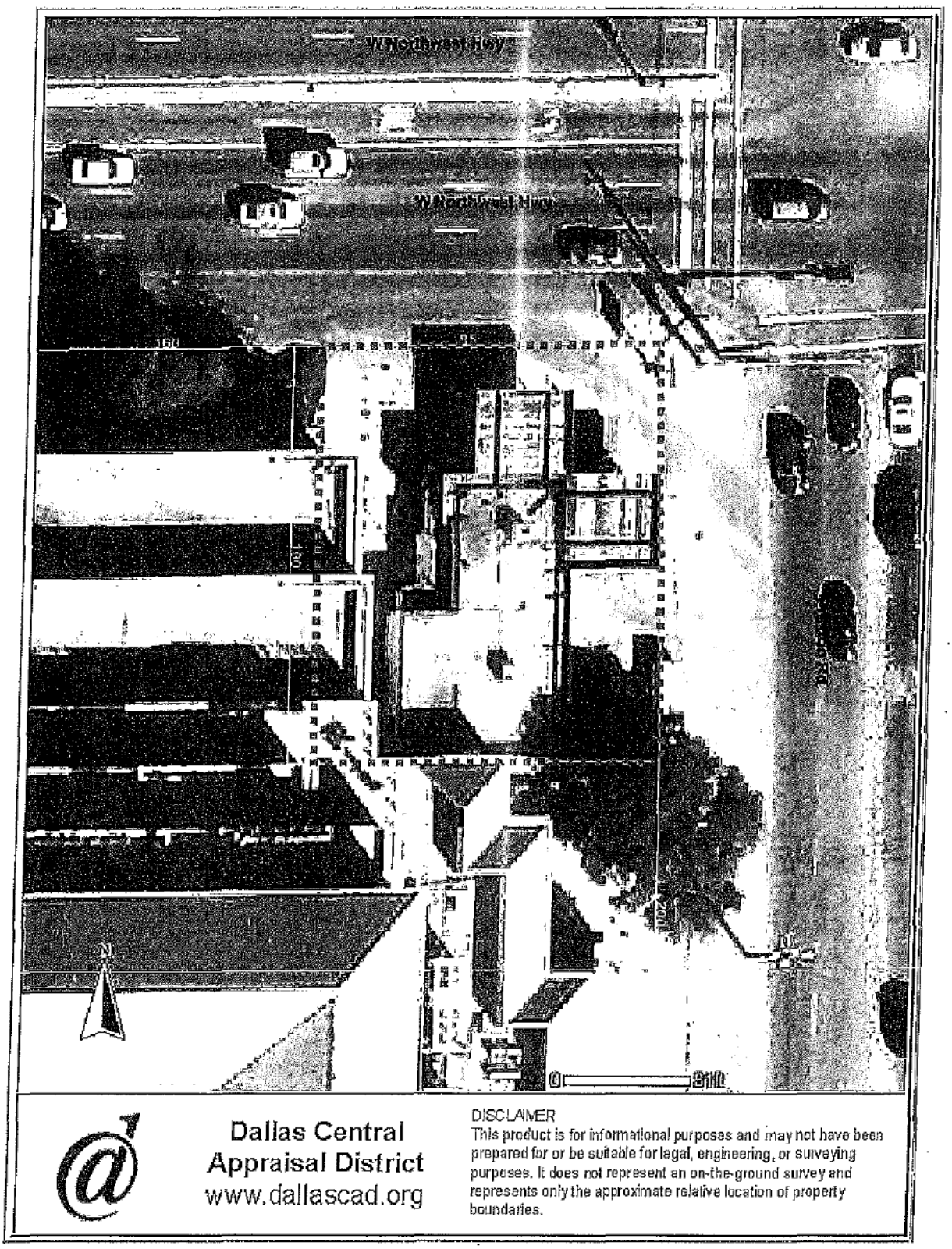


Grantor/Lessor:	Colonial Bank		Grantee/Lessee:	MC Preston, LP	
Date:	10/5/2011	Recording Information:	201100261854	Key Map:	D25-T
Address:	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texa			Zip Code:	75225
Legal Description:	Part of Lot 1, Block 5623, Antony Plaza Addition, Dallas				
Confirmed Price:	$1,450,000		Verified with:	Confidential	
Terms and Conditions of Sale:	Cash to the Seller				
Rental Data:	N/A				
Land Size:	9,000 SF or 0.207 Acres		Unit Price as Vacant:	$ 161.11 SF	
Type Street:	Primary thoroughfares		Utilities:	All Available	
Improvement(s) Description:	None				
Improvement(s) Size:	N/A (GBA) N/A (NRA)		Unit Price as Improved:	N/A	
Condition and Functional Design:	N/A				
Current Use:	Vacant Land		Highest & Best Use:	Commercial	
Date of Inspection:	July 7, 2015	Zoning:	PD-314 MU-2	Flood Plain:	None

Attach Additional Information:

The tract is located on the southwest corner of Northwest Highway and Preston Road. The tract is improved with a 1,979 converted service station that was built in 1957. The tract has approximately 100' of frontage along Preston Road and approximately 90' of frontage along Northwest Highway.

Appraiser: Michael W. Massey, MAI Date: July 13, 2015


W Northwest Hwy
W Northwest Hwy
160
N
0
Dallas Central
Appraisal District
www.dallascad.org
DISCLAIMER
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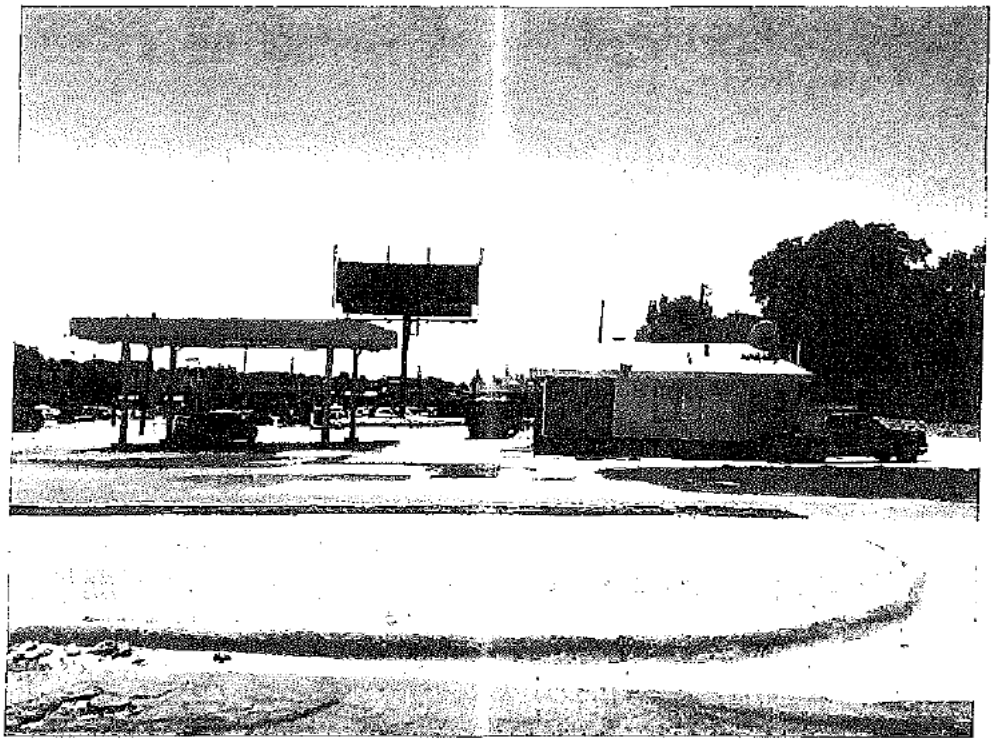
COMPARABLE DATA SUPPLEMENT – SALE 2

Land Sale ☒ Improved Sale ☐ Rental Data ☐

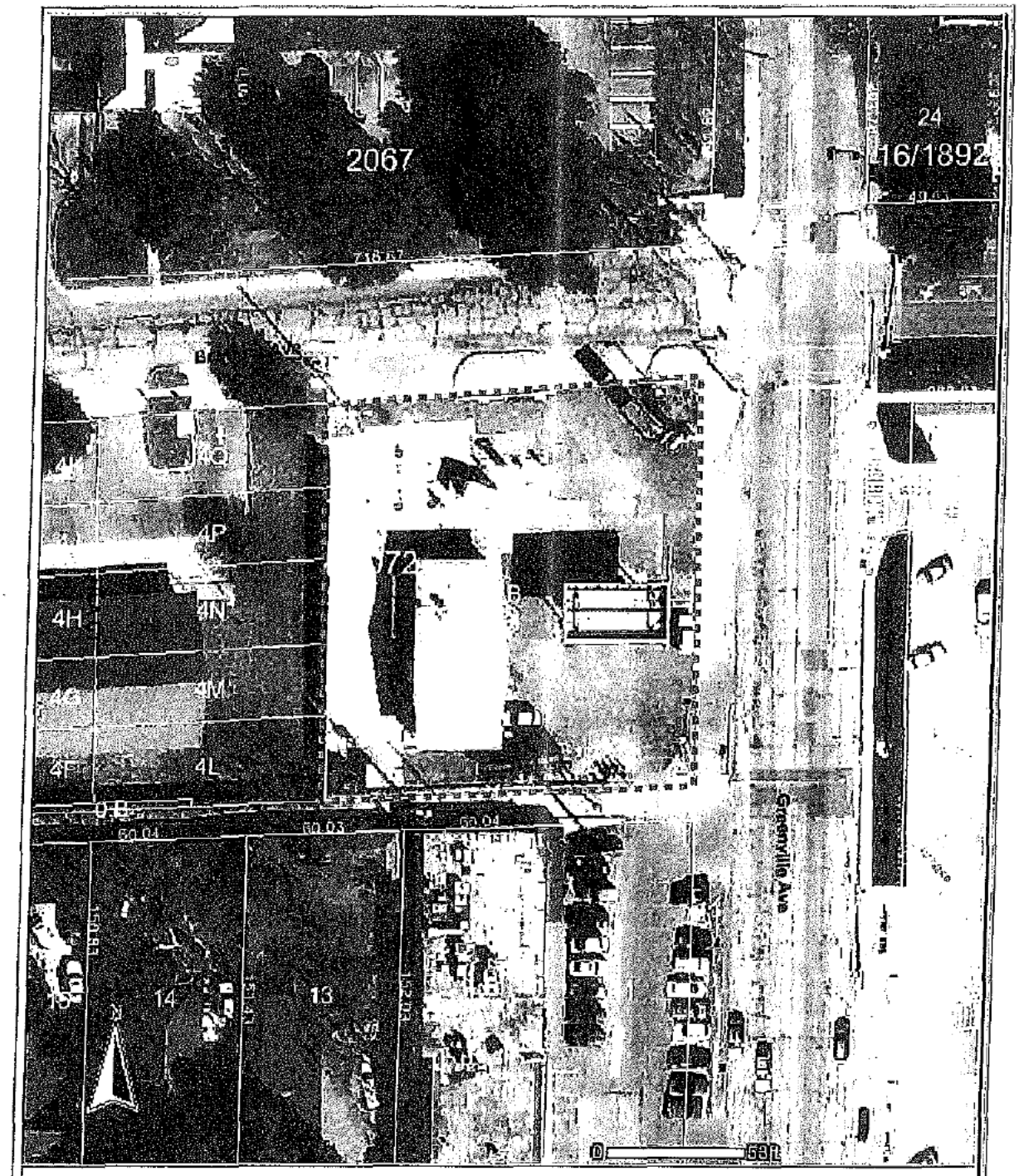


Grantor/Lessor:	Quik Way Retail As II, Ltd.	Grantee/Lessee:	CCP Green Belmont, LP		
Date: 9/17/2014	Recording Information:	201400237765	Key Map:	D36-S	
Address:	SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas		Zip Code:	75206	
Legal Description:	Lot B, Block 2072, Caruth Place, Dallas				
Confirmed Price:	$1,541,960	Verified with:	Broker		
Terms and Conditions of Sale:	Cash to the Seller				
Rental Data:	N/A				
Land Size:	22,184 SF or 0.509 Acres	Unit Price as Vacant:	$ 69.51	SF	
Type Street:	Primary thoroughfare	Utilities:	All Available		
Improvement(s) Description:	None				
Improvement(s) Size:	N/A (GBA) N/A (NRA)	Unit Price as Improved:	N/A		
Condition and Functional Design:	N/A				
Current Use:	Vacant Land	Highest & Best Use:	Commercial/retail		
Date of Inspection:	July 7, 2015	Zoning:	PD-842, MD-1	Flood Plain:	None

Attach Additional Information:

The tract is located on the southwest corner of Greenville Avenue and Belmont Avenue. The tract was improved with a closed gas station/convenience store and will be razed. The site will reportedly be ground leased to a restaurant. The improvements will be razed at an estimated cost of $100,000, which has been added to the $1,441,960 sale price. The adjusted price is $1,541,960.

Appraiser: Michael W. Massey, MAI Date: July 13, 2015



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COMPARABLE DATA SUPPLEMENT – SALE 3

Land Sale ☒ Improved Sale ☐ Rental Data ☐

Grantor/Lessor: Rosebriar Caruth Haven, LP Grantee/Lessee: In N Out Burger

Date: 09/30/2014 Recording Information: 201400250782 Key Map: D26-X

Address: E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas Zip Code: 75206

Legal Description: Lot 4D, Block A/5191, North Central 2 Addition, Dallas

Confirmed Price: $4,000,000 Verified with: Seller

Terms and Conditions of Sale: Cash to the Seller

Rental Data: N/A

Land Size: 50,464 SF or 1.158 Acres Unit Price as Vacant: $ 79.26 SF

Type Street: Primary thoroughfare Utilities: All Available

Improvement(s) Description: None

Improvement(s) Size: N/A (GBA) N/A (NRA) Unit Price as Improved: N/A

Condition and Functional Design: N/A

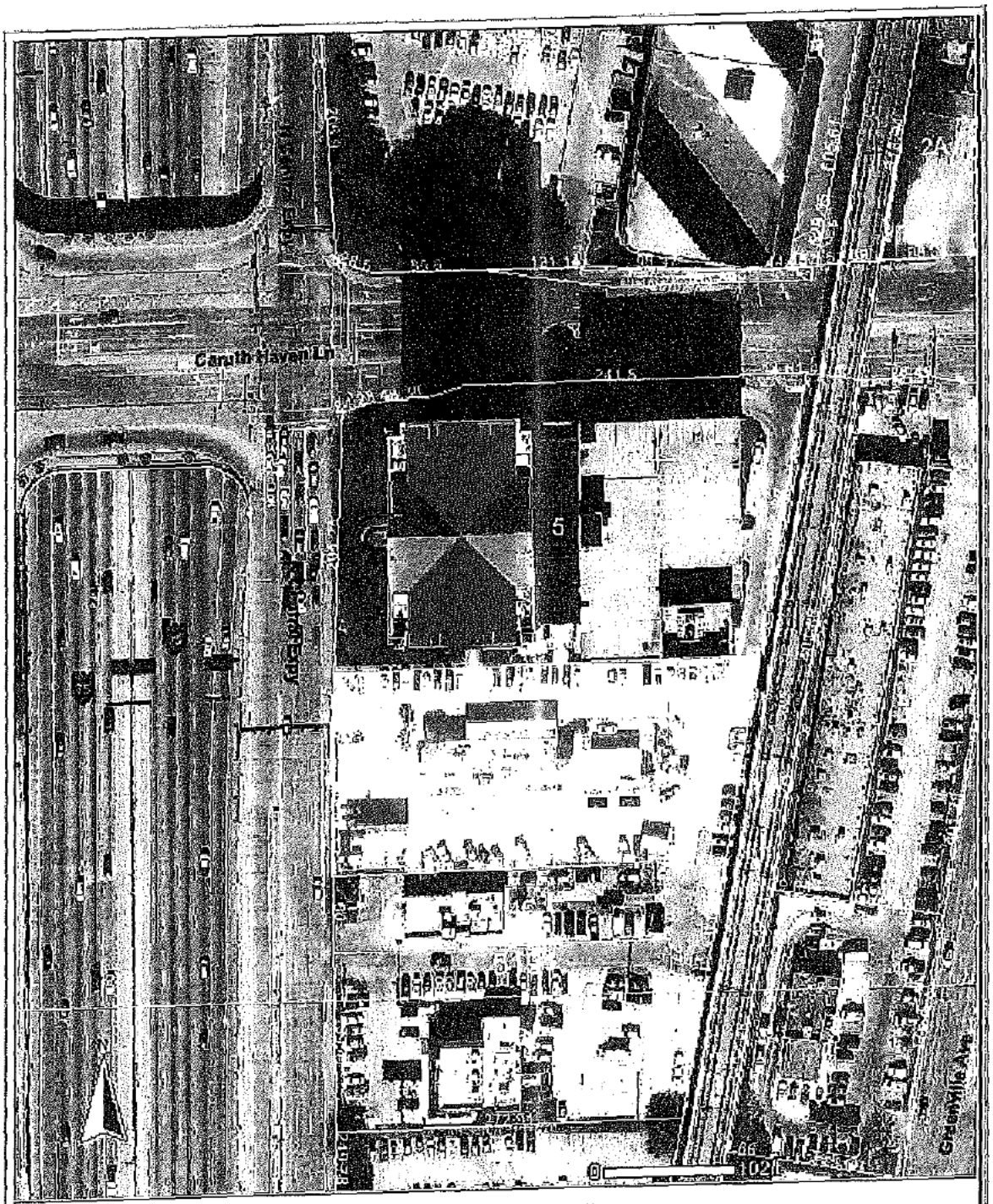
Current Use: Vacant Land Highest & Best Use: Commercial/Retail

Date of Inspection: July 7, 2015 Zoning: MU-3 Flood Plain: None

Attach Additional Information:

The tract is located along the east side of the Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane. The DART rail line abuts the east side of the tract. The tract is improved with an In N Out Burger restaurant.

Appraiser: Michael W. Massey, MAI Date: July 13, 2015



Dallas Central Appraisal District
www.dallascad.org

DISCLAIMER
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PART TO BE ACQUIRED

Highest and Best Use: See page 24

Contributory Value of Improvements (Itemized)								

Total Contributory Value of Improvements								$ -
Taking - Fee (100%)	3,123	sf	@	$ 104.90	/sf	$	327,603	$ 327,603

Total Land								$ 327,603
TOTAL VALUE AS A UNIT								$ 327,603

REMAINDER BEFORE THE ACQUISTION

Contributory Value of Improvements (Itemized)								

Total Contributory Value of Improvements								$ -
Fee - Remainder (100%)	36,368	sf	@	$ 104.90	/sf	$	3,815,003	$ 3,815,003
Total Land					(SAY)			$ 3,815,003
TOTAL VALUE AS A UNIT								$ 3,815,003

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, 6101 Mockingbird, LLC, a Texas limited liability company are the owner of two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400161160, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found for corner in the North line of E. Mockingbird Lane (a variable width right-of-way), said point being the Southwest corner of a tract of land conveyed to James Wehner and Patricia Wehner by Special Warranty Deed recorded in Instrument No. 200600144038, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 18 minutes 08 seconds West along the North line of said E. Mockingbird Land, a distance of 277.31 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 41 degrees 42 minutes 59 seconds West, a distance of 17.26 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the East line of Skillman Street (a variable width right-of-way);

Thence North 04 degrees 49 minutes 15 seconds East along the East line of said Skillman Street, a distance of 87.00 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 00 degrees 59 minutes 55 seconds East continuing along the East line of said Skillman Street, a distance of 40.35 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the South line of a 15 foot alley right-of-way;

Thence North 89 degrees 21 minutes 01 seconds East along the South line of said alley, a distance of 278.02 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being the Northwest corner of aforementioned Wehner tract;

Thence South 01 degrees 07 minutes 52 seconds East along the West line of said Wehner tract, a distance of 139.72 feet to the Point of Beginning and containing 39,491 square feet or 0.9066 of an acre of land.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, 6101 Mockingbird, LLC, acting by and through it's duly authorized agent Robert I. Parks III, does hereby adopt this plat, designating the herein described property as **SKILL-MOCK SUBDIVISION**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

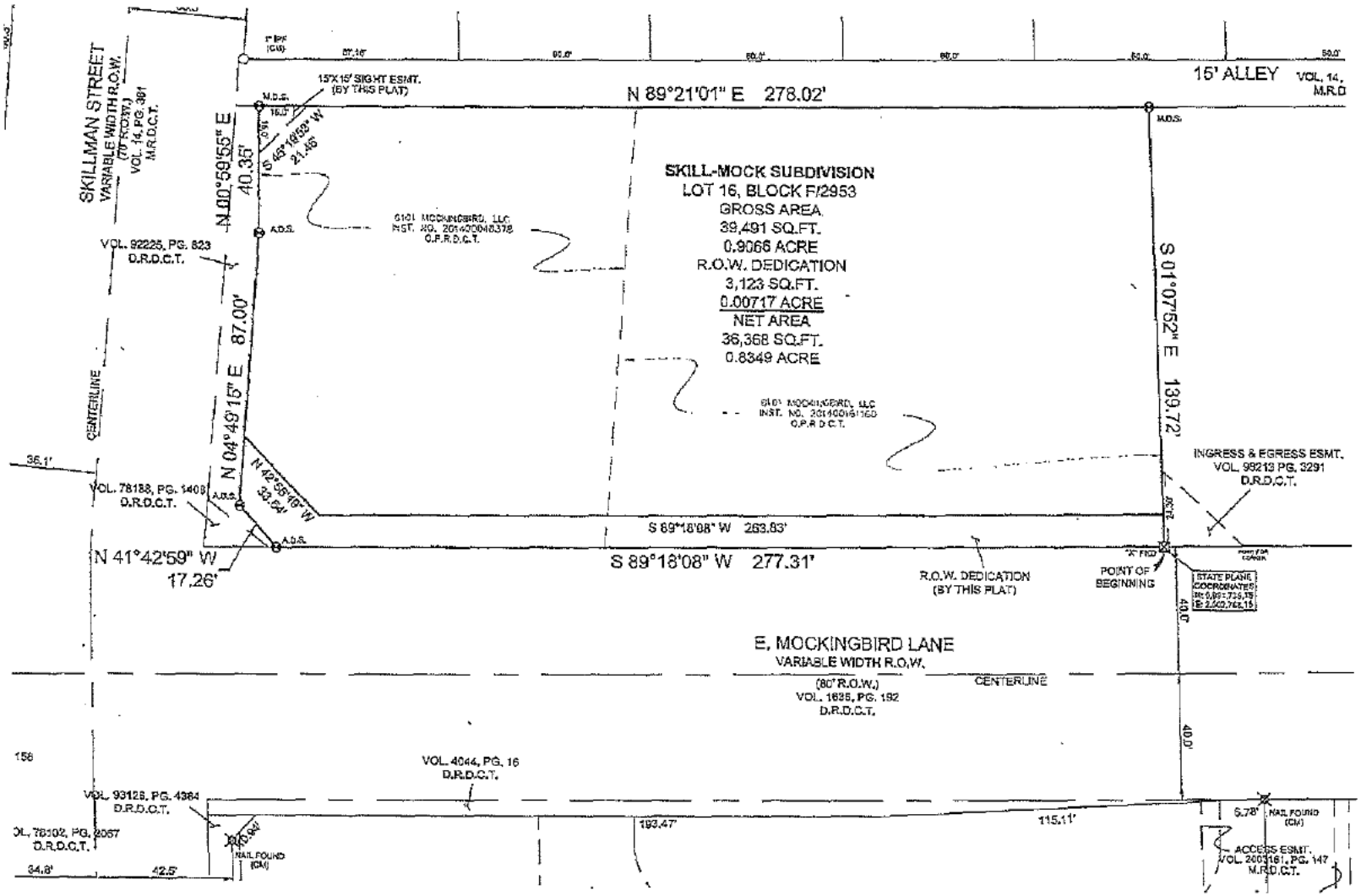
WITNESS MY HAND THIS _____ DAY OF _____, 2015.

_____

Robert I. Parks III, manager

SURVEY WITH PART-TO-BE-ACQUIRED

37



DESCRIPTION OF THE PART-TO-BE-ACQUIRED (PTA)

The part-to-be-acquired (PTA) involves the fee taking of one land tract for street right-of-way (ROW).

The part-to-be-acquired (PTA) involves the fee taking of one land tract for street right-of-way (ROW). The PTA contains 0.0717 acres, or 3,123 SF of land located is located along the south side of the tract along Mockingbird Lane and along the east side of Skillman Road. Only vacant land is located within the taking.

The PTA is irregular in shape, with a level topography. The tract has ± 277.31' of frontage along the north side of Mockingbird Lane, ± 17.26' along the Mockingbird Land/Skillman Road corner clip and ± 22' along the east side of Skillman Road. The width ranges from ± 10' along the south portion and ± 22' along the southwest portion of the acquisition.

Due to the small size and narrow shape of the taking, the part-to-be-acquired tract is not considered to be self-sustaining economic unit and will be valued as part of the whole.

VALUE OF THE PART-TO-BE-ACQUIRED

Given the location and configuration of the parts to be acquired, the tract could not be developed on its own therefore it is valued as a pro-rata share of the Whole Property.

HIGHEST AND BEST USE OF THE PART-TO-BE-ACQUIRED

As part of the Whole Property.

PROPERTY VALUATION SUMMARY

Whole: ☐ Part to be Acquired: ☐ Remainder After: ☒

HIGHEST AND BEST USE ANALYSIS: See next page.

VALUATION APPROACHES
Insert value estimate, then describe, analyze, and support each approach as required.

Cost Approach	NA
Sales Comparison Approach	$ 3,815,003 (Land Only)
Income Approach	NA
Reconciliation of Approaches to Value	$ 3,815,003

	Contributory Value of Improvements (Itemized)	
Easement Value		
Land Value	Total Contributory Value of Improvements	$ -

Reconciled Final Value	-	acres/sq. ft. @	$ -	=	$ -			
	36,368	sf/sq. ft. @	$ 104.90	=	$ 3,815,003		$	3,815,003
						Say,	$	3,815,003

Each approach developed follows this page and is sequenced as shown below.

Land Value,	Cost Approach,	Sales Comparison Approach,	Income Approach,
Pg: 45	Pg: NA	Pg: NA	Pg: NA

DESCRIPTION OF THE REMAINDER AFTER ACQUISITION

The remainder tract will contain 0.8349 acres, or 36,368 SF of unencumbered land. There will be no significant changes to the tract as a result of this Taking. Access will be similar to what exists prior to the Taking. It will remain very similar to the Whole Property. Thus, the remaining tract is not damaged.

HIGHEST AND BEST USE OF THE REMAINDER AFTER ACQUISITION

Same as Whole Property vacant land analysis on Page 28.

SALES COMPARISON APPROACH Whole: ☐ Land: ☒ Part to be Acquired: ☐ Improved: ☐ Remainder After: ☒

REMAINDER - VALUATION GRID **Representative Comparable Sales**

	Subject	Comp. No 1	Comp. No 2	Comp. No 3
Grantor		Colonial Bank	Quik Way Retail As II, Ltd.	Rosebriar Caruth Haven,
Grantee		MC Preston, LP	CCP Green Belmont, LP	In N Out Burger
Date of Sale		10/5/2011	9/17/2014	09/30/2014
Unit Price		$ 161.11	$ 69.51	$ 79.26
Relative Location	NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas	SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas Avenue)	E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas
Distance from Subject		± 3.2 Miles Northwest	± 1.4 Miles Southwest	± 1.7 Miles Northwest
Financing		Cash to Seller 0%	Cash to Seller 0%	Cash to Seller 0%
Conditions of Sale		Market 15%	Market 0%	Market 0%
Market Conditions		0%	0%	0%
Adjusted Price		$185.28	$69.51	$79.26
Location/Access/Visibility		Superior -50%	Inferior 20%	Inferior 15%
Size SF	36,368	9,000 20%	22,184 15%	50,464 0%
Zoning		Similar 0%	Similar 0%	Similar 0%
Shape/Topography		Similar 0%	Similar 0%	Similar 0%
Utilities		Similar 0%	Similar 0%	Similar 0%
Flood Plain		Similar 0%	Similar 0%	Similar 0%
Loss of Utility		Similar 0%	Similar 0%	Similar 0%
Total Adjustment		-30%	35%	15%
	Indicated Unit Value	SF $ 129.70	SF $ 93.84	SF $ 91.15
Estimated Unit Value				$ 104.90
		36,368 SF @ $ 104.90		$3,815,003
Estimated Value by Sales Comparison Approach				$3,815,003

See next Page for explanation of adjustments.

EXPLANATION OF ADJUSTMENTS – REMAINDER AFTER TAKING

Property Rights Conveyed – All of the sales were purchased in Fee Simple and no adjustment is necessary.

Financing – All of the sales comparables were purchased with cash to the Sellers and no adjustment is necessary.

Conditions of Sale – The sales comparables did not require adjustments for conditions of sale.

Market Conditions – Sale 1 occurred in October 2011, while Sales 2 and 3 occurred in September 2014. Overall market conditions have improved significantly since 2011 and an upward adjustment will be applied to Sale 1. No adjustment will be applied to Sales 2 and 3.

Location/Access/Visibility – The subject is located on the northeast corner of Mockingbird Lane and Skillman Road. Both frontage roads are primary thoroughfares that provide good access and visibility.

Sale 1 is located on the southwest corner of Northwest Highway and Preston Road, approximately 3.2 miles northwest of the Subject. Both frontage roads are primary thoroughfares that provide good access and visibility in an area heavily developed with office and retail uses. The overall location is considered to be superior to the subject and a downward adjustment will be made.

Sale 2 is located on the southwest corner of Greenville Avenue and Belmont Avenue, approximately 1.4 miles southwest of the Subject. Greenville Avenue is a primary thoroughfare, while Belmont Avenue is a secondary roadway. The overall location, access and visibility are inferior to the Subject and an upward adjustment will be applied.

Sale 3 is located along the east side of the Central Expressway (US-75) service road, just south of Caruth Haven Lane, approximately 1.7 miles northwest of the Subject. Central Expressway is a major freeway; however Sale 3's interior location is deemed inferior to the Subject corner location and an upward adjustment will be applied.

Size – The remainder subject property contains 0.8349 acres, or 36,368 SF of land. In built-up areas similar to the Subject a premium is paid for larger more developable tracts than smaller tracts that require assemblage. Sale 1 contains only 9,000 SF, which is detrimental to its development utility and an upward adjustment will be applied. Sale 2 contains 22,184 SF and will be adjusted upward. Sale 3 contains 50,464 SF, which is similar to the Subject and no adjustment will be made.

Shape/Topography – The subject property is rectangular in shape with a level to slightly sloping topography. The overall shape and topography of the subject and comparable sales are similar and no adjustment is warranted.

Flood Plain – No portion of the subject property or comparable sales are located in the flood plain. No adjustments will be made.

Zoning – The subject's zoning and zoning of the comparable sales allow for similar uses and no adjustment is necessary.

Utilities – The subject and comparable sales have access to all utilities. No adjustments are necessary.

Final Reconciliation – The adjusted sales range from $91.15/SF to $129.70/SF, with an average of $104.90/SF. Each is a tract with the same highest and best use as the subject. After adjustments, these sales indicated a narrow range of unit values for the subject property. An equal emphasis will be given to all the sales. For our analysis, a price per square of $104.90/SF is reasonable and will be utilized. The value of the subject remainder property is calculated as follows.

Remainder Land Value

36,368	SF	@	$	104.90	=	$ 3,815,003

COMPENSATION SUMMARY

WHOLE PROPERTY:				
The market value of the whole property is	$	4,142,606		
PART TO BE ACQUIRED:				
Considered as severed land, the fee simple title to the part being acquired is			$	327,603
REMAINING PROPERTY:				
The value of the remainder immediately before the taking is	$	3,815,003		
Considering the uses to which the part taken is to be subjected to, the market value of the remainder immediately after the acquisition is	$	3,815,003		
NET DAMAGES OR ENHANCEMENTS, if any			$	-
Cost to Cure Items			$	-
TOTAL COMPENSATION			$	327,603

COMPENSATION SUMMARY

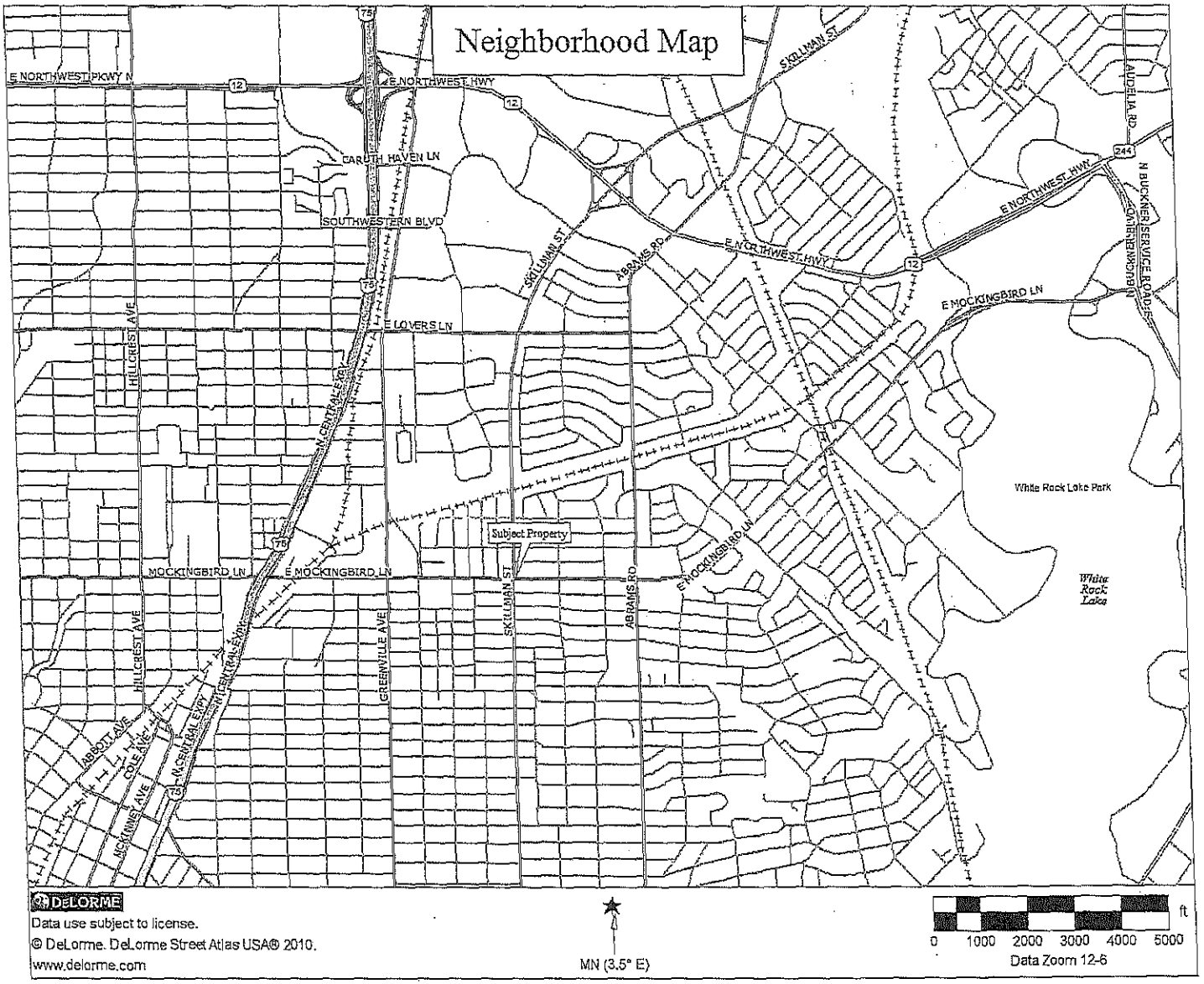
WHOLE PROPERTY:				
The market value of the whole property is	$	4,142,606		
PART TO BE ACQUIRED:				
Considered as severed land, the fee simple title to the part being acquired for flood improvement purposes (less oil, gas and sulphur and subject to existing easements, if any, which are not to be extinguished) is			$	327,603
REMAINING PROPERTY:				
The value of the remainder immediately before the taking is	$	3,815,003		
Considering the uses to which the part taken is to be subjected to, the market value of the remainder immediately after the acquisition is	$	3,815,003		
NET DAMAGES OR ENHANCEMENTS, if any			$	-
Value of Temporary Easement				
Cost to Cure Items				
TOTAL COMPENSATION			$	327,603

NEIGHBORHOOD ANALYSIS

The subject is located on the northeast corner of Mockingbird Lane and Skillman Road in the City of Dallas. Primary access to the neighborhood is provided by Central Expressway (US-75), Northwest Highway, Greenville Avenue, Skillman Road and Abrams Road. The overall access to and within the Neighborhood is considered to be good.

Commercial, retail and office development is located along the primary thoroughfares such as Central Expressway, Northwest Highway and Mockingbird Lane. Single family development is the dominate use within the Neighborhood, while a significant amount of multi-family development is located in the west portion of the Neighborhood. Single family, multi-family and commercial development is actively being constructed within the Neighborhood. The neighborhood is considered to be in the stable to growth stage of the life cycle.

The use surrounding the subject include single family development to the north, multi-family development to the east, commercial/retail development to the south across Mockingbird Lane and a car service center followed by single family development to the west across Skillman Road.


Neighborhood Map
E NORTHWEST PKWY N
E NORTHWEST HWY
SKILLMAN ST
LAUDELIA RD
CARUTH HAVEN LN
SOUTHWESTERN BLVD
N BUCKNER SERVICE ROAD SB
E LOVERS LN
HILLCREST AVE
N CENTRAL EXPY
E MOCKINGBIRD LN
ABRAMS RD
White Rock Lake Park
Subject Property
MOCKINGBIRD LN
GREENVILLE AVE
ABBOTT AVE
COLE AVE
MCKINNEY AVE
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ASSUMPTIONS AND LIMITING CONDITIONS

It is assumed that title to the property herein appraised is good and merchantable, and in fee simple. The value is reported without regard to questions of title, boundaries, encroachments, environmental regulations, licenses, or other matters of a legal nature unless noncompliance has been stated, defined, and considered in the appraisal report.

The value is estimated under the assumption that there will be no international or domestic political, economic, or military actions that will seriously affect real estate values throughout the country.

Certain information concerning market and operating data was obtained from others. This information is verified and checked, where possible, and is used in this appraisal only if it is believed to be accurate and correct. However, such information is not guaranteed. Dimensions and areas of the Subject Property and of the comparables were obtained by various means and are not guaranteed to be exact.

Real estate values are influenced by a number of external factors. The information contained herein is all of the data we consider necessary to support the value estimate. We have not knowingly withheld any pertinent facts, but we do not guarantee that we have knowledge of all factors, which might influence the value of the Subject Property. Due to rapid changes in external factors, the value estimate is considered to be reliable only as of the date of the appraisal.

Opinions of value contained herein are estimates. This is the definition of an appraisal. There is no guarantee, written or implied, that the Subject Property will sell for the estimated value. The estimated value assumes that the property is under responsible ownership and has competent and prudent management.

The appraiser will not be required to provide testimony or attendance in court or before other legal authority by reason of this appraisal without prior agreement and arrangement between the employer and the appraiser.

Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute. Neither all nor any part of the contents of this report (especially any opinions, analyses, or conclusions concerning value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or the M.A.I. or SRA Designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, prospectus for securities, or any other public means of communication without prior written consent and approval of the undersigned.

It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable, except as stated in this report. No responsibility is assumed for such conditions or for engineering, which may be required to discover them. It is assumed that a prudent owner/buyer would allow inspection of the property by a qualified soils or structure engineer if conditions so required.

The distribution of the total valuation in this report between land and improvements applies only under the reported highest and best use of the land. The allocation of value for land and improvements, if presented, must not be used in conjunction with any other appraisal and are invalid if so used.

Estimates of costs to cure deferred maintenance are difficult at best. Contractors approach such problems in various ways. The estimates, if any, provided within this report are probable costs given current market conditions, available information, and the appraiser's expertise.

No environmental impact studies were requested or made in conjunction with this appraisal, and the appraiser hereby reserves the right to alter, amend, revise, and/or rescind the value opinions based upon any subsequent environmental impact studies, research, or investigation.

This appraisal was prepared by Michael W. Massey & Associates and consists of trade secrets and commercial or financial information, which is privileged and confidential and is, exempted from disclosure under 5 U.S.C. 552 (b) (4). Please notify Michael W. Massey & Associates of any request of reproduction of this appraisal.

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

Anyone acting in reliance upon the opinions, judgments, conclusions, or data contained herein, who has the potential for monetary loss due to the reliance thereon, is advised to secure an independent review and verification of all such conclusions and/or facts.

The user agrees to notify the appraiser prior to any irrevocable loan or investment decision of any error, which would reasonably be determined from a thorough and knowledgeable review.

By acceptance and use of this report, the user agrees that any liability for errors, omissions or judgment of the appraiser is limited to the amount of the fee charged.

The limiting condition relating to the ADA is as follows:

This appraisal has not considered the effects of the enactment of the Americans with Disabilities Act of 1990 (ADA), which initially became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. Standards of this act are designed to provide access to all public facilities to all persons, regardless of mobility limitations. The act provides forceful encouragement for commercial establishments to enhance their accessibility and requires that renovations after this date fully comply with the access standards established by the Architectural and Transportation Barriers Compliance Board. Enhancements to buildings must be readily achievable and able to be carried out without much difficulty or expense. The act recognizes that "readily achievable" is different for companies depending on their resources. The first priority is to provide access from sidewalks, parking and transportation areas, with the second priority being to provide access to areas where goods and services are available to the public. Finally, access to restroom facilities must accommodate all persons. The modifications and costs that may be necessary for the property to conform to ADA can be ascertained only by a qualified architect. Should such a study be undertaken, and should the retrofit costs, if any, become known, then the appraisers reserve the right to re-evaluate the Subject Property.

- According to the information provided by the client, the Subject contains 0.9066 acres, or 39,491 SF of land. The part-to-be-acquired is 0.0717 acres, or 3,123 SF of land. These are assumed to be correct and will be used.

APPRAISAL PROCEDURE

The procedures followed in this appraisal revolve around an analysis of various factors, which affect the value of the Subject Property. Included in this analysis was an investigation into such matters as the physical attributes of the Subject Property, area and neighborhood market trends, and general social, economic, political, and environmental considerations. The valuation process, which serves as a basis for estimating the value of the Subject Property, employs as many separate appraisal techniques as are appropriate. The value of the Subject Property is estimated by applying specific appraisal procedures that reflect the following methods for mathematically analyzing data:

COST APPROACH - An estimate of the present reproduction cost of the improvements, less accrued depreciation, plus the land value. Depreciation includes a deduction from reproduction cost of the improvements due to physical, functional, and economic causes.

INCOME CAPITALIZATION APPROACH - Capitalization of the net income that the property is capable of producing. This approach, of course, is applicable only in income-producing properties.

SALES COMPARISON APPROACH - Comparison with similar properties that have sold in the market. This approach can be applied to land alone or to improved properties.

The subject is vacant land, thus only the Sales Comparison Approach will be used to value the site.

SUMMARY OF QUALIFICATIONS

Michael W. Massey, MAI, MRICS
Currently: President, Michael W. Massey & Associates, Inc.

Over forty years experience in the appraisal of real properties, including commercial, office, retail, industrial, special purpose and mineral interests, for mortgage bankers, savings and loan associations, insurance companies, attorneys, private individuals and governmental agencies. Areas of expertise include West, Southwest and Southeast United States, Republic of Mexico, Puerto Rico and U.S. Virgin Islands.

- Graduated from Texas Technological University in 1966: B.B.A. - Marketing
- Completed University and Appraisal Institute Courses in Real Estate Appraisal and Consulting.
- Awarded MAI Designation in November 1977 (5769)
- Member of Royal Institution of Chartered Surveyors (RICS) No. 6545715
- Recognized as "Expert" in Real Estate Valuation in Federal, State and County Courts in several states.
- Collin County Regional Airport Board 2000-2007; Four years as chairman
- Collin County Facilities Bond Committee – 2007
- Collin County Special Commissioners Court – Panel Member
- McKinney ISD – Bond Committee Board

PROFESSIONAL DESIGNATIONS AND AFFILIATIONS

MAI	Member, Appraisal Institute (#5769)
MRICS	Royal Institution of Chartered Surveyors #6545715
GAA	National Association of Realtors #440 General Accredited Appraiser National Board of Realtors
	Licensed Broker #188093 – Texas Real Estate Commissions
	Licensed Appraiser State of Texas Expires March 31, 2015
	State of Texas - #132016-G
	State of Louisiana - #0369 TP
	State of New Mexico - #TP-015
	State of Arizona - #AZ-201
	State of California - #AGO14189
	State of Colorado - #CGO 1319505
	State of Oklahoma - #11680CGA
	State of Arkansas - #CG1444N
	State New Jersey - #42RG00225100
	State of Florida - #TP 1790

As of this date, Michael W. Massey, MAI, MRICS, has completed the requirements under the continuing education program of the Appraisal Institute through December 31, 2015.

You may wish to laminate the pocket identification card to preserve it.

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

Texas Appraiser Licensing and Certification Board
P.O. Box 12188
Austin, Tx 78711-2188
www.talch.texas.gov
(512) 936-3001
Fax:(512) 936-3899

MICHAEL WARREN MASSEY

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number#: TX 1320163 G

Issued: 03/03/2015 Expires: 03/31/2017

Appraiser: MICHAEL WARREN MASSEY

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number: TX 1320163 G

Issued: 03/03/2015 Expires: 03/31/2017

Appraiser: MICHAEL WARREN MASSEY

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

SUMMARY OF QUALIFICATIONS

GREGORY M. CONNELLY

Currently: Senior Appraiser with Michael W. Massey & Associates

PROFESSIONAL EXPERIENCE:

Independent real estate fee appraiser: 1990 - Present. Over twenty years experience in the appraisal and valuation of real properties. Commercial appraisal experience includes: apartment complexes, subdivisions, industrial properties, office buildings, medical facilities, shopping centers, restaurants, hotel/motels, ranches, special purpose properties and various commercial land tracts for mortgage bankers, banks, savings and loan associations, insurance companies, attorneys, private individuals, public utilities, and governmental agencies.

Completed appraisals in the Dallas/Fort Worth area and other parts of Texas as well as Alabama, Arkansas, California, Colorado, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Tennessee and Wisconsin.

Graduated from Southwest Texas State University: B.B.A. (Finance)

Completed college and Appraisal Institute courses in real estate appraisal.

- Standards of Professional Practice A & B
- Principles of Real Estate Appraisal 1A-1
- Basic Valuation 1A-2
- Capitalization Theory & Techniques, Part A
- Capitalization Theory & Techniques, Part B
- Advanced Income Capitalization (510)
- Advanced Sales Comparison and Cost Approach (530)
- Report Writing & Valuation Analysis (540)
- Highest and Best Use and Market Analysis (520)

PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS:

APPRAISER - Certified Appraiser (TX-1324452-G), State of Texas

APPRAISER - Candidate for the MAI designation from the Appraisal Institute, (#79941)

GREGORY MICHAEL CONNELLY

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

Texas Appraiser Licensing and Certification Board
P.O. Box 12188
Austin, Tx 78711-2188
www.talcb.texas.gov
(512) 936-3001
Fax:(512) 936-3888

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number# TX 1324452 G

Issued: 08/04/2014 Expires: 07/31/2016

Appraiser: GREGORY MICHAEL CONNELLY

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number: TX 1324452 G

Issued: 08/04/2014 Expires: 07/31/2016

Appraiser: GREGORY MICHAEL CONNELLY

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

	Subject	Comp. No 1		Comp. No 2		Comp. No 3		
Grantor		Colonial Bank		Quik Way Retail As II, Ltd.		Rosebriar Caruth Haven, LP		
Grantee		MC SWPR, LP		CCP Green Belmont, LP		In N Out Burger		
Date of Sale		08/29/2011		9/17/2014		09/30/2014		
Unit Price		$ 161.11		$ 69.51		$ 79.26		
Relative Location	NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas		SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas		E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas		
Distance from Subject		± 3.2 Miles Northwest		± 1.4 Miles Southwest		± 1.7 Miles Northwest		
Property Rights Conveyed		Fee Simple	0%	Fee Simple	0%	Fee Simple	0%	
Financing		Cash to Seller	0%	Cash to	0%	Cash to	0%	
Conditions of Sale		Market	0%	Market	0%	Market	0%	
Market Conditions			0%		0%		0%	
Adjusted Price			$161.11		$69.51		$79.26	
Location/Access/Visibility		Superior	-40%	Inferior	20%	Inferior	15%	
Size SF	39,627	9,000	20%	22,184	15%	50,464	0%	
Zoning		Similar	0%	Similar	0%	Similar	0%	
Shape/Topography		Similar	0%	Similar	0%	Similar	0%	
Utilities		Similar	0%	Similar	0%	Similar	0%	
Flood Plain		Similar	0%	Similar	0%	Similar	0%	
Total Adjustment			-20%		35%		15%	Average
	Indicated Unit Value	SF	$ 128.89	SF	$ 93.84	SF	$ 91.15	$ 104.63
Estimated Unit Value							$ 104.63	
Fee Land @ 100%		39,627 SF @		$ 104.63			$ 4,146,173	

Estimated Value by Sales Comparison Approach ..... $ 4,146,173

	Subject	Comp. No 1		Comp. No 2		Comp. No 3		
Grantor		Colonial Bank		Quik Way Retail As II, Ltd.		Rosebriar Caruth Haven, LP		
Grantee		MC SWPR, LP		CCP Green Belmont, LP		In N Out Burger		
Date of Sale		08/29/2011		9/17/2014		09/30/2014		
Unit Price		$	161.11	$	69.51	$	79.26	
Relative Location	NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas		SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas		E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas		
Distance from Subject		± 3.2 Miles Northwest		± 1.4 Miles Southwest		± 1.7 Miles Northwest		
Property Rights Conveyed		Fee Simple	0%	Fee Simple	0%	Fee Simple	0%	
Financing		Cash to Seller	0%	Cash to	0%	Cash to	0%	
Conditions of Sale		Market	0%	Market	0%	Market	0%	
Market Conditions			0%		0%		0%	
Adjusted Price			$161.11		$69.51		$79.26	
Location/Access/Visibility		Superior	-40%	Inferior	20%	Inferior	15%	
Size SF	39,627	9,000	20%	22,184	15%	50,464	0%	
Zoning		Similar	0%	Similar	0%	Similar	0%	
Shape/Topography		Similar	0%	Similar	0%	Similar	0%	
Utilities		Similar	0%	Similar	0%	Similar	0%	
Flood Plain		Similar	0%	Similar	0%	Similar	0%	
Total Adjustment			-20%		35%		15%	
	Indicated Unit Value	SF	$ 128.89	SF	$ 93.84	SF	$ 91.15	
Estimated Unit Value							$ 104.63	
Fee Land @ 100%		39,627 SF @		$ 104.63			$ 4,146,173	

Average
$ 104.63

Estimated Value by Sales Comparison Approach ..... $ 4,146,173

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955

Brad Jackson†
Cheryl L. Mann‡

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

‡Of Counsel

July 30, 2015

6101 Mockingbird, LLC
c/o Moran Capital
Robb Parks
Doug MacMahon -

Re: ***Skill-Mock Subdivision, Lots 1 & 2, Block F/2953***

STATEMENT

For services rendered through July 30, 2015:

Professional Services (see attached detail):

Brad Jackson - 31.70 hours @ $375.00/hr.	$ 11,887.50
Cheryl L. Mann - 49.20 hours @ $250.00/hr.	$ 12,300.00
Professional Fees this Statement	$24,187.50

Billing List

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UN-INVOICED TIME ONLY

Date	Client Name	Project	Description	Hours	Rate	Amount
2/4/2015	Moran Capital - 6101 Mockingbird	Brad	Brief research, prepare demand letter to City of Dallas and email exchange with Robb re: same.	1.80	$375.00	$675.00
2/5/2015	Moran Capital - 6101 Mockingbird	Brad	Finalize and send demand letter and email with Doug and Robb re: same.	0.50	$375.00	$187.50
2/5/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review demand letter and related emails.	0.40	$250.00	$100.00
2/10/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receive and review email correspondence.	0.10	$250.00	$25.00
2/10/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with with Burt Vanderburk and email Robb and Doug re: same.	0.20	$375.00	$75.00
2/13/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Venderberg.	0.20	$375.00	$75.00
2/13/2015	Moran Capital - 6101 Mockingbird	Brad	Review City Code and email Robb and Doug re: same.	0.20	$375.00	$75.00
2/13/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receive and review email correspondence.	0.10	$250.00	$25.00
2/17/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails with client.	0.00	$250.00	$0.00
2/19/2015		Brad		0.30	$375.00	$112.50

	Moran Capital - 6101 Mockingbird		Receipt and review of letter from City Engineer and email to Robb and Doug re: same.			
2/19/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg.	0.10	$375.00	$37.50
2/20/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg.	0.10	$375.00	$37.50
2/20/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Doug.	0.10	$375.00	$37.50
2/20/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug.	0.10	$375.00	$37.50
2/23/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug.	0.10	$375.00	$37.50
2/24/2015	Moran Capital - 6101 Mockingbird	Brad	Review email from Doug and telephone conference with Robb and Doug.	0.20	$375.00	$75.00
2/25/2015	Moran Capital - 6101 Mockingbird	Brad	Review letter from city engineer, email exchange with Doug and prepare correspondence to Bert Vandenberg.	0.50	$375.00	$187.50
3/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg.	0.30	$375.00	$112.50
3/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.10	$375.00	$37.50
3/5/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conferences with Robb and Doug.	0.20	$375.00	$75.00
3/5/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of email chain and city code re: thoroughfare plan requirements.	0.20	$375.00	$75.00

3/5/2015	Moran Capital - 6101 Mockingbird	Brad	Draft email to Bert Vandenberg and forward same to Robb and Doug for comment.	0.30	$375.00	$112.50
3/6/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug and forward email to Bert Vandenberg.	0.10	$375.00	$37.50
3/10/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg and email to Robb and Doug re: same.	0.40	$375.00	$150.00
3/11/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Reid Wilson.	0.10	$375.00	$37.50
3/11/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Doug.	0.10	$375.00	$37.50
3/11/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Reid Wilson and Doug.	0.10	$375.00	$37.50
3/19/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare for and attend meeting with Robb and Doug and city attorney and planning personnel.	1.70	$375.00	$637.50
4/1/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conferences with Robb and Doug.	0.20	$375.00	$75.00
4/1/2015	Moran Capital - 6101 Mockingbird	Brad	Research [redacted] and office conference re: Cheryl re: same.	0.70	$375.00	$262.50
4/1/2015	Moran Capital - 6101 Mockingbird	Cheryl	Research [redacted] and office conference with Brad re: same (.70); further review of [redacted] issue, local statute and facts (2.10).	2.80	$250.00	$700.00
4/2/2015	Moran Capital - 6101 Mockingbird	Cheryl	Continue research of issue and office conference regarding facts and law.	3.10	$250.00	$775.00
4/3/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding facts and draft letter (.30); additional research (.70); prepare draft (1.90).	2.90	$250.00	$725.00

4/3/2015	Moran Capital - 6101 Mockingbird	Brad	Review and revise letter to City and email Robb and Doug re: same.	0.70	$375.00	$262.50
4/6/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Doug and Robb.	0.10	$375.00	$37.50
4/6/2015	Moran Capital - 6101 Mockingbird	Brad	Finalize letter to City and email to Bert Vandenberg.	0.30	$375.00	$112.50
4/6/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review correspondence regarding letter to City.	0.10	$250.00	$25.00
4/10/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of email from Lloyd Denman and forward same to Robb and Doug.	0.10	$375.00	$37.50
4/14/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug.	0.20	$375.00	$75.00
4/27/2015	Moran Capital - 6101 Mockingbird	Brad	Review email from Doug Stewart with attachments and respond to same to Doug and Robb.	0.20	$375.00	$75.00
4/27/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare revised city letter and send to Doug and Robb.	0.20	$375.00	$75.00
5/14/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of City's rough proportionality determination and forward same to Robb and Doug.	0.30	$375.00	$112.50
5/14/2015	Moran Capital - 6101 Mockingbird	Cheryl	Research [redacted]	0.30	$250.00	$75.00
5/27/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Robb and Doug.	0.10	$375.00	$37.50
5/28/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Robb and Doug.	0.10	$375.00	$37.50

5/28/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.10	$375.00	$37.50
6/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Barry Knight.	0.10	$375.00	$37.50
6/2/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding appeal (.10); research [redacted] (.70).	0.80	$250.00	$200.00
6/3/2015	Moran Capital - 6101 Mockingbird	Cheryl	Finalize appeal of rough proportionality determination (.90); telephone call with City and research to determine proper recipient. (.40); serve appeal (.40).	1.70	$250.00	$425.00
6/3/2015	Moran Capital - 6101 Mockingbird	Brad	Review Dallas City Code provisions regarding appeal of rough proportionality determination and review and revise notice of appeal to City. Email to Bert Vandenberg. Email to Doug and Robb.	0.70	$375.00	$262.50
6/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges and Telephone conference with with clients.	0.50	$375.00	$187.50
6/15/2015	Moran Capital - 6101 Mockingbird	Cheryl	Telephone conference with Bert Vandenburg regarding procedures and hearing (.20); email exchange regarding same (.10); office conference regarding same. (.10).	0.40	$250.00	$100.00
6/16/2015	Moran Capital - 6101 Mockingbird	Cheryl	Travel to and take photos of property in question (.50); begin preparing for appeal (2.40).	2.90	$250.00	$725.00
6/17/2015	Moran Capital - 6101 Mockingbird	Cheryl	Brief review of [redacted] and office conference re: same.	0.50	$250.00	$125.00
6/17/2015	Moran Capital - 6101 Mockingbird	Brad	Brief review [redacted] and office conference re: same.	0.50	$375.00	$187.50
6/18/2015	Moran Capital - 6101 Mockingbird	Cheryl	Continue research and review of [redacted] for hearing.	2.20	$250.00	$550.00
6/19/2015		Cheryl		0.70	$250.00	$175.00

	Moran Capital - 6101 Mockingbird		Continue review of cases and office conference regarding letter interpretation.			
6/20/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receive and review emails regarding experts.	0.10	$250.00	$25.00
6/22/2015	Moran Capital - 6101 Mockingbird	Cheryl	Telephone conference with B. Vandenburg (.20); prepare and forward email update regarding same (.10); review materials from the City regarding procedures and deadlines (1.00).	1.30	$250.00	$325.00
6/22/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Bert Vandenberg and review appeal procedures. Email Robb and Doug and office conference re: appeal procedures.	0.50	$375.00	$187.50
6/23/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.20	$375.00	$75.00
6/23/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of email from Bert Vandenberg.	0.10	$375.00	$37.50
6/23/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare email to Reid Wilson with questions re: issues with City procedures and follow up emails with Reid.	0.50	$375.00	$187.50
6/23/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review revised procedures (.20); prepare objection (1.90); continue preparing general outline for argument (2.00); review email exchange with R. Wilson regarding procedural issues (.20).	4.30	$250.00	$1,075.00
6/24/2015	Moran Capital - 6101 Mockingbird	Cheryl	Additional research regarding [redacted] (3.80); multiple office conferences regarding appeal, strategy and experts (1.00).	4.80	$250.00	$1,200.00
6/24/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Greg Conelley.	0.30	$375.00	$112.50
6/24/2015	Moran Capital - 6101 Mockingbird	Brad	Research and office conferences re: [redacted] and lengthy email to Reid Wilson.	1.50	$375.00	$562.50

6/25/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review [redacted] and update objections.	0.60	$250.00	$150.00
6/28/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email from client.	0.00	$250.00	$0.00
6/29/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding [redacted] (.10); email exchanges with client and others regarding same and review emails regarding expert (.40).	0.50	$250.00	$125.00
6/29/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb re: engineer.	0.10	$375.00	$37.50
6/29/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Sarah Scott and email case information to her.	0.30	$375.00	$112.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Mike Massey.	0.10	$375.00	$37.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Sarah Scott.	0.10	$375.00	$37.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb. Office conference re: experts.	0.30	$375.00	$112.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Follow up conversation with Mike Massey.	0.20	$375.00	$75.00
7/1/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email exchanges with Robb. Office conference re: [redacted].	0.30	$250.00	$75.00
7/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Greg Connelly.	0.80	$375.00	$300.00
7/6/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Greg Connelly.	0.20	$375.00	$75.00

7/6/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Mike Massey.	0.10	$375.00	$37.50
7/6/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding experts.	0.20	$250.00	$50.00
7/7/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding [redacted]	0.60	$250.00	$150.00
7/7/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb re: [redacted]	0.20	$375.00	$75.00
7/7/2015	Moran Capital - 6101 Mockingbird	Brad	Attempts to locate engineering expert and email to potential expert.	0.50	$375.00	$187.50
7/8/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with engineer and with Robb re: engineer.	0.30	$375.00	$112.50
7/8/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email exchanges regarding [redacted]	0.20	$250.00	$50.00
7/9/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conferences and emails with Robb re: engineer and appraiser.	0.40	$375.00	$150.00
7/9/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Mike Massey.	0.10	$375.00	$37.50
7/9/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email exchange regarding expert and office conference regarding same.	0.20	$250.00	$50.00
7/10/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Greg Connelly.	0.10	$375.00	$37.50
7/13/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb.	0.10	$375.00	$37.50

7/13/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of appraisal.	0.50	$375.00	$187.50
7/13/2015	Moran Capital - 6101 Mockingbird	Brad	Transmit documents to Secretary for Plan Commission.	0.10	$375.00	$37.50
7/13/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receipt and review of appraisal (.40); telephone conference with client (.10); review [redacted] (.30).	0.80	$250.00	$200.00
7/14/2015	Moran Capital - 6101 Mockingbird	Cheryl	Update objection (.20); review email regarding expert (.10).	0.30	$250.00	$75.00
7/15/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding expert.	0.20	$250.00	$50.00
7/15/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Jerry Monk.	0.10	$375.00	$37.50
7/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Jerry Monk.	0.20	$375.00	$75.00
7/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb and Doug.	0.10	$375.00	$37.50
7/16/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conferences regarding [redacted] (.40); review emails regarding expert (.10).	0.50	$250.00	$125.00
7/17/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding expert and office conference regarding [redacted]	0.90	$250.00	$225.00
7/17/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb and Doug and work on issues for hearing at City of Dallas.	1.50	$375.00	$562.50
7/20/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb.	0.30	$375.00	$112.50

7/20/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Jerry Monk.	0.20	$375.00	$75.00
7/20/2015	Moran Capital - 6101 Mockingbird	Brad	Preparation for planning committee hearing.	0.50	$375.00	$187.50
7/20/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding [redacted] and office conference regarding same (.20); office conference regarding [redacted] (.10).	0.30	$250.00	$75.00
7/21/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of report from Jerry Monk.	0.30	$375.00	$112.50
7/21/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Jerry Monk.	0.20	$375.00	$75.00
7/21/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb.	0.10	$375.00	$37.50
7/22/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare for hearing.	2.00	$375.00	$750.00
7/22/2015	Moran Capital - 6101 Mockingbird	Cheryl	Prepare for hearing.	2.00	$250.00	$500.00
7/22/2015	Moran Capital - 6101 Mockingbird	Cheryl	Prepare notebook for hearing (.50); review [redacted] .30).	0.80	$250.00	$200.00
7/23/2015	Moran Capital - 6101 Mockingbird	Cheryl	Attend City Planning Commission briefing session and CPC hearing.	4.20	$250.00	$1,050.00
7/23/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare additional objections to procedures and prepare for and attend appeal at City Plan Commission.	2.80	$375.00	$1,050.00
7/27/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb and Doug; Review [redacted] draf[redacted] [redacted]	0.40	$375.00	$150.00

7/27/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding [redacted] and office conferences regarding brief for City Planning Commission.	0.50	$250.00	$125.00
7/28/2015	Moran Capital - 6101 Mockingbird	Cheryl	Begin preparing letter brief and office conference and research regarding same.	3.50	$250.00	$875.00
7/29/2015	Moran Capital - 6101 Mockingbird	Brad	Research re: issues regarding [redacted]	0.50	$375.00	$187.50
7/29/2015	Moran Capital - 6101 Mockingbird	Brad	Review and revise letter to Plan Commission and exhibits.	1.00	$375.00	$375.00
7/29/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb and Doug.	0.30	$375.00	$112.50
7/29/2015	Moran Capital - 6101 Mockingbird	Cheryl	Finalize draft of letter brief and office conferences regarding same (.80); review and revise draft (.80).	1.60	$250.00	$400.00
7/30/2015	Moran Capital - 6101 Mockingbird	Brad	Final revisions to letter to Plan Commission and exhibits.	0.50	$375.00	$187.50
7/30/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding revisions (.20); prepare exhibits and finalize draft (1.30).	1.50	$250.00	$375.00
TOTALS				**80.90**		**$24,187.50**

Monk Consulting Engineers, Inc.
Gerald E. Monk, P.E.

Invoice

Invoice Date 7/30/2015

Invoice # 3747

Office: 972-272-1763
Fax: 972-272-8761

Invoicing

Robert Parks

Project: Skill Mock Subdivision	Due: Upon Receipt
Professional Services	900.00
Development Letter	
Please remit to above address. Thank you for your business!	**Total** $900.00
	Balance Due $900.00

Michael W. Massey & Associates
Real Estate Consultants & Brokers

INVOICE

Client:
Mr. Robb Parks
Moran Capital, LLC

Invoice Number	M15-1092
Invoice Date	July 13, 2015
Location	Mockingbird/Skillman

Shipped To:
Same

Quantity	Description	Unit Price	Amount
1	Appraisal Report NEC Mockingbird Lane and Skillman Road Dallas, Dallas County, Texas 214-520-9200	$3,500	$3,500
		Sub-Total	$3,500
GMC			
			$3,500 Pay This Amount

Questions concerning this invoice?
Call: (972-562-2829)
Fax: (972-562-4428)

MAKE ALL CHECKS PAYABLE TO :
Michael W. Massey & Associates

THANK YOU FOR YOUR BUSINESS!

Moran Capital (GMC)

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955

Brad Jackson†
Cheryl L. Mann††

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

††Of Counsel

August 3, 2015

Via email to katherine.kasten@dallascityhall.com

Katherine Kasten
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201

Via email to yolanda.hernandez@dallascityhall.com

Secretary of the Commission
City Plan Commission
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Introduction

This response letter brief is served in accordance with the City Plan Commissioners' request to provide argument, authority and evidence in support of the appeal filed by 6101 Mockingbird, LLC ("6101 Mockingbird" or "Developer").

Does the Cities' Request for Dedication Constitute an Exaction

As set forth previously, an "exaction" occurs if a governmental entity requires an action by a landowner as a condition to obtaining government approval of a requested land development. *Mira Mar Development Corp. v.City of Coppell, Texas*, 421 S.W.3d 74 (Tex. App.–Dallas 2013, no pet.).

The City of Dallas argues that 6101 Mockingbird has not proven an "improper" exaction. The initial inquiry, and the only one a developer has the burden of proving, is whether an exaction occurred. It is not a developer's burden to prove it was improper but the City's burden to prove that it was proper. There is no question in this instance, an exaction has occurred.

The Plat and the City's Demands

The City of Dallas has given different reasons why the 10' dedication is needed by the City of Dallas. For example, the City of Dallas has referred to the need for the 10' as required 1) for right of way (January 23, 2015 letter from City of Dallas to 6101 Mockingbird and February 18, 2015 letter from City of Dallas to Jackson); 2) subject to City's Thoroughfare Plan (February 18, 2015 letter from City of Dallas to Jackson); 3) per city setback requirements (April 10, 2010 letter from City of Dallas to Jackson); and 4) right of way for a parkway (May 14, 2014). One item has remained consistent, the City of Dallas' demand to take the property owned by 6101 Mockingbird.

The City of Dallas argues that the existence of a prescriptive easement justifies its exaction. However, this is not consistent with the previous explanations provided to 6101 Mockingbird. Further, whether a prescriptive easement exists is not the issue in this matter. Even if a prescriptive easement did exist, a contention with which 6101 Mockingbird does not agree, it is not relevant to an analysis of the developments impact on infrastructure.

Rough Proportionality Analysis is Conclusory

The City of Dallas' engineer's rough proportionality analysis does not comply with the legal standard set by statute and case law which requires an individualized determination that the required dedication is related in both nature and extent to the impact of the development. The City is required to provide a meaningful analysis of impact and relate it to the exaction. *See Mira Mar Development Corp. v.City of Coppell, Texas*, 421 S.W.3d 74 (Tex. App.–Dallas 2013, no pet.). The"analysis" provided by the City is conclusory.

The City of Dallas' Dedication Argument Fails

The arguments made by the City related to prescriptive or implied easement are misplaced. The issue is whether the City has made a meaningful analysis of how the development by 6101 Mockingbird impacts the City's infrastructure and related it in nature and extent to the dedication that has been required as a condition of the plat. It is the City's burden to prove. Having failed to offer such proof, the appeal should be upheld and a determination made that the City is required to compensate 6101 Mockingbird for the taking.

Yours truly,

/s/ Brad Jackson

Brad Jackson

BJ/lc

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955

Brad Jackson†
Cheryl L. Mann††

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

††Of Counsel

August 4, 2015

Via email to katherine.kasten@dallascityhall.com

Katherine Kasten
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201

Via email to yolanda.hernandez@dallascityhall.com

Secretary of the Commission
City Plan Commission
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Supplemental Evidence

Attached hereto is supplemental evidence received this morning by Developer's attorney that rebuts positions put forth by the City. The City contends that it is only asking for a sidewalk easement. However, the new plat prepared in conformity with the demands of the City as evidenced by the plat and the comments and revisions required by City staff as evidenced by the attached email excerpts supporting the documents referenced as attachments to the emails show that, consistent with Developer's understanding and contentions, that the City continues to insist on a 10' fee simple Right of Way dedication.

Developer requests that the Commission grant leave to file this evidence.

Yours truly,

/s/ Brad Jackson

Brad Jackson

From: Ron Salamie <
Date: Tuesday, August 4, 2015 at 8:00 AM
To: Robb Parks
Cc: Doug MacMahon <>, JD Robertson <>, Brad Jackson <>, Cheryl Mann <>, Aaron Rendon <>, Terry Westerman <>
Subject: RE: Final Plat S145-070 Part of Block F/2953 CITY OF DALLAS, DALLAS COUNTY, TEXAS.

Robb,

Attached is a draft of plat for your team's review.

Ron

Ron Salamie PE
Project Manager /
cole®
DALLAS / ST. LOUIS / ST. CHARLES / PHOENIX

Cole & Associates, Inc. is a Missouri Corporation d.b.a. Cole Design Group, Inc. in Texas & Arizona, herein referred to as "Cole"

From: "Delgado, Julio" <>
Date: Wednesday, July 29, 2015 at 9:40 AM
To:
Cc: "Fugate, Danny" <>, "Lam, David" <>, Robb Parks <>
Subject: Final Plat S145-070 Part of Block F/2953 CITY OF DALLAS, DALLAS COUNTY, TEXAS.

Terry D. Westerman, R.P.L.S

Please, find attached pdf copies of the "Final Plat Review Checklist" and a red lined copy of the Plat to assist you with the revision.
If you have question, please feel free to call or reply to this email

Thank you,

Sincerely,
Julio Delgado, RPLS
City of Dallas
Sustainable Development and Construction
320 E. Jefferson Blvd.
Room 200
Dallas, Texas 75203
Ph. 214-948-5377
email: julio.delgado@dallascityhall.com

Attachments from Ron Salamie, P.E.

OWNER'S CERTIFICATE:

COUNTY OF DALLAS
STATE OF TEXAS

WHEREAS 6101 MOCKINGBIRD, LLC. IS THE SOLE OWNER OF TWO TRACTS OF LAND BEING SITUATED IN THE WILLIAMS P. CARDER SURVEY, ABSTRACT NO. 282, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING PART OF CITY OF DALLAS BLOCK NO. F/2953, AND BEING THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD, LLC BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20140096442370, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD, LLC BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20140101171462, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" FOUND FOR CORNER IN THE NORTH LINE OF MOCKINGBIRD LANE (A VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JAMES WOHNER AND PATRICIA WOHNER BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20060014463, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 18 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID MOCKINGBIRD LANE, A DISTANCE OF 277.31 FEET TO A 2 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 THIS" FOUND FOR CORNER;

THENCE NORTH 41 DEGREES 43 MINUTES 39 SECONDS WEST, A DISTANCE OF 17.28 FEET TO A 2 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 THIS" FOUND FOR CORNER, SAID POINT BEING IN THE EAST LINE OF SKILLMAN STREET (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 04 DEGREES 48 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 87.08 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 THIS" FOUND FOR CORNER;

THENCE NORTH 00 DEGREES 28 MINUTES 55 SECONDS EAST CONTINUING ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 46.35 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 THIS" FOUND FOR CORNER, SAID POINT BEING ON THE SOUTH LINE OF A 15 FOOT ALLEY RIGHT-OF-WAY;

THENCE NORTH 89 DEGREES 31 MINUTES 05 SECONDS EAST ALONG THE SOUTH LINE OF SAID ALLEY, A DISTANCE OF 278.02 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 THIS" FOUND FOR CORNER, SAID POINT BEING THE NORTHWEST CORNER OF AFOREMENTIONED WOHNER TRACT;

THENCE SOUTH 01 DEGREES 07 MINUTES 32 SECONDS EAST ALONG THE WEST LINE OF SAID WOHNER TRACT, A DISTANCE OF 130.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 36,481 SQUARE FEET OR 0.8376 ACRES.

IN ADDITION THERETO AN EXISTING EASEMENT AND RIGHT OF WAY ADJACENT TO THE ABOVE DESCRIBED TRACT OF LAND, SAID EASEMENT AND RIGHT OF WAY BEING GRANTED TO DALLAS COUNTY, RECORDED BY VOLUME 1635, PAGE 102 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" FOUND FOR CORNER IN THE NORTH LINE OF MOCKINGBIRD LANE (A VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JAMES WOHNER AND PATRICIA WOHNER BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20060014463, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE DEPARTING SAID NORTH LINE OF MOCKINGBIRD LANE, SOUTH 01 DEGREES 41 MINUTES 52 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF MOCKINGBIRD LANE AS RECORDED IN VOLUME 1636 PAGE 102 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE WITH SAID CENTERLINE, SOUTH 89 DEGREES 18 MINUTES 08 SECONDS WEST, A DISTANCE OF 209.91 FEET;

THENCE DEPARTING SAID CENTERLINE, NORTH 00 DEGREES 41 MINUTES 52 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE NORTH LINE OF MOCKINGBIRD LANE AS RECORDED IN VOLUME 1636 PAGE 102 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE WITH SAID LINE, NORTH 89 DEGREES 18 MINUTES 08 SECONDS EAST, A DISTANCE OF 209.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,038 SQUARE FEET OR 0.2534 ACRES.

OWNER'S DEDICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT, 6101 MOCKINGBIRD, LLC, ACTING BY AND THROUGH ITS AUTHORIZED AGENT ROBERT L. PARKS, III, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREON DESCRIBED PROPERTY AS RESIDENTIAL, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER ANY STREETS, ALLEYS, AND FLOODWAY MANAGEMENT AREAS SHOWN THEREON. THE EASEMENTS SHOWN THEREON ARE HEREBY RESERVED FOR THE PURPOSES INDICATED. THE UTILITY AND FIRE LANE EASEMENTS SHALL BE OPEN TO THE PUBLIC, FIRE AND POLICE UNITS, GARBAGE AND RUBBISH COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES FOR EACH PARTICULAR USE. THE MAINTENANCE OF PAVING ON THE UTILITY AND FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE SAME. ALL AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDING, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS, AND ALL PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM AND UPON THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OF OR PARTS OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. SAID PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF READING METERS AND ANY MAINTENANCE OR SERVICE REQUIRED OR USUALLY PERFORMED BY THE UTILITY.

WATER MAIN AND WASTEWATER EASEMENTS SHALL ALSO INCLUDE ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION AND MAINTENANCE OF THE SYSTEMS. ADDITIONAL EASEMENT AREA IS ALSO DEDICATED FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEANOUTS, FIRE HYDRANTS, WATER SERVICE AND WASTEWATER SERVICE FROM THE MAIN TO THE CURB OR PAVEMENTS LINE, AND DESCRIPTION OF SUCH ADDITIONAL EASEMENTS HEREON GRANTED SHALL BE DETERMINED BY THEIR LOCATION AS INSTALLED.

THIS PLAT APPROVED SUBJECT TO ALL THE PLATTING ORDINANCES, RULES AND REGULATIONS OF THE CITY OF DALLAS, TEXAS.

WITNESS MY HAND IN _____, TEXAS, THIS_____ DAY OF_____, 2015.

6101 MOCKINGBIRD, LLC

BY:_____
ROBERT L PARKS III, MANAGER

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED ROBERT L PARKS III, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED AND AS THE ACT AND DEED THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2015

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

LIEN HOLDER'S SUBORDINATION AGREEMENT:

THE LIEN HOLDER OR MORTGAGEE CONCURS WITH THE OWNER'S CERTIFICATE AND AGREES TO SUBORDINATE ITS INTERESTS TO THE PROVISIONS OF OWNER'S DEDICATION.

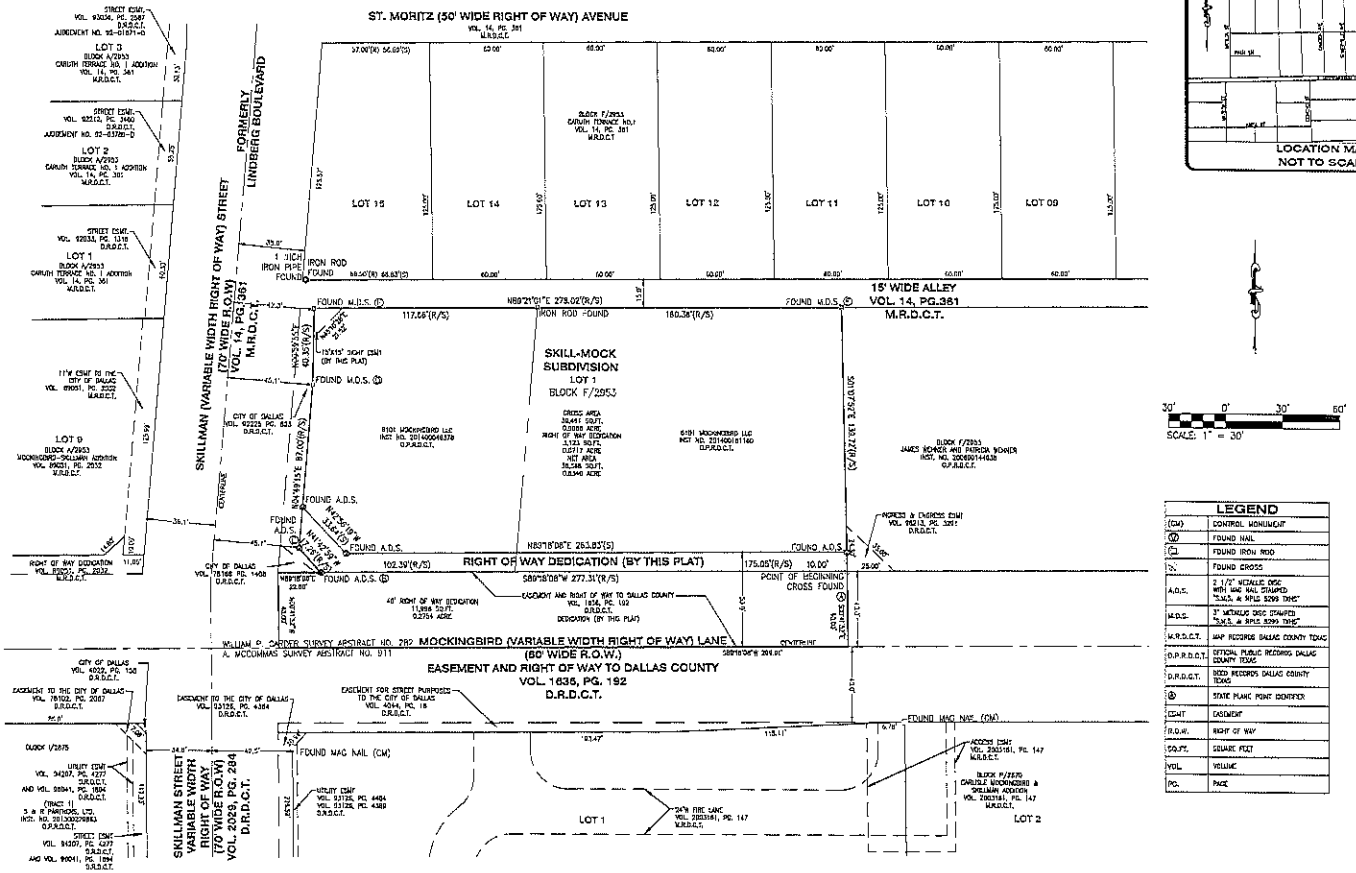
LIEN HOLDER:
AMERICAN NATIONAL BANK OF TEXAS

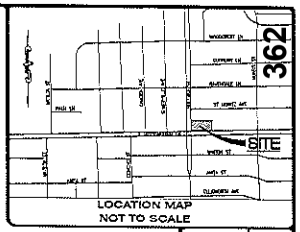
BY:_____
NAME: STEVE WHITE
TITLE: BANKING CENTER PRESIDENT

STATE OF TEXAS
COUNTY OF DALLAS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ [DATE OF ACKNOWLEDGMENT] BY _____ [NAME OF PERSON WHO SIGNED], AS _____ [TITLE OF OFFICER-USUALLY PRESIDENT OR SECRETARY], OF _____ [NAME OF BUSINESS], A _____ [STATE OF BUSINESS, I.E., LLC, CORP, ETC.], ON BEHALF OF THE _____ [L.L.C. CORP., ETC.].

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





LEGEND	
(CM)	CONTROL MONUMENT
ⓐ	FOUND NAIL
○	FOUND IRON ROD
⊗	FOUND CROSS
A.D.S.	2 1/2" METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 THIS"
M.D.S.	3" METALLIC DISC STAMPED "S.M.S. & RPLS 5299 THIS"
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
ⓟ	STATE PLANE POINT IDENTIFIER
ESMT	EASEMENT
R.O.W.	RIGHT OF WAY
SQ.FT.	SQUARE FEET
VOL.	VOLUME
PG.	PAGE

NAD 83 2011 ADJUSTMENT STATE PLANE GRID COORDINATES TEXAS NORTH CENTRAL			
POINT DESIGNATOR	NORTHING	EASTING	DESCRIPTION
Ⓐ	6,991,735.16	2,502,768.15	FOUND CROSS IN CONCRETE
Ⓑ	6,991,731.74	2,502,480.86	FOUND A.D.S.
Ⓒ	6,991,744.51	2,502,470.49	FOUND A.D.S.
Ⓓ	6,991,831.20	2,502,468.79	FOUND M.D.S.
Ⓔ	6,991,871.85	2,502,467.38	FOUND M.D.S.
Ⓕ	6,991,874.97	2,502,769.44	FOUND M.D.S.

GENERAL NOTES:

1. ALL BEARINGS AND DISTANCES ARE RECORDED (R) AND SURVEYED (S), UNLESS OTHERWISE NOTED.
2. BASIS OF BEARING: GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD 83, 2011 ADJUSTMENT. THE NORTH RIGHT OF WAY LINE OF EAST MOCKINGBIRD LANE, WHICH BEARS NORTH 89° 18' 08" EAST.
3. TOTAL AREA OF BOUNDARY = 0.9066 ACRES
4. THE PURPOSE OF PLAT: CREATE ONE LOT
5. COORDINATES SHOWN ARE FROM THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
6. LOT-TO-LOT DRAINAGE IS NOT PERMITTED WITHOUT ENGINEERING SECTION APPROVAL.

SURVEYOR'S STATEMENT:

I, TERRY D. WESTERMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, ATTEST THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER PERTINENT DOCUMENTATIONS AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, THE CITY OF DALLAS DEVELOPMENT CODE ORDINANCE NO. 19455, AS AMENDED, AND TEXAS LOCAL GOVERNANCE CODE, CHAPTER 212. I FURTHER AFFIRM THAT MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED IN COMPLIANCE WITH THE CITY OF DALLAS DEVELOPMENT CODE, SEC. 51A-8.617 (A) (1) (C) (2) & (C). AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THIS SIGNED FINAL PLAT.

DATE THIS THE _____ DAY OF _____ 2015

_____
TERRY D. WESTERMAN
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5381

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TERRY D. WESTERMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2015

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

6101 MOCKINGBIRD, LLC

cole
COLE ENGINEERING / SURVEYING / PLANNING / LANDSCAPE ARCHITECTURE
6 DALLAS 1936 N. HARWOOD ST. DALLAS, TEXAS 75201 214.871.7336 FAX 214.871.7339 972.422.0077 FAX 972.422.0096
TBPE FIRM REGISTRATION NO. F-2165 TBPLS FIRM REGISTRATION NO. 100318-00
Cole Engineering, Surveying & Planning, LP is a Texas Limited Partnership registered with the Texas Board of Professional Engineers and Texas Board of Professional Land Surveying

DRAWN BY: DM
CHECKED BY: TDW
DRAWING SCALE: 1" = 30'
DATE: 04/14/2015
Job Number: 14-0141
Sheet Number: 1 OF 1

FINAL PLAT
SKILL-MOCK SUBDIVISION
LOT 1, BLOCK F/2953
BEING PART OF CITY BLOCK F/2953
BEING 0.9066 ACRES OF THE WILLIAMS P. CARDER SURVEY ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S145-070
CITY ENGINEERING PLAN FILE 311T-8766

USER: Pro Sidwell
DWG: 2953_1 FINAL PLAT
DATE: 4/14/2015 11:51:47 AM
XREF: ALTA.dwg, ALTA-TOPO.dwg, ALTA-TOPO-PROJECT.dwg, ALTA-TOPO-PROJECT-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, 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ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF-XREF.dwg, ALTA-TOPO-PROJECT-XREF

Attachments from Julio Delgado, RPLS

City of Dallas

DEPARTMENT OF SUSTAINABLE
DEVELOPMENT AND CONSTRUCTION
ENGINEERING; SURVEY PLAT REVIEW GROUP
320 E. JEFFERSON BOULEVARD, ROOM 200
DALLAS, TEXAS 75203
FRONT DESK (214)948-4205; FAX (214)948-4211

CITY OF DALLAS

RE: City Plan File No. S 145-70 Addition Name SKILL-MOCK SUBDIVISION

The Preliminary Plat for the referenced subdivision was approved by the City of Dallas Plan Commission. The next step in the platting process is the submittal of the Final Plat for approval. The Final Plat of the referenced subdivision should conform to the attached Final Plat Review Checklist. As required items are placed on the face of the final plat, a check mark should be placed in the blank corresponding to the item in the applicant column of the checklist. The checklist items not required for your particular plat should be labeled "N/A".

Return a copy of the completed checklist, along with two copies of the Final Plat to:

City of Dallas
Department of Sustainable Development
and Construction
Engineering; Survey Plat Review Group
320 E. Jefferson Blvd, Rm 200
Dallas, Tx 75203

Upon receipt of the plat copies and supporting papers, a staff member will be assigned to review the plat for compliance with the City of Dallas Platting Requirements. Plats that conform to the City of Dallas Platting Requirements will be released for Plan Commission approval and recording, otherwise plats that do not conform will be placed on **"HOLD"**. In this event a copy of the checklist will be returned to the applicant with items that need to be addressed. The **"HOLD"** status will be removed once the required additions and/or corrections are made.

Please submit two copies of the corrected plat, along with the completed checklist to the Survey Plat Review Group at the above address. The plat will then be scheduled for final review. In the event all of the requirements listed on the checklist are suitably addressed the final plat will be released. The Staff Member whose name is listed below is the Survey Division contact for all matters concerning this final plat.

SPRG STAFF CONTACT Julio Delgado

PH NO. 214.948.5377 EMAIL ADDRESS julio.delgado@dallascityhall.com

attachment: Final Plat Checklist
cc: Survey File

CITY OF DALLAS

Department of Sustainable Development and Construction- Engineering Division; Survey Plat Review Group "SPRG"

FINAL PLAT REVIEW CHECKLIST

CITY FILE NO.: S145-70

SUBDIVISION NAME: SKILL-MOCK SUBDIVISION

GENERAL REQUIREMENTS

	APPLI-CANT	CITY STAFF	
1.	____	____	SIZE OF PLAT SHOULD BE 24" X 36" OR 24"X 30".
2.	____	____	PLAT MUST BE LEGIBLE.
3.	____	____	TEXT HEIGHT NOT LESS THAN 10 CHARACTERS PER INCH (LEGAL DESCRIPTION, NOTES, CERTIFICATIONS, ETC.)
4.	____	____	SCALE OF 1" = 30', OR LARGEST PRACTICAL SCALE , NO SMALLER THAN 1" = 60'
5.	____	____	NORTH ARROW AND GRAPHIC SCALE ON PLAT
6.	____	____	VICINITY MAP SHOWING: • ALL THOROUGHFARES AND EXISTING STREETS BOUNDED BY THE TWO NEAREST INTERSECTING MAJOR THOROUGHFARES. • NORTH ARROW ON VICINITY MAP • SCALE IF ANY, OR THE STATEMENT "NOT TO SCALE". • (MAP SCALE MUST BE AT LEAST EQUAL TO 1" = 2000')
7.	____	____	NAME AND ADDRESS OF: • SURVEYOR AND/OR ENGINEERING FIRM, • ALL OWNERS, AND/OR DEVELOPER.
8.	____	____	LEGEND INDICATING SYMBOLS USED ON PLAT. LEGEND SHOULD INCLUDE ONLY THOSE SYMBOLS ACTUALLY APPEARING ON THE PLAT.
9.	____	____	DO NOT SHOW TOPOGRAPHIC FEATURES (I.E. CONTOUR LINES, UTILITIES, PARKING AREAS, TREES, SHRUBS, FENCES, PAVING, BUILDING AND STRUCTURES, ETC.)

10. _____ _____ GENERAL NOTES:

- LOT TO LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.

11. _____ _____ ADDRESS ALL APPROPRIATE CITY PLAN COMMISSION LETTER COMMENTS (ADDED EASEMENTS, ETC.).

BOUNDARY REQUIREMENTS

12. _____ _____ BOUNDARY DRAWING DIMENSIONS MUST AGREE WITH LEGAL DESCRIPTION DIMENSIONS INCLUDING:

- POINT OF COMMENCING (IF APPLICABLE)
- POINT OF BEGINNING
- BEARINGS & DISTANCES
- CURVE DATA TO INCLUDE:
    a. DIRECTION TO THE RIGHT OR LEFT
    b. DELTA ANGLE
    c. RADIUS
    d. CHORD BEARING FROM THE BEGINNING OF THE CURVE
    e. CHORD LENGTH
    f. ARC LENGTH
    g. WHETHER CURVE IS TANGENT OR NON-TANGENT

13. _____ _____ BOUNDARY OF AREA BEING PLATTED SHOULD BE OUTLINED WITH A HEAVY SOLID BOLD LINE; ALL OTHER LOT LINES, AND AJOINING PROPERTY OR LOT LINES SHOULD BE A SOLID THIN LINE.

14. _____ _____ DASH IN OLD LOT LINES AND GHOST IN OLD LOT NUMBERS, TRACT LINES, TRACT NUMBERS, ETC.

15. _____ _____ LABEL EACH CITY BLOCK, LOT AND/OR TRACT NUMBERS.

16. _____ _____ LABEL AREA (SQUARE FOOTAGE AND ACREAGE) OF EACH LOT; CENTERED ON LOT OR IN TABLE.

17. _____ _____ SHOW AND LABEL BABSTRACT LINE'S WITHIN 150'

18. _____ _____ SHOW AND LABEL ESTBLISHED CENTERLINE OF ADJOINING STREET

19. _____ _____ LABEL EXISTING ADDITIONS WITH VOLUME AND PAGE AND SOURCE OF RECORD (D.R.D.C.T, D.R.C.C.T. OR OTHER CONTIGUOUS COUNTIES WITHIN DALLAS CITY LIMIT)

20. _____ _____ STATE A BASIS OF BEARING FOR PLAT ON DRAWING.

(SAMPLE STATEMENT)

BASIS OF BEARING IS THE NORTH LINE OF FRENZY ROAD (INSERT RECORDED BEARING, I.E. BEING NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST) AS

RECORDED IN VOLUME 88327, PAGE 0235, DEED RECORDS OF DALLAS COUNTY, TEXAS.

21. ____ ____ SUBMIT A GEOMETRIC CLOSURE FOR THE BOUNDARY OF THE AREA BEING PLATTED (THIS IS REQUIRED IN THE FINAL PLAT FILE PRIOR TO RELEASE, ATTACH TO SUBMITTAL):

- INCLUDE BEARINGS AND DISTANCES
- CURVE DATA TO INCLUDE:
    - h. DIRECTION TO THE RIGHT OR LEFT
    - i. DELTA ANGLE
    - j. RADIUS
    - k. CHORD BEARING FROM THE BEGINNING OF THE CURVE
    - l. CHORD LENGTH
    - m. ARC LENGTH
- PRECISION OF BOUNDARY CLOSURE (MINIMUM 1:15,000)

22. ____ ____ PROVIDE DOCUMENTATION TO SUPPORT EXISTING STREET RIGHT-OF WAY WIDTH (I.E. FILE RESEARCH; SEPARATE INSTRUMENT, PLAT, COUNTY R.O.W. MAP) AND SHOW HOW THE ADJOINING RIGHT OF WAY(S) WERE CREATED (DEDICATION, EASEMENT, ETC..) WITH RECORDING INFORMATION. THE SURVEY RECORDS VAULT IN ROOM 314 OF THE OAK CLIFF MUNICIPAL CENTER IS A VALUABLE SOURCE OF THIS DATA.

23. ____ ____ AREA WITHIN 150 FEET OF THE PERIMETER OF PLATTED BOUNDARY MUST BE DETAILED:

- SHOW ADDITION NAME(S)
- PROPERTY OWNER NAME(S) ON UNPLATTED LOTS OR LOTS THAT HAVE PORTIONS SOLD OFF.
- SHOW LOTS AND BLOCKS, OR TRACTS, LABEL WITH APPROPRIATE NUMBERS.
- SHOW VOLUME AND PAGE, AND SOURCE OF RECORD (D.R.D.C.T., ETC.).
- SHOW WIDTHS OF STREETS, ALLEYS, AND EXISTING EASEMENTS LEGIBLY. LABEL VOLUME AND PAGE AND SOURCE OF RECORD. ADD DISTANCE TIES ACROSS R.O.W. AT VARIABLE WIDTH R.O.W.
- OTHER PERTINENT DATA
- SHOW DISTANCES WITHIN 150 FEET ON ADJOINERS FOR LOT OR TRACT LINES TAKEN FROM DEEDS, PLATS, AND BLOCK MAP RESEARCH.

24. ____ N/A EXISTING BUILDINGS MAY NOT EXTEND ACROSS PROPOSED PROPERTY LINES (PLAT BOUNDARY OR LOT LINES). PROVIDE SEPARATE DETAIL FOR EACH EXISTING BUILDING WITHIN 5 FEET OF PROPOSED PLATTED PROPERTY LINE.

MONUMENTATION REQUIREMENTS

25. ____ ____ ALL MONUMENTATION MUST BE LABELED AND DESCRIBED IN FULL ON

DRAWING AND LEGAL DESCRIPTION. (LEGEND MAY BE USED TO COMPLY WITH THIS REQUIREMENT).

26. ____ 1 ____ COMPLIANCH WITH MONUMENTATION STANDARDS AS SET FORTH IN CITY OF DALLAS ORDINANCE NO. 19455 SEC. 51A-8.617

27. ____ 1 ____ LABEL AT LEAST TWO FOUND CONTROLLING MONUMENTS ON PLAT. SET MONUMENTS WILL NOT BE ALLOWED AS CONTROL MONUMENTS.

27. EASEMENT REQUIREMENTS

(THE SURVEY RECORDS VAULT IN ROOM 314 OF THE OAKCLIFF MUNICIPAL CENTER IS A VALUABLE SOURCE OF THIS DATA)

28. ____ ____ LABEL EXISTING EASEMENTS:

- LABEL TYPE OF EASEMENT, LABEL VOLUME AND PAGE, AND LABEL EASEMENT RECORDING DATA (D.R.D.C.T., ETC.)

29. ____ N/A EASEMENTS CREATED BY THIS PLAT MUST BE LABELED AS TO TYPE, AND LOCATED WITH BEARINGS AND DISTANCES AND TIED TO A PLAT OR LOT CORNER ON PLAT, IF DEDICATED BY PLAT MUST BE LABELED "BY THIS PLAT", IF DEDICATED BY SEPARATE INSTRUMENT SHOW VOLUME AND PAGE AND SOURCE OF RECORD.

30. ____ N/A AREAS TO BE ABANDONED WITHIN THE PLATTED AREA MUST BE PROCESSED BY SEPARATE DOCUMENT AND RECORDING DATA AND/OR ORDINANCE NUMBERS MUST BE NOTED ON PLAT PRIOR TO APPROVAL.

31. ____ N/A LABEL ABANDONED EASEMENTS, RIGHT-OF-WAYS, ALLEYS, ETC., ABANDONED SINCE LAST PLAT OF AREA, TO INCLUDE:

- ORDINANCE NUMBER AND/OR RECORDING DATA, MUST BE SHOWN PRIOR TO RELEASE
- WIDTH

TYPICAL REQUIREMENTS

32. ____ ____ **TITLE BLOCK (USE THE FOLLOWING SEQUENCE FOR LAYOUT; 1-6)**

- LOCATED AT LOWER RIGHT HAND CORNER
- (1) CHANGE TITLE FROM PRELIMINARY PLAT TO FINAL PLAT
- (2) **ADDITION NAME** (PLUS PHASE NUMBER, SECTION NO., OR INSTALLMENT NO. IF NEEDED). THERE CAN BE NO DUPICATION OF (OR CLOSELY SIMILAR TO) ANY EXISTING SUBDIVISION NAME (THE SURVEY RECORDS VAULT IN ROOM 314 OF THE OAKCLIFF MUNICIPAL CENTER IS A VALUABLE SOURCE OF THIS DATA). ADDITION NAMES CANNOT BEGIN WITH THE WORDS "THE" OR "REPLAT" OR A NUMBER (I.E. THE BRYAN PLACE ADDITION, REPLAT OF BRYAN PLACE ADDITION, OR 2116 BRYAN PLACE ADDITION). DO NOT USE ROMAN NUMERALS OR & SYMBOL (I.E. NO. 2 OR AND). ADDITION NAME MUST MATCH OWNER'S DEDICATION.
- (3) **LOT** 000 (A NUMBER), **BLOCK** 0000 (A NUMBER), (I.E. LOTS 1-12, BLOCK A/6582). CHECK LOT NO., AND BLOCK NO. FROM LETTER PROVIDED (A CONTACT IS BOBBY SELF AT 214-948-4586). ***SUBMIT COPY OF LETTER FROM BOBBY SELF WITH SUBMITTAL.***

SAMPLE:

FINAL PLAT
JEFF CONROW NO. 3 ADDITION
LOTS 1A-4A, 1B-4B, AND 5A, BLOCK H/7884
A REPLAT OF LOTS 16 AND 17, BLOCK H/7884, BILL FOLD ADDITION
IKE THOMPSON SURVEY, ABSTRACT NO. 153
CITY OF DALLAS, DALLAS COUNTY, TEXAS

- REFERENCE SOURCE (I.E. REPLAT OF LOT 00, BLOCK 000, OF THE SNARLEY ADDITION)
- (4) **SURVEY AND ABSTRACT NO.** (I.E. JAMES WINSLOW SURVEY, ABSTRACT NO. 000)
- (5) **CITY OF DALLAS, DALLAS COUNTY, TEXAS** (OR APPROPRIATE COUNTY), MUST BE ON PLAT
- (6) **CITY PLAN FILE NUMBER** (ISSUED WITH SUBDIVISION APPLICATION, I.E. S056-257).

33. **OWNER'S CERTIFICATE** (LABEL HEADING: OWNER'S CERTIFICATE)

- LABEL; **COUNTY OF DALLAS)(**, (OR APPROPRIATE COUNTY)
- LABEL; **STATE OF TEXAS)(**
- OWNERS NAME (MUST MATCH DEED EXACTLY)

34. **LEGAL DESCRIPTION**

GENERAL DESCRIPTION:

- DEED FOR CURRENT OWNER REFERENCED WITH COMPLETE RECORDING INFORMATION IN GENERAL DESCRIPTION OF LEGAL, A COPY OF THE RECORDED DEED/DEEDS MUST BE FURNISHED FOR PLATTED PROPERTY, ATTACH TO SUBMITTAL.
- REFERENCE:
  - SURVEY, ABSTRACT NO.
  - TRACT INFORMATION
  - PRIOR ADDITION NAME, INCLUDE SUBJECT LOT AND BLOCK, WITH VOLUME AND PAGE, OR PREVIOUS OWNERS AND DEEDS OF REFERENCE, WITH VOLUME AND PAGE, AND COUNTY RECORD LOCATION.
  - IF THE PRIOR PLAT WAS DEDICATED TO A COUNTY OR ANOTHER CITY AND ANNEXED INTO THE CITY OF DALLAS, SHOW DATE OF ANNEXATION AND ORDINANCE NUMBER. THE SURVEY VAULT IN ROOM 318 HAS THIS INFORMATION.

SPECIFIC DESCRIPTION:

- POINT OF COMMENCING (IF APPLICABLE)
- POINT OF BEGINNING
- COMMENCE OR BEGIN AT A STREET INTERSECTION, RECORDED ADDITION CORNER, OR LOT CORNER OF A RECORDED ADDITION.
- PROVIDE BEARINGS AND DISTANCES (BEARINGS TO SECONDS, DISTANCES TO HUNDRETHS), AND CURVE DATA TO INCLUDE:
  - i. DIRECTION TO THE RIGHT OR LEFT
  - ii. CENTRAL ANGLE
  - iii. RADIUS
  - iv. CHORD BEARING FROM THE BEGINNING OF THE CURVE
  - v. CHORD LENGTH
  - vi. ARC LENGTH

REFERENCE ADJOINER CALLS AROUND PLAT BOUNDARY WITH RECORDING INFORMATION AND SOURCE OF RECORDATION.

CITY BLOCK LINES ARE NOT CONSIDERED AS ADJOINERS.

- COMPLETE MONUMENTATION DESCRIPTIONS (EXAMPLE: TO A 3 INCH METALLIC DISK STAMPED TRUEHEART ADDN., R.P.L.S. 0000 ON 5/8 INCH IRON ROD SET).
- CONCLUDE LISTING SQUARE FOOTAGE AND ACREAGE OF PLATTED AREA, I.E. AND CONTAINING 43,560 SQUARE FEET OR 1.000 ACRES OF LAND (SQUARE FEET TO WHOLE FOOT, AND ACREAGE TO THOUSANDTHS).

35. _____ _____ **OWNER'S DEDICATION** (LABEL HEADING: OWNER'S DEDICATION)

- NAME OF ADDITION IN DEDICATION MUST BE IN **BOLD TYPE**
- VARIABLE TYPES OF DEDICATION STATEMENTS USED BUT ALL OF A STANDARD FORM; CORPORATE OWNER, PRIVATE OWNER, PRIVATE STREETS, SHARED ACCESS AREA
- IF USING CORPORATE DEDICATION, PLACE AUTHORIZED AGENTS BUSINESS TITLE UNDER THE REPRESENTATIVES NAME, I.E. VICE PRESIDENT, OWNER, ETC.

36. _____ _____ **THE FOLLOWING STATEMENT WILL BE USED FOR THE THE SURVEYOR'S CERTIFICATE ON THE RECORDED FINAL PLAT:**

"SURVEYOR'S STATEMENT:

I, _____, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance no. 19455, as amended) , and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the_____ day of _____, 20__

(Signature) _____

(Surveyor's Typed Name)
Texas Registered Professional Land Surveyor No. _____"

37. _____ _____ **NOTARY STATEMENTS FOR ALL SIGNING PARTIES**

- OWNER/OWNERS, OWNER'S AGENT
- LAND SURVEYOR

38. _____ N/A **FLOODWAY REQUIREMENTS, ETC.** (FOR PLATS IN FLOODPLAIN, ETC.)

- AREA MUST MEET A MINIMUM CLOSURE STANDARD OF 1 IN 5000
- "NOTWITHSTANDING" PARAGRAPH WILL BE NEEDED IN DEDICATION

- STANDARD TYPE OF FLOODWAY STATEMENT; FLOODWAY MANAGEMENT AREA, FLOODWAY EASEMENT, AND/OR FLOODWAY EASEMENT WITHIN COMMON AREA
- FLOODWAY EASEMENTS MUST BE MONUMENTED WITH FLOODWAY MARKERS, PER FILE NO. 424-109.
- FLOODWAY MANAGEMENT AREA MUST BE MONUMENTED.
- ESCARPMENT ZONES MUST BE MONUMENTED.
- DETENTION AREA EASEMENTS MUST BE MONUMENTED.
- CONSERVATION EASEMENTS MUST BE MONUMENTED.
- REQUIRED MONUMENTATION SHALL BE SET AT ALL EASEMENT CORNER'S (POINT OF CURVE, POINT OF TANGENCY AND POINT OF INTERSECTION), TO BE SHOWN ON THE PLAT DRAWING [ORDINANCE; SECTION 51A-8.617 (d)].

39. N/A **SHARED ACCESS AREA** (FOR SHARED ACCESS DEVELOPMENTS ONLY)

- A METES AND BOUNDS DESCRIPTION TRAVERSING THE PERIMETER OF THE SHARED ACCESS AREA WILL BE PREPARED AND FILED AS AN EXHIBIT TO THE SHARED ACCESS AREA DOCUMENT (A CONTACT IS ASST. CITY ATTORNEY TAMMY PALOMINO AT 214-670-4268.)
- SHOW VOLUME AND PAGE OF FILED SHARED ACCESS AREA DOCUMENT ON PLAT.
- THE OWNER'S DEDICATION SPECIFIC TO SHARED ACCESS AREA WILL BE USED FOR THE PLAT.
- "NOTWITHSTANDING" PARAGRAPH WILL BE NEEDED IN DEDICATION
- SHARED ACCESS AREA EASEMENT STATEMENT ON PLAT.

Please use attached sample

40. **LIEN HOLDER'S SUBORDINATION** (FOR DEED WITH VENDOR'S LIEN)

- USE THE LIEN HOLDER'S SUBORDINATION AGREEMENT

THIS COMPLETED AND SIGNED LIST MUST ACCOMPANY THE FINAL PLAT SUBMITTAL. COMPLETE ALL APPLICABLE ITEMS. PLACE A CHECK MARK IN THE SPACE LABELED "APPLICANT". ITEMS THAT ARE NOT APPLICABLE TO YOUR SITUATION SHOULD BE LABELED "N/A". THE CITY SURVEYOR RESERVES THE RIGHT TO MAKE ADDITIONAL COMMENTS.

ADDITIONAL COMMENTS:

I understand and agree that the City Staff Surveyor will require that the final plat be resubmitted for review and if it is determined that this checklist contained incorrect information.
By review of this plat, this Department does not assume any liability for this plat nor does this review releases the surveyor of the record from her/his responsibilities as a surveyor set forth by the Texas Board of Professional Land Surveying.

Signature: _____ Date: _____

Printed Name: _____

PLAT MUST MEET ALL STANDARDS SET FORTH IN **ORDINANCE NO., 19455, PLAT REGULATIONS, 51A-8.100**

COPY OF ORDINANCE MAY BE OBTAINED AT:

CITY SECRETARY'S OFFICE

CITY HALL, 5D SOUTH

1500 MARILLA STREET

DALLAS, TEXAS 75201

(REVISED 09/02/2010)

EXAMPLE
Owner's Certificate Sample

OWNER'S CERTIFICATE

State of Texas ~
County of Dallas ~

Whereas (Owners Name) is the sole owner of a tract of land as recorded in (Deeds of Current Ownership) Volume 0000, Page 0000, and Volume 0001, Page 0001 of the Deed Records of Dallas County, Texas, and being part of a tract of land in the Alfonso Blair Survey, Abstract 778, in the George Perez Addition, Volume 1954, Page 08 of the Deed Records of Dallas County, Texas, being lots 3,4,and 5 in Block 13/5353 and part of a tract of a unrecorded addition , in Block 14/5353 as recorded in deed to Reba Tilley, in Volume 86989, Page 544, of the Deed Records of Dallas County, Texas, and being more particularly described as follows;

Beginning at (or / Commencing at)

a. Street Intersection
b. Recorded Addition Corner
c. Lot Corner of Recorded Addition

The owner's certificate should contain the following information:

1. Name of owner(s)
2. Volume and Page, County, and State, for current deed(s) of ownership
   [Copies of Recorded Deed(s) must be furnished for platted property.]
3. Survey(s) and Abstract(s) of platted tract
4. Addition name(s) with recording information
5. Block(s)
6. Lot(s)

EXAMPLE

Lien Holder's Subordination Agreement Sample

How to use: After the owner certificate (owner's signature), the next block signature should be as follows:

The lien holder or mortgagee concurs with the Owner's Certificate and agrees to subordinate its interests to the provisions of the Owner's Dedication.

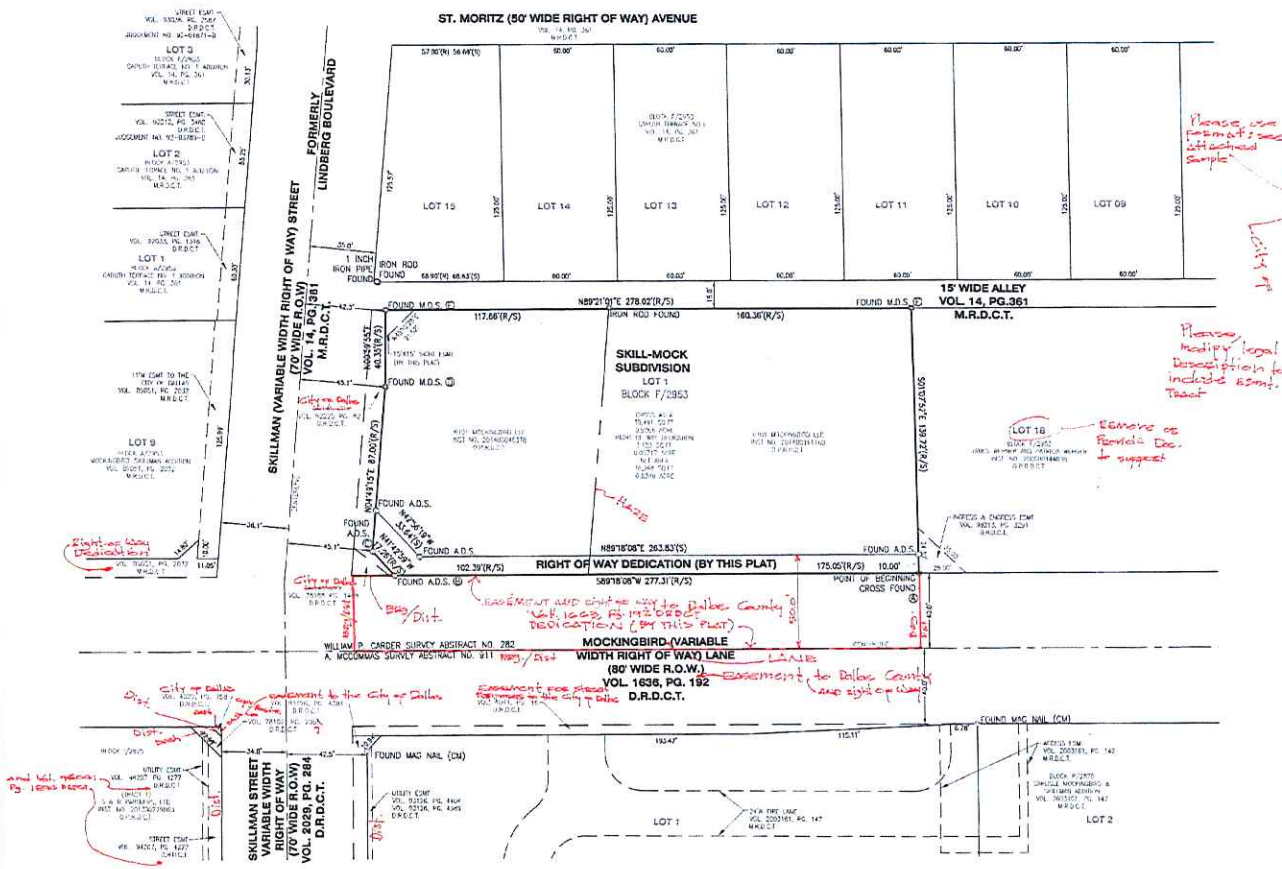
Lien holder:
[Bank/mortgagee]

By: _____
Name: _____
Title: _____

STATE OF TEXAS
COUNTY OF _____

This instrument was acknowledged before me on _____ (date of acknowledgement) by _____ (name of person who signed), as _____ (title of officer-usually president or secretary, of _____ (name of business), a _____ (state of business, i.e., LLC, Corp, etc.), on behalf of the _____ (LLC, Corp., etc.).

_____
Notary Public in and for the State of Texas



LEGEND

(CM)	CONTROL MONUMENT
○	FOUND NAIL
⊡	FOUND IRON ROD
✻	FOUND CROSS
A.D.S.	2 1/2" METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 TXHS"
M.D.S.	3" METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS"
M.R.D.C.T.	MAY RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
Ⓢ	STATE PLANE POINT IDENTIFIER
ESMT	EASEMENT
R.O.W.	RIGHT OF WAY
SQ.FT.	SQUARE FEET
VOL.	VOLUME
PG.	PAGE

NAD 83 2011 ADJUSTMENT STATE PLANE GRID COORDINATES TEXAS NORTH CENTRAL

POINT DESIGNATOR	NORTHING	EASTING	DESCRIPTION
Ⓐ	6,991,735.10	2,502,768.35	FOUND CROSS IN CONCRETE
Ⓑ	6,991,731.74	2,502,490.96	FOUND A.D.S.
Ⓒ	6,991,744.81	2,502,479.49	FOUND A.D.S.
Ⓓ	6,991,831.30	2,502,486.79	FOUND M.D.S.
Ⓔ	6,991,871.63	2,502,487.36	FOUND M.D.S.
Ⓕ	6,991,874.97	2,502,763.44	FOUND M.D.S.

GENERAL NOTES:

1. ALL BEARINGS AND DISTANCES ARE RECORDED (R) AND SURVEYED (S), UNLESS OTHERWISE NOTED.
2. BASIS OF BEARING: GPS BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD 83, 2011 ADJUSTMENT. THE NORTH RIGHT OF WAY LINE OF EAST MOCKINGBIRD LANE, WHICH BEARS NORTH 89° 18' 08" EAST.
3. TOTAL AREA OF BOUNDARY = 0.9066 ACRES
4. THE PURPOSE OF PLAT: CREATE ONE LOT
5. COORDINATES SHOWN ARE FROM THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
6. LOT-TO-LOT DRAINAGE IS NOT PERMITTED WITHOUT ENGINEERING SECTION APPROVAL.

MORTGAGEE CONSENT:

THE UNDERSIGNED, _____, IS THE BENEFICIARY OF A DEED OF TRUST RECORDED IN VOLUME _____, PAGE _____, IN THE DALLAS COUNTY, TEXAS RECORDS ENCUMBERING THE ABOVE DESCRIBED PROPERTY, HEREBY CONSENTS TO AND APPROVES OF THIS RECORD PLAT, AS OF THIS _____ DAY OF _____, 2015

AMERICAN NATIONAL BANK OF TEXAS

BY: _____
NAME: STEVE WHITE
TITLE: BANKING CENTER PRESIDENT

STATE OF TEXAS)
COUNTY OF DALLAS)

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED _____ TO ME KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT PERSON IS A _____ OF _____ AND THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND _____ FURTHER ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL ON THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES

_____

OWNER'S CERTIFICATE:

COUNTY OF DALLAS
STATE OF TEXAS

OWNER: 6101 MOCKINGBIRD, LLC

WHEREAS 6101 Mockingbird is the sole owner of

TWO TRACTS OF LAND BEING SITUATED IN THE WILLIAM P. CARDER SURVEY, ABSTRACT NO. 282, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS; BEING PART OF LOT 1, BLOCK NO. F/2953, AND BEING THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD, LLC BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20140004376, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD, LLC BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20140016160, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" FOUND FOR CORNER IN THE NORTH LINE OF MOCKINGBIRD LANE (A VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JAMES WOHNER AND PATRICIA WOHNER BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20060014402E, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 18 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID E. MOCKINGBIRD LANE, A DISTANCE OF 277.31 FEET TO A 2 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER;

THENCE NORTH 41 DEGREES 42 MINUTES 59 SECONDS WEST, A DISTANCE OF 17.26 FEET TO A 2 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER, SAID POINT BEING IN THE EAST LINE OF SKILLMAN STREET (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 04 DEGREES 49 MINUTES 15 SECONDS EAST ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 87.00 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER;

THENCE NORTH 00 DEGREES 58 MINUTES 58 SECONDS EAST CONTINUING ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 40.35 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER, SAID POINT BEING ON THE SOUTH LINE OF A 15 FOOT ALLEY RIGHT-OF-WAY;

THENCE NORTH 89 DEGREES 21 MINUTES 01 SECONDS EAST ALONG THE SOUTH LINE OF SAID ALLEY, A DISTANCE OF 278.02 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER, SAID POINT BEING THE NORTHWEST CORNER OF AFOREMENTIONED WOHNER TRACT;

THENCE SOUTH 01 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE WEST LINE OF SAID WOHNER TRACT, A DISTANCE OF 139.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 39,491 SQUARE FEET OR 0.9066 ACRES.

OWNER'S DEDICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT, 6101 MOCKINGBIRD, LLC, ACTING BY AND THROUGH ITS AUTHORIZED AGENT ROBERT I. PARKS III, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREIN DESCRIBED PROPERTY AS **SKILL-MOCK SUBDIVISION**, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER ANY STREETS, ALLEYS, AND FLOODWAY MANAGEMENT AREAS SHOWN THEREON. THE EASEMENTS SHOWN THEREON ARE HEREBY RESERVED FOR THE PURPOSES INDICATED. THE UTILITY AND FIRE LANE EASEMENTS SHALL BE OPEN TO THE PUBLIC, FIRE AND POLICE UNITS, GARBAGE AND RUBBISH COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES FOR EACH PARTICULAR USE. THE MAINTENANCE OF PAVING ON THE UTILITY AND FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACE UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN. SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES USING OR DESIRING TO USE SAME, ALL, AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDING, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS, AND ALL PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM AND UPON THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OF OR PARTS OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (ANY PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF MAKING MODIFICATIONS AND ANY MAINTENANCE OF SERVICE REQUIRED OR ORDINARILY PERFORMED BY THE UTILITY).

WATER MAIN AND WASTEWATER EASEMENTS SHALL ALSO INCLUDE ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION AND MAINTENANCE OF THE SYSTEMS. ADDITIONAL EASEMENT AREA IS ALSO PROVIDED FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEANOUTS, FIRE HYDRANTS, WATER SERVICE AND WASTEWATER SERVICE FROM THE MAIN TO THE CURB OR PAVEMENTS LINE, AND DESCRIPTION OF SUCH ADDITIONAL EASEMENTS HEREIN GRANTED SHALL BE DETERMINED BY THEIR LOCATION AS INSTALLED.

THIS PLAT APPROVED SUBJECT TO ALL THE PLATTING ORDINANCES, RULES AND REGULATIONS OF THE CITY OF DALLAS, TEXAS.

WITNESS MY HAND IN _____, TEXAS, THIS _____ DAY OF _____, 2015.

6101 MOCKINGBIRD, LLC

BY: _____
ROBERT I. PARKS III, MANAGER

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED ROBERT I. PARKS III, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED AND AS THE ACT AND DEED THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2015

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE:

I, TERRY D. WESTERMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, AFFIRM THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER REQUIRED DOCUMENTATION, AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, THE CITY OF DALLAS DEVELOPMENT CODE (ORDINANCE NO. 19455, AS AMENDED), AND TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212. I FURTHER AFFIRM THAT MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED IN COMPLIANCE WITH THE CITY OF DALLAS DEVELOPMENT CODE, SEC. 51A-8.617 (A) (B) (C) (D) & (E), AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THIS SIGNED FINAL PLAT.

DATE THIS THE 24th DAY OF July 2015

TERRY D. WESTERMAN
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6361

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TERRY D. WESTERMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2015

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

601 MOCKINGBIRD, LLC
8214 WESTCHESTER DR. STE 550
DALLAS, TEXAS 75225
(214) 520-9000

cole
DALLAS
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COLE ENGINEERING / SURVEYING / PLANNING / LANDSCAPE ARCHITECTURE
Texas Board of Professional Land Surveying Corporate Registration #10193801

DRAWN BY: DW
CHECKED BY: TDW
DRAWING SCALE: 1" = 30'
DATE: 04/14/2015
Job Number: 14-0141
Sheet Number: 1 OF 1

FINAL PLAT
SKILL-MOCK SUBDIVISION
BEING PART OF CITY BLOCK F/2953
BEING 0.9066 ACRES OF THE WILLIAMS P. CARDER SURVEY ABSTRACT NO. 282
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S145-070

USER: Brad Kruger, Jr. - 214.18.7504, PLAT
DATE: July 24, 2015 - 10:54:48 AM
DRWG: S:\SURVEY\14-0141\SURVEY\14-0141.DWG

August 6, 2015

City Plan Commission Minutes

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CITY SECRETARY
DALLAS, TEXAS

PLAN COMMISSION MINUTES

The City Plan Commission held a regular Zoning Hearing on August 6, 2015, with the briefing starting at 11:10 a.m., in Room 5ES and the public hearing at 1:33 p.m., in the City Council Chambers of City Hall. Presiding were Gloria Tarpley, Robert Abtahi, Vice-Chair. The following Commissioners were present during the hearing: Mike Anglin, Neil Emmons, Tony Shidid, Jed Anantasomboon, Ann Bagley, Myrtl Lavallaisaa, John Shellene, Jaynie Schultz, Carolyn "Cookie" Peadon, Margot Murphy and Paul E. Ridley. The following Commissioners were absent from this hearing as defined in the City Plan Commission rules: Emma Rodgers. There was one vacancy, District 4.

The City Plan Commission was briefed by staff on each item on the agenda and a question and answer period followed each briefing.

A variety of dockets, requests and briefings were presented to the Commission during the open public hearing. The applicants or their representatives presented their arguments, citizen comments were heard, and using the information and staff recommendations in the hearing dockets, the Commission took the following actions.

NOTE: For more detailed information on discussion on any issue heard during this briefing and public hearing, refer to the tape recording retained on file in the Department of Sustainable Development and Construction. Briefing and public hearing recordings are retained on file for 90 days after approval of CPC minutes.

PUBLIC HEARINGS:

Subdivision Docket — Planner: Sharon Hurd

Pursuant to Texas Local Government Code Section 212.009(e) these minutes and recording of the hearing certify the reasons for denial of any plat application.

Consent Items:

(1) **S145-229**

Motion: It was moved to **approve** an application to replat a 5.409-acre tract of land containing all of Lot 1, part of an unplatted tract, all of abandoned Jewett Alley, and an abandoned 14-foot street easement in City Block 1/594 into one lot on property bounded by Cochran Street, Watkins Avenue, North Hall Street, and Flora Street, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: None

(2) **S145-232**

Motion: It was moved to **approve** an application to replat a 3.526-acre tract of land containing part of City Block 10/4893 into one 0.787-acre lot and one 2.739-acre lot on property located on South Lancaster Road, north of Ledbetter Drive, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: None

(3) **S145-233**

Motion: It was moved to **approve** an application to create one lot from a 0.47-acre tract of land in City Block 7740 on property located at 7817 Forest Lane, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: None

(4) **S145-235**

Motion: It was moved to **approve** an application to replat a 0.733-acre tract of land containing all of Lots 7-10 in City Block E/2663 into one lot on property located at Winfield Street and Merrifield Avenue, northwest corner, subject to compliance with the conditions listed in the docket.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: None

Note: Commissioner Schultz moved to change the order of the agenda and hear Subdivision Item #5, S145-236 after the Apportionment Determination Appeal. Commissioner Murphy seconded the motion. The Commission unanimously voted to hear Subdivision Item #5, S145-236 after the Apportionment Determination Appeal. The Commission heard Apportionment Determination Appeal next.

Subdivision - Under Advisement:

(5) **S145-236**

Note: During the discuss portion of this item Commissioner Schultz moved to change the order of the agenda and hear the Miscellaneous docket next and hold further discussion of Subdivision Item #5, S145-236 until staff returned with requested plat information. Commissioner Murphy seconded the motion. The Commission unanimously voted to hear the Miscellaneous docket next and hold further discussion of Subdivision Item #5, S145-236. Commissioner Abtahi was out of the room when the vote was taken. The Commission heard the Miscellaneous docket next.

Motion: It was moved to **approve** an application to replat a 53.030-acre tract of land containing part of an unplatted tract of land in City Block 7014; part of City Block 7409; and part of Lot 3 and all of Lots 1A, 7A and 8 in City Block A/7409, to create a phased development with 17 lots on property generally bounded by Alpha Road on the north, Preston Road on the east, Montfort Drive

on the west and Interstate Highway 635 (Lyndon B. Johnson Freeway) on the south, subject to compliance with the conditions listed in the docket with the following changes: 1) Condition #8 shall be revised state, "The maximum number of lots permitted by this plat is 17", 2) Condition #17 shall be revised to state, "On the final plat, dedicate 69 feet of right-of-way on Peterson (Type B) from FN5 (Type A) to Montfort Drive. General Note #6 shall be removed from the plat", 3) Condition #35 shall be deleted, and two additional conditions shall be added as follows: 1) "On the final plat, dedicate a 20-foot street easement to provide for an internal U-turn lane at the intersection of FN5 and Peterson – Type B1"; and 2) "The terminus of FN5 shall be consistent with the Thoroughfare Plan".

Maker: Schultz
Second: Ridley
Result: Carried: 12 to 1

For: 12 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Murphy, Ridley, Abtahi

Against: 1 - Peadon
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: For: Scott Beck, 6622 Aberdeen Ave., Dallas, TX, 75230
Barry Knight, 2728 N. Harwood St., Dallas, TX, 75201
Steven Heilbrun, 8350 N. Central Expy., Dallas, TX, 75206
Against: Raymond Kane, 1601 Elm St., Dallas, TX, 75201
Against (Did not speak): James Bry, 54 W. 40th St., New York, NY10018

Note: The Commission returned to the regular order of the agenda and heard the Thoroughfare Plan Amendment docket next.

Apportionment Determination Appeal – Under Advisement:

Motion: It was moved to **affirm** the director's apportionment determination with the finding of fact the City has met the standards of Section 51A-1.109, Dallas City Code associated with Plat No. S145-070 to dedicate 10 feet of right-of-way along Mockingbird Lane on property at the northeast corner of East Mockingbird Lane and Skillman Street.

Maker: Ridley
Second: Emmons
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: Appellant: Brad Jackson, 3701 Turtle Creek Blvd., Dallas, TX, 75219
Staff: Katherine Kasten, Assistant City Attorney, City of Dallas
Lloyd Denman, Assistant Director, Engineering, City of Dallas
Casey Burgess, Assistant City Attorney, City of Dallas

Note: The Commission returned to the regular order of the agenda and heard Subdivision Item #5, S145-236 next.

Zoning Docket

Miscellaneous Items:

D145-025 Planner: Danielle Lerma

Motion: It was moved to **approve** a permanent landscape plan within Subareas 2a and 2b of Planned Development District No. 883, along the north and south lines of Great Trinity Forest Way, west of Jim Miller Road.

Maker: Bagley
Second: Lavallaisaa
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Schultz*, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4
Conflict: 1 - Shellene

*out of the room, shown voting in favor

Speakers: None

M145-034 Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan for Specific Use Permit No. 1802 for a Machine shop on property zoned Planned Development District No. 631, the West Davis Special Purpose District at the northeast corner of Davis Street and North Dwight Avenue.

Maker: Anantasomboon
Second: Schultz

Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: For (Did not speak): J.T. Wisener, 4831 W. Davis St., Dallas, TX, 75211
Against: None

M145-040 Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 820 for certain Mixed Uses on property generally bounded by Fitzhugh Avenue, Bennett Avenue, and Manett Street.

Maker: Anantasomboon
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: None

M145-045 Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the site plan for Specific Use Permit No. 666 for a College on property zoned an R-7.5(A) Single Family District in the northwest quadrant of Bonnie View Road and East Wintergreen Road.

Maker: Anantasomboon
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: None

Note: The Commission continued and heard Certificates of Appropriateness for Signs item next.

Certificates of Appropriateness for Signs:

1507021049 Planner: Carrie Gordon

Motion: It was moved to **approve** a Certificate of Appropriateness, by Terry Hodge of Accent Graphics, Inc., for a 949-square foot upper level attached sign at 1201 Main Street (West elevation).

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid*, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Speakers: None

Note: The Commission returned to Subdivision Item #5, S145-236 next.

Thoroughfare Plan Amendments:

Community Drive from Denton Drive to Larga Drive Amendment

Planner: Tanya Brooks

Motion: It was moved to **approve** an amendment to the City of Dallas Thoroughfare Plan to change the dimensional classification of Community Drive from Denton Drive to Larga Drive from a four lane undivided roadway (S-4-U) within 60 feet of right-of-way to a special three lane undivided roadway (SPCL 3U) with bicycle facilities in 60 feet of right-of-way and 44 feet of pavement.

Maker: Anantasomboon
Second: Bagley
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: None

Hawkins Street from Canton Street to Commerce Street Amendment

Planner: Tanya Brooks

Motion: In considering an application for an amendment to the City of Dallas Central Business District Streets and Vehicular Circulation Plan to delete Hawkins Street from Canton Street to Commerce Street, it was moved to **hold** this case under advisement until September 17, 2015.

Maker: Emmons
Second: Ridley
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Speakers: For: Audrey Buckley, 416 S. Ervay St., Dallas, TX, 75201
Against: None

Zoning Cases – Consent:

1. **Z134-325(DJ)** Planner: Danielle Lerma

Motion: It was moved to recommend **approval** of the renewal of and an amendment to Specific Use Permit No. 1376 for a community service center for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site/landscape plan and revised conditions on property zoned an MF-2 Multiple-Family Subdistrict and Planned Development Subdistrict No. 30, both within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of Reagan Street and Brown Street.

Maker: Emmons
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 93
Replies: For: 3 Against: 3

Speakers: None

2. **Z145-195(AF)** Planner: Aldo Fritz

Motion: In considering an application for an NS(A) Neighborhood Service District on property zoned an R-7.5(A) Single Family District on the southwest corner of Royal Lane and Brockbank Drive, it was moved to **hold** this case under advisement until August 20, 2015.

Maker: Emmons
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 19
Replies: For: 0 Against: 0

Speakers: None

3. **Z145-219(AF)** Planner: Aldo Fritz

Motion: It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned an R-10(A) Single Family District and an R-7.5(A) Single Family District on the northeast side of Old Gate Lane, northwest of Diceman Drive.

Maker: Emmons
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 300 Mailed: 46
Replies: For: 3 Against: 2

Speakers: None

4. **Z145-276(CG)** Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1755 for two attached projecting non-premise district activity videoboard signs for a six-year period, subject to conditions on property zoned Planned Development District No. 619 on the north side of Main Street and the east side of Four Way Place.

Maker: Emmons
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 86
Replies: For: 5 Against: 0

Speakers: None

5. **Z145-277(CG)** Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1788 for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned Planned Development District No. 619 on the northeast corner of Commerce Street and South Field Street.

Maker: Emmons
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 300 Mailed: 322
Replies: For: 6 Against: 0

Speakers: None

6. **Z145-278(CG)** Planner: Carrie Gordon

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1791 for an attached projecting non-premise district activity videoboard sign for a six-year period, subject to conditions on property zoned Planned Development District No. 619 on the south side of Elm Street and the east side of North Akard Street.

Maker: Emmons
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 300 Mailed: 107
Replies: For: 4 Against: 0

Speakers: None

7. **Z145-261(WE)** Planner: Warren Ellis

Motion: It was moved to recommend **approval** of a Specific Use Permit for a recycling buy-back center for household metals and industrial metals for a two-year period, subject to a site plan and revised conditions on property zoned an IM Industrial Manufacturing District on the southwest side of South Lamar Street between Lenway Street and Martin Luther King Jr. Boulevard.

Maker: Emmons
Second: Shellene
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 300 Mailed: 39
Replies: For: 0 Against: 2

Speakers: None

Zoning Cases – Under Advisement:

8. **Z145-227(WE)** Planner: Warren Ellis

Motion: In considering an application for a CR Community Retail District on property zoned an R-5(A) Single Family District on the north line of Simpson Stuart Road, west of Tracy Road, it was moved to **hold** this case under advisement until August 20, 2015.

Maker: Lavallaisaa
Second: Anglin
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 200 Mailed: 19
Replies: For: 4 Against: 0

Speakers: For: Peter Kavanugh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

9. **Z145-264(SM)** Planner: Sarah May

Motion: It was moved to recommend **denial without prejudice** of a Planned Development District for LO-1 uses and a mortuary, funeral home, or commercial wedding chapel use on property zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District with a D Overlay, on the northeast line of Webb Chapel Road and on the west line of Larga Drive, east of Webb Chapel Extension.

Maker: Anantasomboon
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 500 Mailed: 65
Replies: For: 2 Against: 1

Speakers: For: Maxwell Fisher, 900 Jackson St., Dallas, TX, 75202
Against: Rhonda Montee, 9718 Webb Chapel Rd., Dallas, TX, 75220
Against (Did not speak): Megan C. Wilson, 9718 Webb Chapel Rd., Dallas, TX, 75220
James Montee, 9718 Webb Chapel Rd., Dallas, TX, 75220

10. **Z145-266(AF)** Planner: Aldo Fritz

Motion: It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a two-year period, subject to a site plan and conditions on property zoned an R-5(A) Single Family District on the northeast corner of McBroom Street and North Winnetka Avenue.

Maker: Anantasomboon
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi*

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 17
Replies: For: 1 Against: 0

Speakers: For (Did not speak): Chris Anderson, Address not given
Against: None

Zoning Cases – Individual:

11. **Z145-123(RB)** Planner: Richard Brown

Motion: It was moved to recommend **approval** of an amendment to portions of Subareas 10, 11, 12, and 12A of Planned Development District No. 298, the Bryan Area Special Purpose District, subject to revised conditions with the following changes: 1) The following structures may project a maximum of 12 feet above the maximum structure height specified in Subarea 12A, may not collectively exceed 1,000 square feet of footprint and each must be located a minimum of ten feet from a building edge: (i) Elevator penthouse or bulkhead; (ii) Visual screens which surround roof mounted mechanical equipment; (iii) Communication towers; (iv) Chimney and vent stacks. Mechanical equipment, ducts, and a cooling tower may project a maximum of four feet above the maximum structure height specified in this section and may not exceed a footprint of 4,600 square feet, must be screened with a minimum four foot-high solid material, and must be located a minimum of ten feet from a building edge, and 2) Remove proposal for skybridge use in an area (various parcel) generally bound by Live Oak Street, Gordon Street, Gaston Avenue, and Skiles Street.

Maker: Ridley
Second: Schultz
Result: Carried: 7 to 5

For: 7 - Emmons, Anantasomboon, Bagley*, Lavallaisaa, Schultz, Peadon, Ridley

Against: 5 - Shidid, Tarpley, Shellene, Murphy, Abtahi
Absent: 2 - Anglin, Rodgers
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 153
Replies: For: 9 Against: 2

Speakers: For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202
Charles Shelburne, 2001 Bryan St., Dallas, TX, 75201
Against: Joanna Hampton, 5408 Swiss Ave., Dallas, TX, 75214
Jeri Arbuckle, 4800 Victor St., Dallas, TX, 75246

12. **Z134-322(MD)** Planner: Mark Doty

Motion: It was moved to recommend **approval** of an expansion of and modifications to Historic Overlay 36, Adolphus Hotel, subject to preservation criteria on property zoned Planned Development District No. 619 on the northwest corner of South Akard Street and Commerce Street.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Emmons, Shidid*, Anantasomboon, Bagley*, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi*

Against: 0
Absent: 2 - Anglin, Rodgers
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 293
Replies: For: 0 Against: 0

Speakers: None

13. **Z134-348(MD)** Planner: Mark Doty

Motion: It was moved to recommend **approval** of an Historic Overlay for the Allen Building, subject to preservation criteria on property zoned Planned Development District No. 619 on the southeast corner of South Ervay Street and Commerce Street.

Maker: Ridley
Second: Schultz
Result: Carried: 12 to 0

For: 12 - Emmons, Shidid*, Anantasomboon, Bagley*, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anglin, Rodgers
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 18
Replies: For: 1 Against: 0

Speakers: None

Other Matters

Minutes

Motion: It was moved to **approve** the minutes of the July 23, 2015, City Plan Commission meeting, subject to corrections.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0

For: 12 - Emmons, Shidid, Anantasomboon, Bagley*, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anglin, Rodgers
Vacancy: 1 - District 4

*out of the room, shown voting in favor

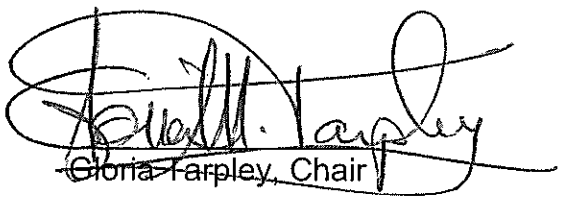
Adjournment

Motion: It was moved to **adjourn** the August 6, 2015, City Plan Commission meeting at 6:08 p.m.

Maker: Ridley
Second: Murphy
Result: Carried: 12 to 0
For: 12 - Emmons, Shidid, Anantasomboon, Bagley*, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 2 - Anglin, Rodgers
Vacancy: 1 - District 4

*out of the room, shown voting in favor



Gloria Tarpley, Chair

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CITY PLAN COMMISSION MEMBER
AUGUST JULY 2015 ATTENDANCE

	8/6/15	8/13/15	8/20/15	8/27/15
Mike Anglin [1]	✓			
Neil Emmons [2]	✓			
Emma Rodgers [3]	X			
Vacant [4]	V			
Tony Shidid [5]	✓			
Jed Anantasomboon [6]	✓			
Ann Bagley [7]	✓			
Myrtl Lavallaisaa [8]	✓			
Gloria Tarpley [9]	✓			
John Shellene [10]	✓			
Jaynie Schultz [11]	✓			
Carolyn Peadon [12]	✓			
Margot Murphy [13]	✓			
Paul E. Ridley [14]	✓			
Robert Abtahi [15]	✓			

√ = Present
X = Absent
H = Holiday
V = Vacant

CITY OF DALLAS

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DISCLOSURE OF CONFLICT STATEMENT

This statement is filed in accordance with Chapter 12A of the Dallas City Code. Copies of the applicable code sections and additional copies of this form may be obtained from the City Secretary's office.

Please print or type all information. Attach additional pages if more space is needed.

Check One		Fill in Appropriate Information
Elected Official	Office Held	
X Appointed Official	Board or Commission/ Title	CPC
City Employee	Title/Department	

1. Name of Employee/Official: John Shellman

I John Shellman have a conflict as defined in Chapter 12A, Article II, of the Dallas City Code in the following matter:

D145-025

Nature of Conflict:

Applicant is a client of spouses company of which she is a principal

As a result of this conflict, I will not take any official action in regard to the matter stated above.

Signature of Employee/Official — Date: 9-6-2015

BEFORE ME, the undersigned authority, on this day personally appeared John Shellene, who on oath stated that the above facts are within his personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 16th day of August, 2015, to certify which, witness my hand and seal.

YOLANDA PESINA
Notary Public
STATE OF TEXAS
My Comm. Exp. October 22, 2016

Yolanda Pesina — Signature of officer administering oath
Yolanda Pesina — Printed name of officer administering oath
CPC Secretary — Title of officer administering oath

THE RECORD

Appeal from Apportionment for Exaction

S145-070
Skillman-Mockingbird Lots 1 & 2, Block F/2953

City Plan Commission Hearing
August 6, 2015

CITY PLAN COMMISSION PUBLIC HEARING

OF

APPEAL OF PLAT #S145-070

SKILL-MOCK SUBDIVISION, LOTS 1 & 2, BLOCK F/2953

AUGUST 6, 2015

SARAH BINA, Texas CSR #8075
Expiration Date 12/31/15
ALL-AMERICAN REPORTING
P.O. Box 520
Denton, Texas 76202
(940) 320-1992
(972) 219-5161
Tlcandaa@aol.com

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P-R-O-C-E-E-D-I-N-G-S

THE CHAIR: All right. So we will now move to the apportionment determination appeal. We have a court reporter here for this purpose, so, Commissioners, I'd ask that you make a particular effort to speak very clearly so that she can have a clean record on this. You will recall this matter was held under advisement from the last time we met. The -- this is an appeal of an apportionment of exactions and it is a quasi-judicial hearing. No communication between City Plan Commissioners and either party is allowed before the hearing. Any communication must be disclosed.

Have any of you had any communications outside of just the receipt from Ms. Pesina's office? Thank you. If an appeal is filed, the City Plan Commission hears it within sixty days from the date of its filing. We are still timely on that schedule. The Director shall forward to the City Plan Commission the complete record of the matter being appealed, including the developer report, if any, and the apportionment determination.

The developer shall have the burden of proof at the public hearing. Recall, Commissioners, that the burden of proof rests with the City with

regard to making the initial determination by the Director on the apportionment of exactions. The appeal and -- and, Mr. Burgess, please correct me if I am wrong, but the burden of proof on the appeal is on the Appellant, in this case, the developer, so I wanted to just make that clear. Mr. Burgess, do you have anything to add on that?

MR. BURGESS: Yes, that's absolutely correct. Yeah, Section 51A-1.109(e)(2) clearly says developer shall have the burden of proof at the public hearing.

THE CHAIR: Thank you.

COMMISSIONER EMMONS: I didn't hear.

THE CHAIR: Would you repeat for Commissioner Emmons?

MR. BURGESS: Yes. Section 51A-1.109(e)(2), the developer shall have the burden of proof at the public hearing.

THE CHAIR: The -- the City Plan Commission shall have the same authority as the Director and may affirm in whole or in part, may modify the apportionment determination or may remand the apportionment determination back to the Director for further consideration, so there -- those are three alternatives open to us today.

In reviewing the apportionment determination, the City Plan Commission shall use the standard in Subsection 51A-1.109, Subsection A, and I will read that for you. It says, Exaction must be related and proportionate. No Exactions may be imposed unless the exactions are, A, related to the needs created by the property development project, and, B, roughly proportionate to the impact of the property development project. Then Sub 2 says, No precise mathematical calculation is required, but the City must make an individualized determination that the required exaction is related both in the nature and extent to the impact of the property development. The City Plan Commission shall make its determination within thirty days after the hearing.

So here we are today for the hearing. I know, Commissioners, you should have received multiple mailings with the various and sundry bits of drafting and evidentiary matter put before us. Not all of it was completely timely with regard to the schedule that had been set. I will, however, exercise my discretion to suggest that I think it's appropriate that, at this point, we have received all of it, we have read it. I don't think there is

any egregious harm to be suffered and, rather, some benefit to receiving all the evidence that we had available to us. So while I'm disappointed that we didn't have everything timely filed, I'm -- I'm going to let us consider all of it for purposes of our decision today.

In terms of the order of the hearing, we have preliminary matters at this time, and if you-all have any questions as to the specificity of the hearing of how we're going to do it, at what point questions are appropriate, any questions from you-all, this would be a good time to entertain those, so feel free to -- we're back on our regular system here, so feel free to ask at any time. Otherwise, the Appellant will -- will go first and will have twenty minutes to make their case.

The -- the Appellant can give an opening statement, call witnesses, and offer evidence all within twenty minutes; however, if the Appellant calls a witness, the Director or the City, in this case, is able to cross-examine that witness, and the Appellant can then conduct a redirect of the witness for up to five minutes.

Commissioners can ask questions at any time, obviously, following just regular procedures

of asking to be recognized by the Chair, and the time that is taken when the commissioners question the -- either the Appellant or the Director, for that matter, that time will not be taken from their twenty minutes, so that we will preserve the full twenty minutes available to the Appellant.

Likewise, the Director will also have -- the City will also have twenty minutes to make their case. Same situation. We may ask questions at any time. The time those questions take will not be counted against the presenter. And then there will be a rebuttal or closing by the Appellant's representative of five minutes.

So without further ado, Commissioners, do you have any questions for me at this time, or for Mr. Burgess, as to how we are going to go about conducting this appeal?

All right. There being none, good afternoon. As always, I would ask that we ask everyone who speaks to identify themselves by name and address. And I think, also -- I'm -- I'm assuming everyone has done it, but, perhaps, everyone could give a card or something to the court reporter in case she should need it for her purposes. Thank you, and good afternoon.

MR. JACKSON: Good afternoon. My name is Brad Jackson --

THE CHAIR: I don't think your mic is on. Hold on one second.

UNIDENTIFIED MALE: Do we got the name tags?

THE CHAIR: All right.

MR. JACKSON: Ready? Good afternoon. My name is Brad Jackson. My business address is 3701 Turtle Creek Boulevard, Suite 12G, Dallas, Texas 75219. First, I thank you for indulging my document that I filed on -- on Tuesday. I only became aware of it on Tuesday, and in that regard, I -- I assumed that all of the evidence and briefing we've submitted is a part of the record, and if it's not, I offer it now to become a part of the record, because I'm going to rely, for the most part -- I'm going to make some commencements, but I'm going to rely, for the most part, on the submissions that we've previously made.

THE CHAIR: Absolutely. And, Ms. Pesina, if you could make sure that everything that was submitted is included as part of the record of this case.

COMMISSIONER PESINA: (Nods head.)

THE CHAIR: Thank you.
MR. JACKSON: And, also, in my comments, I'm going to have some, what might be considered, testimony, so to the degree -- based on my personal involvement -- so to the degree that part of what I say is testimonial, if anybody wants --
COMMISSIONER EMMONS: Sir, could you pull that mic closer to --
MR. JACKSON: Yes.
COMMISSIONER EMMONS: -- your mouth?
MR. JACKSON: To the degree anybody wants me to be placed under oath, I'm happy to be placed under oath and happy to be cross-examined about the --
THE CHAIR: I think that raises a good question. If you'll hold on one second. Ms. Pesina, if you could pause his time running for a sec. Mr. Burgess, do we need to have folks sworn in before they can give testimony, and if so, would you be the one to do that?
MR. BURGESS: Actually, you'd be the one to do that.
THE CHAIR: Okay.
MR. BURGESS: And, yeah, I'd say, if

we're going to give testimony today, it would be a good idea to have people sworn in. That's the standard procedure.

THE CHAIR: Okay. Do you know everyone --

MR. JACKSON: I'm an officer -- I'm an officer of Texas courts and an attorney, and sometimes there's no requirement for attorneys to be sworn, but I'm happy to be sworn with the caveat that I'm not testifying under oath as to my arguments about what I believe the law will be --

THE CHAIR: Sure.

MR. JACKSON: -- except only about my personal involvement.

THE CHAIR: It might make sense. Could -- could I see just a show of hands or if whoever is going to be testifying could stand, we could just swear in everyone all at once. I know Mr. Denman. Is there anyone else who will be testifying?

MR. JACKSON: No.

THE CHAIR: Do you have any experts, anyone who might be coming?

MR. JACKSON: (Shakes head.)

THE CHAIR: Okay. Do both of you

swear to tell the truth, the whole truth, and nothing but the truth to this commission for purposes of this appeal?

MR. DENMAN: I do.

MR. JACKSON: I do.

THE CHAIR: Thank you very much. Okay.

MR. JACKSON: As I said, we're going to rely on our briefing and the documentary evidence that we've previously -- previously submitted, but I do have some comments and some additional information I want to provide.

My clients have been attempting to plat this property since January of this year, and after they made their application, they were informed by the City that they were going to be required to dedicate ten feet of property along Skillman and Mockingbird, and it was for right-of-way. Doing that would require that they completely reconfigured their development, eliminating their ability to put a second -- second structure on the property, and so they -- they protested that, objected to it, and I became involved in early February.

And I formalized their objections, put

them in writing, and submitted them to the City and began interacting with Bert Vandenberg of the City Attorney's office, and I will say that while I have some complaints about the way things have proceeded, I have no complaints about the treatment I received from Mr. Vandenberg. Completely professional and very easy to deal with, and I did appreciate the manner in which he dealt with me. Like I said, I have some complaints about things that have gone on, but none about him. I just want to make that clear.

We had a series of correspondence with the City, and they eventually relented on the requirement that we dedicate the property along Skillman Avenue, but continue to insist that we dedicate ten feet for right-of-way along Mockingbird. And we -- we continued to protest, and Mr. Vandenberg arranged a meeting between me and my clients and City staff, and we had the meeting, and it was cordial but unproductive, and we were told that in no uncertain terms that a requirement of our plat -- of us receiving our plat was that we dedicate ten feet of right-of-way along Mockingbird, and we said, Look, if you're telling us that's your final decision, it's a requirement that we dedicate this property to get our plat, we have a tenant that

is pushing us to move forward and get this done, we will acquiesce to your demands, but we do it under protest and reserving our rights to be compensated because we don't believe that the City can take this property without compensating us, and at that point, I -- and we were told that this was being done pursuant to the thoroughfare plan, and so once we had exhausted our efforts and acquiesced, I submitted a written request to the City pursuant to Section 212.904 of the Texas Local Government Code, that the City provide a rough proportionality determination to advise us as to what impact our development had on the City that would justify requiring us to dedicate ten feet of property along Mockingbird, and then I received from Mr. Denman what purported to be a rough proportionality analysis, but it had nothing to do with what we had been told about the right-of-way, and I think that this -- there's a good reason for that. Because the truth is, our development has no impact on traffic. This has gone from a -- a gas station/car wash/car repair shop to an emergency medical clinic that gets twelve, fourteen, maybe up to twenty visitors in a 24-hour period, and so there is no traffic impact.

What he spoke to was a sidewalk

easement, basically, saying that it would -- it would be nice for there to be a sidewalk for people to walk on, but -- in talking about a contention of a prescriptive easement, but, frankly, a prescriptive easement in that issue is not an issue for this panel. If there's an issue about whether or not there's an easement, there's a different way for the City to go about proving that there is a prescriptive easement, but it's not a justification and it doesn't have anything to do with our impact on infrastructure, which is what this is about.

And so I appealed the determination pursuant to 212.904(b) of the Texas Local Government Code, which state that the -- states that the appeal is to be taken to the governing body of the municipality, and what I appealed is the requirement that the City put on my client, that we dedicate ten feet of property and the attempts to justify that through the rough proportionality analysis provided by Mr. Denman. And as you've seen from the City's submissions in this proceeding, apparently, they continue to focus on the sidewalk easement, but parallel to these proceedings, City staff has continued to demand of my clients, as evidenced by the submission I've made on Tuesday, that we give a

ten-foot right-of-way dedication along Mockingbird. And in order to preserve our ability to go forward with the plat and to satisfy our tenant, we have all along complied and said, Look, if you're telling us that is a requirement of our plat, we will make this dedication, but we reserve our rights to claim compensation, and so that's what this appeal was about from my perspective.

This does not have to do with whether or not there's a prescriptive easement, whether or not there needs to be a sidewalk. My clients were going to put a sidewalk as part of their development. That's never an issue. It's never been an issue. To me, it's a -- that's a complete red herring, frankly, and the issue really here is whether there's rough proportionality between the City's exaction and the impact on infrastructure of my client's development.

And so I know there's been some questions about the engineering -- or questions raised by the City about the engineering report that I submitted. Why did I do that? Well, the reason I did that was because my understanding of the City's rules that they have put together for this appeal say that they can come and say anything they want to

at this hearing, even if it's different from what they've told me previously, and since I know that what they're really asking for is right-of-way easement, I have an engineer who says there is no traffic impact. And so if -- to be prepared or if they come here today and say something different than what they've been saying, maybe that -- maybe that concern has been eliminated by the procedures that -- that you put in place when you ask us to submit this in advance, but when I initially made the submission, I didn't know that when I obtained that engineering report.

And why did I provide an appraisal report? Well, I provided an appraisal report because it is both relevant to rough proportionality, and also because we continue to insist on our right to be compensated. And this matter may end up in district court, and I don't want to go to district court and hear from the City that I either have not exhausted my administrative remedies because I didn't ask for compensation at the -- during the appeal process or that I've waived any request for compensation, so I've brought evidence of the value of the property that's been exacted.

And the other thing that I submitted was attorney's fees and fees for expert witnesses. And I understand that this is -- this is a little bit of an unusual thing for the panel, and that you-all aren't in the -- in the business of awarding attorney's fees, it sounds like, from our discussions the time that we were here before, but my understanding of the rules put forth by the City are that if we prevail at this panel, that's the end of the matter. My reading of the rules only says that there's an appeal to the City Council if the City prevails, and so if this is the end of the matter, I have no place else to make my request for attorney's fees, and so that's the reason I've submitted -- and since -- pursuant to 212.904(e) of the Texas Local Government Code, a developer who prevails in an appeal of a rough proportionality determination is entitled to recover attorney's fees and expert witness fees. If I want to ask for them, this may be my last and only place to ask for them, and so I've put forth -- I've submitted an itemized billing statement and made a request for attorney's fees, and so I -- I want to provide some brief testimony to support my attorney's fees, and that testimony is that my hourly rate of three hundred

and seventy-five dollars per hour and my associate attorney, Ms. Mann's hourly rate of two hundred and fifty dollars per hour are fair and reasonable for the level of experience that we have and are reasonable and customary in Dallas County, Texas.

I'm a twenty-five-year attorney, board certified in Civil trial law, and Ms. Mann is a twenty-year attorney. We have previously successfully litigated rough proportionality issues in the district court of Bexar County, Texas, and our engagement in this matter impose strict time limitations, both those imposed by the City and by our client's desire to move their -- our client's tenant's desire to move their project forward expeditiously. These are complex issues, and the City is a difficult adversary.

Based on the time records we've submitted, which set forth our time and activities in this matter, plus the briefing and -- and our continued participation that have occurred since then, we are requesting attorney's fees of twenty-seven thousand, five hundred and sixty-two dollars and fifty cents. That represents the twenty-four thousand dollars -- twenty-four thousand, one hundred and eighty-seven dollars and

fifty cents represented by the billings that we submitted, plus an additional five hours for myself and six hours for Ms. Mann since that initial submission last week. We also request that we be compensated for our engineer expert for nine hundred dollars and our appraiser for three thousand, five hundred dollars.

So in conclusion, based on the evidence and briefing that we've previously submitted, we ask that you find that the exaction by the City is not rough -- roughly proportionate to our development's impact on City infrastructure, and as a result, there's been a taking of our property and we're entitled to compensation. We request that the City compensate my client three hundred and twenty-seven thousand, six hundred and three dollars for the property taken and that you award us our attorney's fees and expert witness fees.

THE CHAIR: Thank you, Mr. Jackson. Commissioners, any questions for Mr. Jackson at this time? Commissioner Emmons?

COMMISSIONER EMMONS: Sir, you said without -- with or without the City's requiring that you were going to put in a sidewalk, so where would the sidewalk go if you weren't going to give them

the land to do it?

MR. JACKSON: The --

COMMISSIONER EMMONS: Those are your words.

MR. JACKSON: The sidewalk doesn't have to go in the ten feet that they're requiring the -- the dedication to the City and it doesn't have to go on -- on City property. It can go on our property. This issue about -- there's never been any contention --

COMMISSIONER EMMONS: Where -- I'm -- I didn't ask for all the possibilities. I said where would you have put it.

MR. JACKSON: We would have put it along the edge of our property in the appropriate place.

COMMISSIONER EMMONS: What's the appropriate place?

MR. JACKSON: Well, I'm not a platting expert, and so -- is that surprising to you that --

COMMISSIONER EMMONS: Well, I mean, it is because the whole thing is over this sidewalk, and I understand there's a DART bus station and there are people who walk and like not to be hit by cars or -- in the street or cars in the parking lot,

and you said you were going to do the sidewalk either way. I want to know where it is, and it doesn't seem like you can tell me.

MR. JACKSON: You're right, because I'm not the person that puts the plat together; however, there's plenty of land for a sidewalk without requiring a dedication to the City. One really has nothing to do with the other, frankly.

COMMISSIONER EMMONS: Okay.

THE CHAIR: Commissioner Ridley?

COMMISSIONER RIDLEY: Mr. Jackson, to the point that Commission Emmons raised about your offer to build the sidewalk, that is not enforceable by the City if there is no dedication of right-of-way, correct?

MR. JACKSON: I'm sorry. I didn't --

COMMISSIONER RIDLEY: The offer to build a sidewalk on your property rather than public right-of-way cannot be enforced by the City. Would you agree with that?

MR. JACKSON: If the City makes it a condition of our plat that we put a sidewalk on our property, we'll put a sidewalk on our property. The issue is they never told us that this was about a sidewalk. They told us this was about dedicating

right-of-way for the thoroughfare plan. This only came up after we objected to it.

COMMISSIONER RIDLEY: Well, Mr. Jackson, would you agree that, in general, sidewalks advance a legitimate state interest in ensuring the safety of pedestrians?

MR. JACKSON: I agree that it is good to have a sidewalk. What I don't agree is that our development impacted the infrastructure such that it allows the City to demand that we give them ten feet of property.

COMMISSIONER RIDLEY: Well, let's talk about that. Unfortunately, I take it Mr. Monk is not here to respond to questions about his two-page letter?

MR. JACKSON: Correct.

COMMISSIONER RIDLEY: Then I guess I'll have to ask you those questions. He mentions that he received information about the Highland Park ER and the Preston Hollow ER, which averaged between fifteen to twenty patients per day over a twenty-four hour business day; is that correct?

MR. JACKSON: That's true.

COMMISSIONER RIDLEY: Do you know what information he received in that respect?

MR. JACKSON: I -- I do. We consulted with our tenant about their other facilities and what they projected based on their other facilities and their business plan for this facility, what level of -- of interaction with citizens they would have, and they provided him with those numbers. That's where that came from.

COMMISSIONER RIDLEY: So was that based upon a -- an average for a particular week out of the year or is that an annual average by the week?

MR. JACKSON: They indicated to him that that was their anticipation of average daily traffic.

COMMISSIONER RIDLEY: All right.

MR. JACKSON: Didn't tell me if it was a particular week. They told me that was what they anticipated on a daily basis.

COMMISSIONER RIDLEY: And so that doesn't tell us what the peak traffic might be, for example, in the wintertime during cold and flu season?

MR. JACKSON: Correct.

COMMISSIONER RIDLEY: That just averages it out over the whole course of the year?

MR. JACKSON: That's my understanding.
COMMISSIONER RIDLEY: So during a peak time period, there could be more patients than fifteen or twenty per day attending this facility?
MR. JACKSON: Well, considering it's an average, I guess there could always be more or less than the average.
COMMISSIONER RIDLEY: All right, sir, and this facility would be operated on two or three shifts, twenty-four hours a day, correct?
MR. JACKSON: True.
COMMISSIONER RIDLEY: And how many staff members would it have? His report says five employees per shift; is that correct?
MR. JACKSON: Correct.
COMMISSIONER RIDLEY: So that would be either ten or fifteen staff members per a 24-hour period?
MR. JACKSON: Five at one time, is my understanding.
COMMISSIONER RIDLEY: Right. So if there were three shifts, that would be fifteen. If there are two shifts, that would be ten?
MR. JACKSON: True.
COMMISSIONER RIDLEY: All right. Now,

would you agree that it is not unlikely that some of the staff members may either take the bus to work or walk to work if they live near enough?

MR. JACKSON: Certainly possible.

COMMISSIONER RIDLEY: And did -- I saw no reference in Mr. Monk's report that he took that into account. Do you have any evidence that would show he calculated what that trip generation would be?

MR. JACKSON: I know that he included it in his report. I don't know -- even if that increases the potential number of people coming in and out of the building to twenty-five or something per day, what I do know is that the City provided no analysis saying we need this because there are going to be these number of people, and so, really, I had nothing to rebut.

What they said was basically in contravention of their requirement under the Miramar case, which is what the law is about what they're supposed to do, they provided no analysis. There's supposed to be an individualized analysis. I would submit to you that what I did -- or what we submitted comes much closer to meeting the burden of doing an individualized analysis, which is actually

the City's burden and not ours.

COMMISSIONER RIDLEY: Well, Mr. Jackson, then let's look at your numbers. I calculate there would be thirty-six people visiting this facility a day based upon the staff that you have indicated and the average number of patients, so this would be an average figure of thirty-six a day. Would you agree with that?

MR. JACKSON: Yes, I would agree with that.

COMMISSIONER RIDLEY: And those people come and go, so that would be at least two trips for each person per day. Would you agree with that?

MR. JACKSON: Presumably, people are going to leave.

COMMISSIONER RIDLEY: All right. And if we take that number per day and multiply it by the number of days of the week, we would get about five hundred per week. If you multiply the seventy-two trips by seven, that's just about five hundred. Would you agree with that rough number?

MR. JACKSON: I'll trust your math.

COMMISSIONER RIDLEY: All right. And if we multiply that by fifty-two weeks a year, we would get about twenty-six thousand, two hundred

trips per year. Would you agree with that math?

MR. JACKSON: Again, I'll trust your math.

COMMISSIONER RIDLEY: All right. Now, assuming that only ten percent of those trips were pedestrian trips, either through the bus or just walking to work, that would be about twenty-six hundred trips a year but on foot. Would you agree with that figure?

MR. JACKSON: Again, I'll trust your math.

COMMISSIONER RIDLEY: All right, sir. Now, given that number of pedestrian trips, would you agree that it would advance a legitimate state interest in ensuring the safety of those pedestrians taking twenty-six hundred trips a year to have a hard-surfaced sidewalk that was separate from the vehicular traffic lanes on which to traverse to and from this facility?

MR. JACKSON: I agree that it would be good to have a sidewalk. I disagree that the City needs to require us to give them ten feet of property for right-of-way uses under the guise of requiring a sidewalk, which is what has happened here.

COMMISSIONER RIDLEY: But you do agree that it would be important to ensure the safety of those pedestrians, such that they would not be in conflict with vehicular traffic on Mockingbird Lane, if they can travel on a sidewalk, correct?

MR. JACKSON: Again, I agree it's a good thing to have a sidewalk.

COMMISSIONER RIDLEY: Now, what qualifications does Mr. Monk have -- unfortunately, we don't have his CV in the record -- to give any opinions or calculations about pedestrian trip generation?

MR. JACKSON: Mr. Monk is a registered engineer, which is the requirement set forth by statute for the City's provision of a rough proportionality of the analysis. He has the same qualifications that the -- that the statute requires of the City.

COMMISSIONER RIDLEY: Well, our requirements go beyond that in that we are tasked with assessing the credibility of witnesses that appear before us in making our deliberations, and it's important for the commission to understand what experience or training Mr. Monk had in any assessment of trip generation to and from this

facility. Can you tell us what qualifications he has to offer the opinion that this facility will not have any impact on the infrastructure of the City of Dallas with -- with respect to pedestrian traffic?

MR. JACKSON: I can tell you that he is a registered engineer and was willing to put his signature and seal on his opinion, and so I think we can -- we can all agree that if he's willing to put his professional seal on his opinion, that he believes he's qualified to make that representation to the City. It's the same -- the same requirement. All that is required to give this opinion on behalf of the City is that they be a professional engineer. Mr. Monk is a professional engineer who works -- who works in this field. Obviously, he's the -- the engineer that worked on our project for us. That's why I went to him.

COMMISSIONER RIDLEY: Well, would you agree that Mr. Monk's report -- unfortunately, we don't have him here to tell us what he did, but that it contains no calculations of pedestrian trip generation to and from this facility, does it?

MR. JACKSON: It doesn't contain that. The report says what the report says. It doesn't contain the mathematical calculations that you did.

It provides the basis for all of those calculations. And, further, I wasn't even required to provide this analysis. The analysis requirement is on the City, which provided no such analysis.

COMMISSIONER RIDLEY: Have you or Mr. Monk made any calculations that would tend to show that a ten-foot wide sidewalk would constitute a larger pedestrian way than would be justified by the number of pedestrian trips anticipated?

MR. JACKSON: I've performed no such calculations, but I don't understand that there's a demand for a ten-foot sidewalk. There's a demand for a five-foot sidewalk with a five-foot parkway.

COMMISSIONER RIDLEY: All right. Sir, then change the ten foot, in my previous question, to five feet. Are you in possession of any evidence or is there any evidence in the record that would tend to show that a five-foot sidewalk is excessive for the number of projected pedestrian trips to and from this facility?

MR. JACKSON: I have no such calculations.

COMMISSIONER RIDLEY: Thank you. That's all the questions I have, Madam Chair.

THE CHAIR: Thank you, Commissioner

Ridley. Commissioner Abtahi? Any other questions for Mr. Jackson, Commissioners? All right. Then, Mr. Jackson, if you-all will have a seat. And you will have rebuttal time --

MR. JACKSON: All right.

THE CHAIR: -- after the presentation by the Director -- of the Director's case, so now we'll have the presentation on behalf of the Director. Is it Mr. Caso or -- good afternoon.

MS. KASTEN: Good afternoon. Katherine Kasten, K-A-S-T-E-N, Assistant City Attorney. I just want to make a few points, and then the City is going to rest on everything that is submitted, the affidavit testimony, the exhibits attached thereto, the legal brief, the rebuttal letter, and the response to the late supplemental evidence that was submitted.

Number one, prescriptive easement is a very important issue in this case. The City cannot exact property which it already basically owns or has possession of. There is a prescriptive easement for at least a six-foot sidewalk that was dedicated in 1959. That plat is part of the exhibits for the affidavit. You can't take what you already have.

Now, what happened in January of this

year was that the City required this landowner to dedicate in fee -- and it's in the -- one of your exhibits. It's the January letter, first response by the City -- required dedication in fee for the entire forty feet of right-of-way for Mockingbird Lane and an additional ten feet for sidewalk and safety buffer. It is not just about the sidewalk unless they're not objecting to the forty feet of right-of-way for Mockingbird Lane. I've never heard that they are, but that's actually what the City is asking for, the entire fifty feet from the center line, which is where the property line is.

We already have an easement that was dedicated in the '30s for the forty feet, but there is still an underlying property interest, since we just have an easement, we'd like that dedicated in fee, as well as the sidewalk easement -- the sidewalk and utility easement. We'd like that in fee, but we'll take it in an easement. It doesn't matter to the City. We'll still have the same use of it for sidewalk and safety.

Another issue is that the traffic impact is not related to the cars. It's related to the pedestrians. If we're talking about a sidewalk and safety property, there are no attorney fees

allowed unless there's an appeal to the district court. It's not allowed here. No matter if we stop here or keep going, fees are not allowed here.

Right-of-way does not mean just road concrete. Right-of-way includes pertinences for roads and highways, which is safety buffer areas and sidewalks. So the fact that we ask for right-of-way to be dedicated does not preclude use for sidewalk merely because it's called right-of-way.

I don't have any other specific points to make. If you have any questions about anything that the City submitted, I'll be glad to answer all those. Mr. Denman is also here, so you may ask him questions either about his testimony or any other new issues that may have come to mind.

THE CHAIR: Ms. Kasten -- Kasten, I have a couple of questions for you.

MS. KASTEN: Yes, ma'am.

THE CHAIR: You mentioned that it is equivalent to the City whether you receive this in the form of an easement or in fee simple. Did you -- have you made a request, one way or the other, in a formal fashion to the Appellant?

MS. KASTEN: Yes. In the first letter responding to the first plat, we ask for it to be

dedicated in fee.

THE CHAIR: In fee?

MS. KASTEN: In fee.

THE CHAIR: Okay. And did you subsequently indicate that you would be willing to take it just as an easement?

MS. KASTEN: Only as this has come up.

THE CHAIR: Okay. All right. Thank you. Commissioner Ridley, question?

COMMISSIONER RIDLEY: Yes. Ms. Kasten, you heard the Appellant's offer to construct a sidewalk on their private property in lieu of dedicating the ten foot of right-of-way. Is that a sufficient resolution for the City, and if not, can you tell us why the City needs the dedicated right-of-way?

MS. KASTEN: No, it's not sufficient, because as was noted earlier, their promise to do that, we can't enforce, so we could never get a sidewalk. The -- we need the area -- the ten feet is set by standards. It could be a five-foot sidewalk. The original one in 1959 was six feet. Ten feet is standard for safety. We not only need a wide enough sidewalk to accommodate pedestrians, we also need the safety buffer between the curb and the

actual cars and the pedestrians, and having it in fee means that the City controls it, the City has to maintain it, and the -- we don't have to rely on a promise that may never come to fruition.

COMMISSIONER RIDLEY: Could the City make the construction of sidewalks on their private property a condition of the plat?

MS. KASTEN: That I don't know. Mr. Denman?

MR. DENMAN: The construction of sidewalks is a requirement by building inspection, and the public sidewalk generally always goes within the public right of way.

COMMISSIONER RIDLEY: So --

MR. DENMAN: So building permits require sidewalk construction. That's a City ordinance.

COMMISSIONER RIDLEY: Even if it's on private property or would they only require it within the public right-of-way?

MR. DENMAN: It's -- I've only seen it within the public right-of-way.

COMMISSIONER RIDLEY: Okay. Well, we have Mr. Denman at the mic. May I ask him questions?

THE CHAIR: Yes.

COMMISSIONER RIDLEY: Mr. Denman, with regard to the opinions that you have formulated in this matter, can you tell us what calculations or research were done to determine whether there would be any pedestrian trips generated by this kind of an emergency medical facility at this location?

MR. DENMAN: Yes, sir. I visited the site myself and observed an existing public sidewalk in use, including an existing DART bus stop that is in use and has been there for decades. I checked with DART to see the history of this stop, and they said it's been there as long as Mockingbird has been a route, and I also personally observed people getting on the bus. I personally observed people walking up and down the sidewalk.

COMMISSIONER RIDLEY: And did you make any conclusions that an emergency medical facility of this sort might have staff and/or patients who would use the bus to access that facility?

MR. DENMAN: Yes, I did, and I even wrote it down in these particular words. Even one person in a wheelchair who rides the bus or lives next door generates the need for a public sidewalk to access this site.

COMMISSIONER RIDLEY: And can you address the other critical issue here, which is the rough proportionality of the need for pedestrian access generated by this facility with regard to the requirement of a ten-foot right-of-way extension?

MR. DENMAN: Yes, sir. The ten foot is standard parkway for most all public right-of-way. Mockingbird was widened to what the owner believes is the current property line, and a ten-foot parkway was not a -- not expressly given at that time before I was born; however, a sidewalk has been in place and in use within that parkway area for those many decades. And it is a standard ten-foot width. And that four-foot or five-foot -- in this case, a five-foot sidewalk would be required by the paving design manual, and it could be adjacent to the curb or set away from the curb, but it makes sense to have a buffer between the sidewalk and the -- and the traffic on Mockingbird; especially, if you're hosting ill or sick patients or people in wheelchairs.

COMMISSIONER RIDLEY: So is that buffer, in your opinion, necessary to ensure the health, safety, and welfare of pedestrians and the public who might be accessing this facility?

MR. DENMAN: Absolutely.

COMMISSIONER RIDLEY: And what about the width of a sidewalk, the five foot within the ten-foot right-of-way? What determines, from an engineering perspective, the need for various widths of sidewalk?

MR. DENMAN: At a minimum, we comply with the Americans with Disabilities Act, and that -- to comply with that, the City has a minimum standard of a four-foot wide sidewalk, but we like to encourage pedestrian activity and walkability in our city and we often, especially in PD -- this is not a PD, but we often request even wider sidewalks than the minimum. And this is a busy intersection with a bus stop, and the wider the sidewalk, the better, but five foot is certainly adequate.

COMMISSIONER RIDLEY: And is that standard based upon an assessment of the width necessary for pedestrians walking in different directions to pass comfortably? I mean, why is it five feet?

MR. DENMAN: A person is typically two-feet wide, and you're -- you -- you got it exactly right. It's so that people can pass comfortably.

COMMISSIONER RIDLEY: Okay. Thank you, Madam Chairman.

THE CHAIR: Thank you, Commissioner Ridley. Commissioner Murphy?

COMMISSIONER MURPHY: Yes, thank you, Madam Chair. One more question, Mr. Denman. I -- you were here to hear -- I -- did you hear Mr. Ridley's commentary about how many people he projected will use the sidewalk based --

MR. DENMAN: Yes.

COMMISSIONER MURPHY: -- upon the emergency room use alone? But you testified that there would be -- that there already is existing sidewalk traffic, so can you elaborate, please?

MR. DENMAN: Well, basically, this developer is asking the public to buy back an existing public sidewalk, along with generous attorney's fees. I -- you know, I went out there and walked on the sidewalk. It's an existing sidewalk. It's an existing bus stop. We're just asking that it be shown on the plat.

THE CHAIR: Mr. Denman, I have one question, then I'll go to the next commissioner here. If what was proposed to be built on the project were not a medical clinic but something else

allowed within the zoning on that piece of property, would your belief in the need and the appropriateness for a sidewalk be the same?

MR. DENMAN: Yes.

THE CHAIR: Thank you. Commissioner Shellene?

COMMISSIONER SHELLENE: Thank you, Madam Chair. Mr. Denman, in conjunction with the adjacent properties to the subject property, is there a similar dedicated easement that's, in essence, a continuum across property lines?

MR. DENMAN: Up and down Mockingbird, there are many instances where properties have dedicated the additional ten feet, yes. Immediately to the west, it's there, and the property to the south is dedicated property, you know --

COMMISSIONER SHELLENE: To the east --

MR. DENMAN: -- I believe all -- all the corners of the intersection.

COMMISSIONER SHELLENE: Okay. And what about the property to the east?

MR. DENMAN: The immediate property to the east, no, but it's old and it does have a sidewalk that's within the public right-of-way.

COMMISSIONER SHELLENE: Okay. Thank

you.

THE CHAIR: Commissioner Abtahi?

COMMISSIONER ABTAHI: Thank you, Madam Chair. Ms. Kasten, you said that the easement or the sidewalk was initially appropriate in 1959; is that correct?

MS. KASTEN: Actually, the first plat showed on the plat within the property lines a six-foot sidewalk that was basically dedicated without formal dedication --

MR. DENMAN: It's a site plan, not a plat.

MS. KASTEN: A site plan. I'm sorry. It's a site plan from 1959 showing this six-foot sidewalk on what was the property, and it was not officially dedicated to the City, but since 1959, that has been used by the public, which is why we say it's a prescriptive easement.

COMMISSIONER ABTAHI: May I follow up, Madam Chair?

THE CHAIR: Please. Yes.

COMMISSIONER ABTAHI: And, Mr. Denman, you -- you -- I think you summarized the City's argument in that you-all believe that this was already an easement. You don't think it should be

purchased again. Was there a difference in width from -- if you take that six-foot sidewalk and apply it to today's standards, would that still indicate a ten-foot width for that, what would be required on a six-foot sidewalk?

MR. DENMAN: I believe there was a photo included in your packet with some white lines on it --

COMMISSIONER ABTAHI: Uh-huh.

MR. DENMAN: -- that showed the ten feet. Would that photo answer your question?

COMMISSIONER ABTAHI: Well, my -- my question is, if we assume the City's position that in 1959 this -- this right-of-way existed, was it the same width as -- as is being required currently for the plat?

MR. DENMAN: A six-foot concrete area was shown, and that it falls within that ten feet. I don't -- I don't know exactly how it was positioned. Let's say it was centered, so it would be, you know, two feet to the street. That's about the way it looks in that photo. There was two feet from the street edge, the curb edge to what's the existing sidewalk, and then there'll still be about two feet beyond that six-foot sidewalk.

COMMISSIONER ABTAHI: So -- Ms. Kasten, so it's the City's position that the ten feet has always been there and -- as a prescriptive easement, and it's you are now just asking them to formalize it on their plat?

MS. KASTEN: Yes, that is the City's position.

COMMISSIONER ABTAHI: Thank you, Madam Chair.

THE CHAIR: Thank you. Commissioner Shidid?

COMMISSIONER SHIDID: Now, my question was actually in regards to the consistency of the ten-foot right-of-way along Mockingbird, so I think it's already been answered. Thank you.

THE CHAIR: Thank you. Any other questions, Commissioners? Commissioner Anglin?

COMMISSIONER ANGLIN: Thank you, Madam Chair. First of all, a question to the Chair. Has the City's materials, have they been admitted into the record?

THE CHAIR: Yes, I -- I admitted everything that had been submitted to us through Ms. Pesina's office into the record --

COMMISSIONER ANGLIN: Okay.

THE CHAIR: -- as part of the record, yes.

COMMISSIONER ANGLIN: Okay.

THE CHAIR: At Mr. Jackson's request, in terms of -- he was asking for the admission of his materials, but I indicated that all materials that have been submitted to us are part of the record.

COMMISSIONER ANGLIN: Perfect. Thank you.

THE CHAIR: Okay.

COMMISSIONER ANGLIN: But then I do have one question.

THE CHAIR: Yes.

COMMISSIONER ANGLIN: And I guess I'd ask Ms. Kasten this. The -- Mr. Denman's affidavit is sworn to. Is that sworn as a matter of -- is it a statement that's being sworn for the truth of the matter stated based on personal knowledge?

MS. KASTEN: Yes, that's what I intended.

COMMISSIONER ANGLIN: Okay.

MS. KASTEN: Did I not write it correctly?

COMMISSIONER ANGLIN: It says sworn,

and that's -- that probably is what it implies. I was just wondering if it was --

MS. KASTEN: That is what I intended.

COMMISSIONER ANGLIN: -- truthful of the matter stated based on knowledge and belief -- okay. Thank you.

MS. KASTEN: Yes, sir.

THE CHAIR: I suppose the question is, rather than what your intention was, Ms. Kasten, what Mr. Denman's testimony was, so do you -- do you want to ask Mr. Denman --

COMMISSIONER ANGLIN: Yes. Thank you.

THE CHAIR: -- Commissioner Anglin?

COMMISSIONER ANGLIN: Thank you. You were -- when you swore to that affidavit that we received, that was -- you were swearing on your own personal knowledge and belief and you were swearing to the truth of the matter stated in your affidavit?

MR. DENMAN: Yes, and had it notarized with my signature.

COMMISSIONER ANGLIN: It was notarized? Thank you.

THE CHAIR: Thank you. Any other questions, Commissioners? Okay. Thank you, Mr. Denman, Ms. Kasten. We now have rebuttal time

for the Appellant, Mr. Jackson.

MS. KASTEN: Thank you.

THE CHAIR: And that will be five minutes, Mr. Jackson. And, again -- again, we can ask questions, and those will not be withdrawn from your five minutes.

MR. JACKSON: All right. First of all, a prescriptive easement is something that has to be determined by a court --

THE CHAIR: Hold on. She wants to adjust your time -- the clock, if you'll hold on one sec.

COMMISSIONER ABTAHI: Can I ask him a question while we're doing this?

THE CHAIR: Yes. Commissioner Abtahi --

COMMISSIONER ABTAHI: Thank you, Madam Chair.

THE CHAIR: -- has a question while the clock resets.

COMMISSIONER ABTAHI: While we're waiting on the time, I think you're going to address it in your rebuttal, but could you address the City's position that this right-of-way had already been granted years past and that they are simply

asking you to reflect it on the plat --

MR. JACKSON: Yes.

COMMISSIONER ABTAHI: -- but wait for her to turn the time on.

THE CHAIR: Well, he can actually respond --

COMMISSIONER ABTAHI: Okay.

THE CHAIR: -- to your question.

COMMISSIONER ABTAHI: Go ahead.

MR. JACKSON: Yes. That doesn't count against me, so --

THE CHAIR: That's correct.

MR. JACKSON: Okay. A prescriptive easement is a matter that's factually -- it's a factual determination to be made, and to confirm that there is a prescriptive easement -- somebody can take the position that there is, but it's got to be confirmed by a court. In fact, I think the Supreme Court -- I'm not an expert on -- on land use issues, but I think the Supreme Court of Texas has recently addressed what's required for the proof of a prescriptive easement, and so just the fact that the City comes in and says there's a prescriptive easement doesn't mean that it's so. That's a matter to be determined. I understand it's the City's

position and the -- you can certainly take the position that it believes there's a prescriptive easement, but I don't think they can come in here and tell you that there is a prescriptive easement. They can just say that we believe there's a prescriptive easement, because it hasn't been determined.

Further, what the plat shows -- it doesn't show anything about who built the sidewalk or anything of that nature, which I think is part of the inquiry about a prescriptive easement, and what it also doesn't show is ten feet. What it shows is six feet up next to the curb. And so how the City cannot only, apparently, make their own judicial determination that there is, in fact, a prescriptive easement, but also decide that it extends four feet past the edge of the current sidewalk that they base that on, I don't understand. I don't believe they can.

THE CHAIR: Go right ahead, Commissioner.

COMMISSIONER ABTAHI: So -- so is it -- what is your argument against the 1959, which apparently was a site plan, not a plat, so is your argument that that should only show six feet or are

you saying that it's irrelevant in terms of how wide that sidewalk is?

MR. JACKSON: I think I'm saying both, actually. I'm saying, if -- even if you accept it and accept their argument about it, it still only shows six feet and they're claiming ten feet based on some argument that I understood was just that we claim that it goes four feet past that. I don't think that they have -- I don't think that plat, in and of itself, establishes, as a matter of law, that there's a prescriptive easement.

COMMISSIONER ABTAHI: Thank you, Madam Chair.

THE CHAIR: Thank you.

COMMISSIONER PESINA: Yes.

THE CHAIR: Are we ready to go with the clock? Okay. Go ahead, Mr. Jackson.

MR. JACKSON: Just -- I just have a couple of responses, and one is that the -- that -- what we've always been told and what the correspondence shows that this -- that this dedication is pursuant to the thoroughfare plan, and so that's why I address traffic because they address thoroughfare plan.

Now, the -- the thing that Mr. Denman,

I think, made clear when he was up here is that he did not do an individualized determination of our facilities, our development's impact on infrastructure. What he said was he went out and looked and saw people getting off the bus and walking. Our development hasn't taken place yet, so to talk about what currently exists is not an individualized determination of our development's impact on infrastructure, which is the requirement in order to justify an exaction. And so talking about what's going on now -- in fact, he mentioned somebody getting off the bus who lives next door. Well, somebody who gets off the bus in a wheelchair who lives next door, that has nothing to do with our development. And the analysis that he has to make is an individualized assessment of our development's impact on infrastructure. And even to Commissioner Ridley's questioning, he didn't say, Yes, I have actually done these calculations you're asking me about. I think that's what he actually asked him. There was no -- there was no analysis other than his comments, essentially, that he thinks there needs to be a sidewalk there, and that if people get off the bus on a wheelchair, which there's absolutely no evidence that he's done any investigation that

people coming to an emergency clinic are going to be in a wheelchair, maybe, maybe not, but, again, things that exist now, things that exist from other -- for other reasons are not the analysis required by the statute. That's required to be made based on an individualized determination of our development's impact on infrastructure.

THE CHAIR: Thank you, Mr. Jackson. Commissioners, any other questions for Mr. Jackson? Commissioner Ridley.

COMMISSIONER RIDLEY: Yes. Mr. Jackson, do you understand that this proceeding is an appeal de novo in that the commission can consider not only the evidence that was submitted or provided by Mr. -- to -- or submitted or provided by Mr. Denman, but any evidence that is presented to us at this hearing today?

MR. JACKSON: I understand. I also understand that evidence isn't questions from a commissioner. Evidence is presented by the City, and I didn't hear any additional evidence from the City about any kind of individualized determination made by the City.

THE CHAIR: Well, I think anything said under oath by witnesses today is considered

evidence for purposes of these proceedings.

MR. JACKSON: I don't disagree.

THE CHAIR: Commissioners, any other questions for Mr. Jackson? Commissioner Anglin?

COMMISSIONER ANGLIN: One quick question, Mr. Jackson --

MR. JACKSON: Yes, sir.

COMMISSIONER ANGLIN: -- and I just want to make sure I understood you correctly. You made the point that the prescriptive easement would have to be something that arose or got confirmed by an order of the court, a court, and I think you said you were citing that to, you think, a recent Supreme Court case that you can't remember the name of. Is that what the --

MR. JACKSON: No. No, sir. I understand the law to be that cities don't just get to say we have a prescriptive easement and it's ours.

COMMISSIONER ANGLIN: So you're saying logically that it would be a court? You weren't citing a particular court case?

MR. JACKSON: No, I was just anecdotally mentioning that I understand that there's been some actual recent court action

determining what is required to -- to establish a prescriptive easement, which, as I said, is anecdotal to the fact that it's a court that has to do it. It can't just be -- the City can't just say we have a prescriptive easement. It has to be established through evidence.

COMMISSIONER ANGLIN: According to logic?

MR. JACKSON: And the law.

COMMISSIONER ANGLIN: I mean, what -- okay. What law? What -- I don't understand.

MR. JACKSON: I didn't come here --

COMMISSIONER ANGLIN: I didn't think I heard you cite anything. I just want to make sure I didn't hear you cite anything.

MR. JACKSON: No. No, I didn't cite a case, but if --

COMMISSIONER ANGLIN: Okay.

MR. JACKSON: -- if that's what you want from me, I can -- I can get you something to show you that. I just don't have it with me today. I didn't realize that that was going to be asked of me, frankly.

COMMISSIONER EMMONS: You brought it up.

THE CHAIR: Mr. Jackson, I would just say, if your statement -- I want to make sure I understand, to follow up on Commissioner Anglin's point. Your statement was you understood that there was a relatively recent Supreme Court of Texas opinion that laid out the requirements for a prescriptive easement?

MR. JACKSON: Yes.

THE CHAIR: Now, A, we do not know what that case is, if, in fact, there is one, but, B, it is entirely possible, is it not, that if the Supreme Court has so spoken, that they have simply laid out the requirements for a city to make that determination. The subposition that you are making that it would require a court decision is just that, a subposition, is it not?

MR. JACKSON: Well, I'll be completely candid with you. I have a real estate expert, a land use attorney expert that I've been consulting with, and he said this is absurd that they're just saying there's a prescriptive easement. A court has to determine that. The Supreme Court -- it's not as easy as they think it is. The Supreme Court has recently spoken on the issue of prescriptive easement, so full disclosure, I'm telling you what

another lawyer told me in my preparation for this matter.

THE CHAIR: Thank you for your candor, Mr. Jackson. Commissioners, any other questions for Mr. Jackson? Commissioner Abtahi?

COMMISSIONER ABTAHI: Well, I have a question for the City, so --

THE CHAIR: Okay. Just before Mr. Jackson steps down, is there anyone else who has questions for Mr. Jackson? Okay. Then -- thank you, Mr. Jackson. Have a seat. And who from the City would you like?

COMMISSIONER ABTAHI: Ms. Kasten. Ms. Kasten, I'm looking at the 1959 -- I believe it's a site plan. It's been referred to as a plat --

MS. KASTEN: I misspoke. It is a site plan --

COMMISSIONER ABTAHI: Okay.

MS. KASTEN: -- not a plat.

COMMISSIONER ABTAHI: Does the City have any other evidence other than this site plan that this easement existed? Because on the site plan, it does not call it an easement. It simply indicates where the property line is and where the

sidewalk is, so is the City relying on anything other than this site plan?

MS. KASTEN: We are relying on the -- the fact that it's been existing, the fact that it's been open, obvious, notorious, adverse, and it has happened for more than ten years, which are the elements of a prescriptive easement, because we don't have any document that actually sets out the line right now.

COMMISSIONER ABTAHI: So -- is -- I -- I heard that almost to sound like adverse possession, rather than a prescriptive easement. Is -- are they -- perhaps I need to be educated on it. Are they along the same logic for adverse possession as -- as it is for a prescriptive easement?

MS. KASTEN: Yes, it is.

COMMISSIONER ABTAHI: Okay. And do we have -- I know Mr. Jackson couldn't think of the case. Do you-all -- are you-all aware of any Supreme Court case or anywhere in the property code that lays out the requirements of the City asserting that this is a prescriptive easement?

MS. KASTEN: No, I don't know of any case that prohibits the City from actually

evaluating the situation and determining whether or not it is a prescriptive easement. That's our determination. If they want to challenge that, they may challenge that in court, which is then when the court will decide. We don't have to wait for a court to decide for the City to say we have a prescriptive easement. If you don't agree with this, challenge it.

COMMISSIONER ABTAHI: And one more -- one more follow-up, Madam Chair.

THE CHAIR: Yes.

COMMISSIONER ABTAHI: Do we -- do -- are you relying on anything other than this site plan to determine that the prescriptive easement is ten feet as opposed to six feet?

MS. KASTEN: No. The ten feet space, no.

COMMISSIONER ABTAHI: Okay.

MS. KASTEN: That is just a standard that the City is asking for.

COMMISSIONER ABTAHI: Thank you, Madam Chair.

THE CHAIR: Thank you. Commissioner Ridley, question?

COMMISSIONER RIDLEY: Ms. Kasten, to

cut through this issue about whether there's a prescriptive easement or not, we don't have to make a determination as a commission today whether there is a prescriptive easement or not; isn't that correct?

MS. KASTEN: That is correct.

COMMISSIONER RIDLEY: All we have to determine is that, assuming that the City has made an exaction, that that exaction was justified by the needs created by the property development proposed, and that that is roughly proportionate to the impact of the property development; is that correct?

MS. KASTEN: That is correct.

COMMISSIONER RIDLEY: Thank you.

THE CHAIR: Commissioner Emmons?

COMMISSIONER EMMONS: Forgive me. In some of the documents that, I believe, the City provided, there was talk of a DART bus stop?

MS. KASTEN: Yes, sir.

COMMISSIONER EMMONS: So we've got a bus stop. You can imagine people needing to wait for that bus, possibly people in wheelchairs. Anywhere up and down Mockingbird Lane, we would expect to have the same ten feet for public safety. We're not -- has the City singled out this property

owner for this special treatment for extra space?

MS. KASTEN: No, sir, we haven't. And when the other right-of-way for a sidewalk up and down Mockingbird has been dedicated by plat, it is, I'm assuming, the --

MR. DENMAN: Ten.

MS. KASTEN: -- ten feet, which is the standard that's now required.

COMMISSIONER EMMONS: And this has been done over and over again unchallenged as -- as public policy to accommodate this public need?

MS. KASTEN: Yes, sir, it has.

COMMISSIONER EMMONS: Okay.

THE CHAIR: Thank you, Commissioner. Commissioners, are there any questions for Mr. Burgess before we move to making a decision? Commissioner Peadon?

COMMISSIONER PEADON: Just a quick edification question. In 1959, when this original property was, I guess, site planned, because we've established there was no platting at that time, we've since then had the Americans with Disabilities Act, am I correct in assuming that the City and all institutions have had to comply with that act and make -- do retrofitting in building sidewalks,

elevators, all types of facilities, even our national parks, so I guess I'm a little confused about when we talk about prescriptive and other things because don't we have to comply with what Americans with Disabilities requires and protect our people from a safety standard?

MR. BURGESS: Correct. Yeah, the Americans with Disabilities Act does specify minimum sidewalk widths, things of that nature, that somebody in a wheelchair would have to be able to use and navigate to get around obstructions, so that's absolutely correct.

THE CHAIR: Commissioner Abtahi?

COMMISSIONER ABTAHI: Thank you, Madam Chair. Mr. Burgess, can you go over our -- I guess the -- Commissioner Ridley read our -- our charge in this matter. I know it's a de novo appeal, but could you just read -- was that the entire thing that he read or is there more to that?

MR. BURGESS: That was essentially it. Section 51A-1.109(e) says the City Plan -- let's see, basically, you follow the same rules and make a determination that the -- that the engineer follows, and that is that no exactions may be imposed unless exactions are related to the needs created by the

property development project and roughly proportionate to the impact of the development project.

Then it goes on to say that no precise mathematical calculation is required, but the City must make an individualized determination that the required exaction is related both in nature and extent of the impact of the property development.

COMMISSIONER ABTAHI: Thank you.

THE CHAIR: Commissioner Ridley?

COMMISSIONER RIDLEY: Mr. Burgess, with regard to the nature of this proceeding today, we are charged to consider all of the evidence presented today from either side; is that correct?

MR. BURGESS: Correct.

COMMISSIONER RIDLEY: And so that even if there is evidence that was presented today that was not present in Mr. Denman's original report that form the basis of his decision, we can consider that in making our decision here today?

MR. BURGESS: Correct.

COMMISSIONER RIDLEY: And, in fact, the decision that we make today will become the City's decision with regard to this matter, will it not?

MR. BURGESS: Correct.
COMMISSIONER RIDLEY: And, therefore, it supercedes, essentially, Mr. Denman's decision?
MR. BURGESS: Yes.
THE CHAIR: Any other questions for Mr. Burgess?
MR. JACKSON: Excuse me. If I understand what was just asked, he's asking if Mr. Denman can use information that I provided in making his individualized determination, but that's obviously not what happened here, and so if -- that's not -- he can't go back in time and use something that was presented by me to make a determination that he hasn't said he made, and so I object to that attempt to basically solve the evidence.
THE CHAIR: That was not quite the point being made, so we'll just -- we'll move on. The evidence is what it is here today under the standard of the trial de novo. All right. There being no further questions for Mr. Burgess, Commissioners, having had the opportunity to question both parties, we now have to come to a determination. As I mentioned at the outset, our choice is to either affirm or modify or remand the

decision of the Director in this case. That will be done by a motion and second, discussion, and then vote.

Commissioners, it is my sense that there is no need for a delay on this while it is within our prerogative to hear the evidence, and then hold the matter under advisement to await a later decision. I'm not aware of any reason why we ought to do that. If any of you has an opinion on the subject, please say so now, but, otherwise, I'm -- I'm fully prepared to entertain a motion at this time with the subsequent discussion and vote. So if no one has any -- any reason to hold this -- Commissioner Ridley is the commissioner for the district -- do you have a motion?

COMMISSIONER RIDLEY: I do, Madam Chair. With regard to the appeal of the City's decision with regard to dedication of ten feet of right-of-way along Mockingbird Lane at the East -- northeast corner of East Mockingbird Lane and Skillman Street, I move that we affirm the decision of the City with regard to the dedication of that right-of-way and make the factual findings that the City has met the standards of Section 51A-1.109 of the Dallas City Code, that the exaction, if there

has been one, was related to the needs created by the property development project and roughly proportionate to the impact of the property development project.

COMMISSIONER EMMONS: Second.

THE CHAIR: All right. Thank you. Is there a second to Commissioner Ridley?

COMMISSIONER EMMONS: (Raised hand.)

THE CHAIR: Commissioner Emmons?

COMMISSIONER RIDLEY: And I have comments.

THE CHAIR: All right. Then I have a motion by Commissioner Ridley to affirm the decision of the City with the factual findings that the burden has been met and that the exaction was appropriate. The motion was seconded by Commissioner Emmons. Comments, Commissioner Ridley?

COMMISSIONER RIDLEY: Actually, since it was the Appellant's burden here, there should be the finding of this commission pursuant to my motion, if it adopts the motion, that the Appellant has failed to meet their burden of proof to overturn the decision of the engineer, but let me comment briefly.

The Appellant has acknowledged that

there is a need for pedestrians to access their proposed facility, that those pedestrians would utilize a sidewalk that parallels Mockingbird Lane, and that the presence of a sidewalk would promote the health, safety, and welfare of pedestrians that would be buffered from conflicts with vehicular traffic on swiftly moving Mockingbird Lane.

There's also been substantial evidence that ten feet is a minimum width to provide for an adequate pedestrian buffer from the high-speed traffic on Mockingbird and a pedestrian way that is adequate in width to accommodate two pedestrians moving in opposite directions. This is not an excessive exaction, if indeed, it is an exaction at all in terms of area and would constitute a very minor imposition on the property owner. Therefore, I believe that this, based upon the numbers that we have heard in the evidence today that have been agreed upon by the Appellant as to the traffic generated by this facility, that the City is justified in concluding that the exaction is justified based upon the needs created by the property development project and is roughly proportional to the impact of this project.

THE CHAIR: Thank you, Commissioner

Ridley. Commissioner Abtahi, comments?

COMMISSIONER ABTAHI: No comments. I'm just -- Commissioner Ridley, on your findings of fact, you switched your -- can you just read -- read them or modify them so -- for clarification?

COMMISSIONER RIDLEY: Well, I'll read from the statute of 51A-1.109 of the Dallas City Code, that exactions may not be imposed unless they are related to the needs created by the property development project and roughly proportionate to the impact of the property development project. Those are the standards, and my finding of fact is that the City has met both of those standards.

THE CHAIR: Any other comments, Commissioners? And -- and, Commissioner Emmons, I'm assuming you are comfortable with the -- I don't know if modification or explanation of -- the motion made by Commissioner Ridley?

COMMISSIONER EMMONS: I'm comfortable. I have just a couple of comments.

THE CHAIR: Please.

COMMISSIONER EMMONS: I'm not a Dallas lawyer, a Philadelphia lawyer, or even a lawyer, but the idea that we would start surcharging to the tune of three-hundred-thousand-some-odd bucks of

property, a safe sidewalk for pedestrians buffered from traffic is nuts.

THE CHAIR: Any further comments, Commissioners? All right. For purposes of clarity of record, I'd like to take a recorded vote, so Ms. Pesina, if you would set it up. The motion on the floor by Commissioner Ridley, seconded by Commissioner Emmons is that the -- to find that the Appellant has failed to meet their burden of proof in order to overturn the Director's finding, and that under Section 51A-1.109, all the appropriate findings have been made by the City consistent with what was read into the record by Commissioner Ridley. All those in favor of the motion vote yes; if you oppose the motion, vote no. We're lacking one, Ladies and Gentlemen. Is it -- is District 4 the absent one? Motion passed by unanimous vote. Voting in favor are all commissioners. Do I need to read them all out since it was unanimous? I don't think that's necessary.

COMMISSIONER RIDLEY: No.

THE CHAIR: But for the record, voting in favor of the motion, Commissioners Abtahi, Anantasomboon, Anglin, Bagley, Emmons, Lavallaisaa, Murphy, Peadon, Ridley, Schultz, Shellene, Shidid,

and Tarpley. Motion passes.

My thanks to Mr. Jackson and also to the City Attorneys and all who came down here. We appreciate all your help, all the briefings, all the time that was put into it. Thank you.

MR. JACKSON: Thank you for your time and indulgence.

THE CHAIR: Thank you.

(Proceedings concluded at 2:50 p.m.)

REPORTER'S CERTIFICATE

I, Sarah Bina, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the foregoing pages is a transcription of the proceedings of the City Plan Commission Public Hearing in the above-entitled matter.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this City Plan Commission Public Hearing was taken, and further that I am not financially or otherwise interested in the outcome of the action.

I further certify that the transcription fee of $ and was paid in full by .

GIVEN UNDER MY HAND on this the 26th day of August, 2015.

SARAH BINA, CSR #8075
Certified Shorthand Reporter
In and for the State of Texas
All-American Reporting
P.O. Box 520
Denton, Texas 76202
(972) 219-5161
(940) 320-1992
Tlcandaa@aol.com

My commission expires: 12/31/15

MISCELLANEOUS
CITY EMAILS
S145-070

Appeal from Apportionment of Exaction

Skillman-Mockingbird Lots 1 & 2, Block F/2953

Hernandez, Yolanda

From: Brad Jackson [redacted]
Sent: Friday, March 06, 2015 10:29 AM
To: Vandenberg, Bert
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Bert:

My folks met with the city engineer yesterday. I understand that the City's position is that we must honor a building setback based on the City's thoroughfare plan, regardless of whether the City ever actually takes the property for thoroughfare use or not. The practical effect of this position is that the City has constructively taken the property between the setback from the property line and the setback from the thoroughfare easement line. This is going to force us to reconfigure our development to have a narrower wider building for our tenant which is going to eliminate our ability to develop a second structure on the property. My question is does the City agree that this is a taking and that the City will compensate my clients for the taking of this property to the extent that the taking exceeds the rough proportionality of the increase (if any) of our use's impact on infrastructure or is it the City's position that they can render this portion of their property un-developable with no compensation? If that were the case, it seems that the City could decide they need an easement for thoroughfare for the entire lot, or enough of it, that it renders the lot un-developable but not pay for it. That position would make no sense and would seem to be contrary to state law. Please let me know the City's position in this regard.

Sincerely,

Brad Jackson

Board Certified – Civil Trial Law
Texas Board of Legal Specialization

LAW OFFICES OF BRAD JACKSON
3701 Turtle Creek Blvd., Suite 12G
Dallas, Texas 75219
Telephone: 214/526-7800
Telefax: 214/526-1955
[redacted]

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From: Brad Jackson [mailto:[redacted]]
Sent: Wednesday, February 25, 2015 3:31 PM
To: bert.vandenberg@dallascityhall.com
Subject: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

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1. The city engineer told our engineer that we are required to dedicate the sidewalk to the city without compensation pursuant to "state law." Can you cite me to the state statute that requires this uncompensated exaction? Second, if this

is true, can you tell me exactly what is being demanded? It doesn't appear to us that there is a true sidewalk on our property so we are a little confused as to what would be taken.

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3. As a practical matter, it seems very unlikely that an unbiased engineer would ever find that my client's proposed use will have an impact on the City infrastructure that exceeds that of two gas stations so I am a little uncertain why the City is attempting to exact property with significant value without just compensation. I am placing the City on notice that should the City delay my client's project with unauthorized and illegal demands and procedural red-tape that is contrary to state law, that my clients may suffer damages, that those damages may be significant and that we will look to the City to answer for their damages. Please instruct the engineering department to comply with state law and to do so expeditiously as their refusal to do so thus far is endangering our project.

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Hernandez, Yolanda

From: Vandenberg, Bert
Sent: Monday, March 09, 2015 2:44 PM
To: 'Brad Jackson'
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Brad,
I have not had a chance to look at the email below, yet, but it is rising to the top of the queue (as things above it are dealt with.) I hope to be in touch tomorrow afternoon, as I have a morning meeting tomorrow. Just wanted to give you a heads up.
Thanks,
Bert

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622

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From: Brad Jackson [[redacted]]
Sent: Friday, March 06, 2015 10:29 AM
To: Vandenberg, Bert
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

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From: Brad Jackson [mailto:brad@bradjackson.com]
Sent: Wednesday, February 25, 2015 3:31 PM
To: bert.vandenberg@dallascityhall.com
Subject: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

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Hernandez, Yolanda

From: Brad Jackson <[redacted]>
Sent: Monday, March 09, 2015 2:58 PM
To: Vandenberg, Bert
Subject: Re: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Thanks.

Sent from my iPhone

On Mar 9, 2015, at 2:44 PM, Vandenberg, Bert <bert.vandenberg@dallascityhall.com> wrote:

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Hernandez, Yolanda

From: Brad Jackson <[redacted]>
Sent: Friday, March 13, 2015 1:05 PM
To: Vandenberg, Bert
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

My folks are not available on Wednesday. What about Thursday morning. I would need to be finished by about 12:30. We would hope that the City will give us a final determination as to what they are requiring of us at the meeting so we can move forward.

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Sent: Monday, March 09, 2015 2:58 PM
To: Vandenberg, Bert
Subject: Re: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

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Sent from my iPhone

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> Thanks,
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>
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> **Sent:** Friday, March 06, 2015 10:29 AM
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Telephone: 214/526-7800
Telefax: 214/526-1955
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Hernandez, Yolanda

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Telephone: 214/526-7800
Telefax: 214/526-1955
[redacted]

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3. As a practical matter, it seems very unlikely that an unbiased engineer would ever find that my client's proposed use will have an impact on the City infrastructure that exceeds that of two gas stations so I am a little uncertain why the City is attempting to exact property with significant value without just compensation. I am placing the City on notice that should the City delay my client's project with unauthorized and illegal demands and procedural red-tape that is contrary to state law, that my clients may suffer damages, that those damages may be significant and that we will look to the City to answer for their damages. Please instruct the engineering department to comply with state law and to do so expeditiously as their refusal to do so thus far is endangering our project.

Sincerely,

Brad Jackson

Board Certified – Civil Trial Law
Texas Board of Legal Specialization

LAW OFFICES OF BRAD JACKSON
3701 Turtle Creek Blvd., Suite 12G
Dallas, Texas 75219
Telephone: 214/526-7800
Telefax: 214/526-1955
[redacted]

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Hernandez, Yolanda

From: Brad Jackson <
Sent: Monday, April 06, 2015 2:06 PM
To: Vandenberg, Bert
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Block F/2953
Attachments: 04-06-15 Letter to City.pdf

Bert:

Please see the attached letter which is also being sent to you by certified mail. The letter is sent to you as the City's legal representative. If you contend that we are required to send this letter to some other person or authority, please so inform me immediately. Otherwise, we will assume that we have provided notice to the City through the appropriate mechanism.

My clients are submitting a plat wherein we acquiesce to the City's requirements for approval of our requested plat. However, we continue to request that the City provide us with the rough proportionality analysis required by Section 212.904 of the TEX. LOC. GOV'T CODE and do not waive any of our rights, including our request for compensation for the exactions extracted by the City.

Sincerely,

Brad Jackson

Board Certified – Civil Trial Law
Texas Board of Legal Specialization

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3701 Turtle Creek Blvd., Suite 12G
Dallas, Texas 75219
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[redacted]

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From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Wednesday, March 18, 2015 10:16 AM
To: Brad Jackson [redacted]
Subject: FW: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Brad,
I apologize for not responding earlier. I believe the letter we sent you (with the exception of the Skillman dedication) is still accurate. That being said, I have a call in with the engineer and will try and get you an updated letter.
Thanks,
bert
Bertram Vandenberg
Assistant City Attorney

Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622
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From: Brad Jackson [redacted]
Sent: Monday, March 16, 2015 3:42 PM
To: Vandenberg, Bert
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Thanks Bert. That works for us. Can you have the City Engineer get us a new letter with the City's position as to what is being required of us, e.g. eliminating the Skillman Road dedication, so we will know exactly what the City's requirements are prior to the meeting? Thanks.

Sincerely,

Brad Jackson

Board Certified – Civil Trial Law
Texas Board of Legal Specialization

LAW OFFICES OF BRAD JACKSON
3701 Turtle Creek Blvd., Suite 12G
Dallas, Texas 75219
Telephone: 214/526-7800
Telefax: 214/526-1955
[redacted]

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From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Monday, March 16, 2015 8:34 AM
To: 'Brad Jackson'
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Brad,
It appears that 9:30 at City Hall works. The location is conference room 5dN. (Near the red elevators.)
Bert
Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201

Telephone (214) 243-2134
Facsimile (214) 670-0622
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From: Brad Jackson [redacted]
Sent: Friday, March 13, 2015 4:21 PM
To: Vandenberg, Bert
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Thanks. Let me know.

From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Friday, March 13, 2015 1:37 PM
To: 'Brad Jackson'
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Thursday is City Plan Commission which makes it problematic. That being said I'll shoot for 9:30. Now I just need to check with the folks my way.
Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622
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From: Brad Jackson [redacted]
Sent: Friday, March 13, 2015 1:05 PM
To: Vandenberg, Bert
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

My folks are not available on Wednesday. What about Thursday morning. I would need to be finished by about 12:30. We would hope that the City will give us a final determination as to what they are requiring of us at the meeting so we can move forward.

From: Brad Jackson [mailto[redacted]]
Sent: Monday, March 09, 2015 2:58 PM
To: Vandenberg, Bert
Subject: Re: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Thanks.

Sent from my iPhone

On Mar 9, 2015, at 2:44 PM, Vandenberg, Bert <bert.vandenberg@dallascityhall.com> wrote:

Brad,
I have not had a chance to look at the email below, yet, but it is rising to the top of the queue (as things above it are dealt with.) I hope to be in touch tomorrow afternoon, as I have a morning meeting tomorrow. Just wanted to give you a heads up.
Thanks,
Bert

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622
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From: Brad Jackson [redacted]
Sent: Friday, March 06, 2015 10:29 AM
To: Vandenberg, Bert
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Bert:

My folks met with the city engineer yesterday. I understand that the City's position is that we must honor a building setback based on the City's thoroughfare plan, regardless of whether the City ever actually takes the property for thoroughfare use or not. The practical effect of this position is that the City has constructively taken the property between the setback from the property line and the setback from the thoroughfare easement line. This is going to force us to reconfigure our development to have a narrower wider building for our tenant which is going to eliminate our ability to develop a second structure on the property. My question is does the City agree that this is a taking and that the City will compensate my clients for the taking of this property to the extent that the taking exceeds the rough proportionality of the increase (if any) of our use's impact on infrastructure or is it the City's position that they can render this portion of their property un-developable with no compensation? If that were the case, it seems that the City could decide they need an easement for thoroughfare for the entire lot, or enough of it, that it renders the lot un-developable but not pay for it. That position would make no sense and would seem to be contrary to state law. Please let me know the City's position in this regard.

Sincerely,

Brad Jackson

Board Certified – Civil Trial Law
Texas Board of Legal Specialization

LAW OFFICES OF BRAD JACKSON

3701 Turtle Creek Blvd., Suite 12G
Dallas, Texas 75219
Telephone: 214/526-7800
Telefax: 214/526-1955
[redacted]

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From: Brad Jackson [m[redacted]om]
Sent: Wednesday, February 25, 2015 3:31 PM
To: bert.vandenberg@dallascityhall.com
Subject: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Bert:

Based on information related to me that was based on an exchange between our respective engineers and the letter I received from Lloyd Denman of the City engineering department, I have a few questions and comments.

1. The city engineer told our engineer that we are required to dedicate the sidewalk to the city without compensation pursuant to "state law." Can you cite me to the state statute that requires this uncompensated exaction? Second, if this is true, can you tell me exactly what is being demanded? It doesn't appear to us that there is a true sidewalk on our property so we are a little confused as to what would be taken.
2. The city engineer seems to be taking the position that it is us, as opposed to the City, who must provide an engineering report. He cites the provision that provides for an appeal after a determination is made by the City and says that the appeal will take place "under procedures adopted by the governing body." My first objection to this demand is that it appears to me is that the City is attempting to shift its burden under state law to the developer. The City is first required to retain an engineer to assess "the amount required for infrastructure improvements that are roughly proportionate to the proposed development." My second objection is that while after the City has complied with the statute, should my client wish to appeal the demanded exactions supported by the engineer the City has retained, the City may adopt "procedures" for the appeal, the statute does not authorize the City to dictate the substantive methodology to be employed by the developer, e.g. that they obtain a "developer's report" in a form and manner dictated by the City. Can you cite me to any law that supports the City's position that it can reverse the initial burden of obtaining an engineering report from the City onto the developer or that the City may require such a report in the dictated format at all? While we may ultimately determine that we wish to provide such a report but it does not appear that the City can dictate that we do so or that they can put our cart before their horse.
3. As a practical matter, it seems very unlikely that an unbiased engineer would ever find that my client's proposed use will have an impact on the City infrastructure that exceeds that of two gas stations so I am a little uncertain why the City is attempting to exact property with significant value without just compensation. I am placing the City on notice that should the City delay my client's project with unauthorized and illegal demands and procedural red-tape that is contrary to state law, that my clients may suffer damages, that those damages may be significant and that we will look to the City to answer for their damages. Please instruct the engineering department to comply with state law and to do so expeditiously as their refusal to do so thus far is endangering our project.

Sincerely,

Brad Jackson

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LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955

Brad Jackson†
Cheryl L. Mann††

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

††Of Counsel

April 6, 2015

Via C.M.R.R.R. and Email

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201

Re: Plat S145-070
Skill-Mock Subdivision, Block F/2953

Dear Mr. Vandenberg:

As you know, I represent 6101 Mockingbird, LLC, owner of the real property identified above. I am providing this letter to you as the legal representative of the City of Dallas. If the City desires or requires that I provide this notice directly to a City official or to any other person, please so advise.

My client is submitting a plat which provides the dedications required by the City as a condition of the replat as set forth in Paul Nelson's January 23, 2015 letter to my clients, except for the 50 feet of right of way from the established center line of Skillman Street. I understand that this requirement has been withdrawn by the City. If I am incorrect in this regard, please inform me of the specifics of my error.

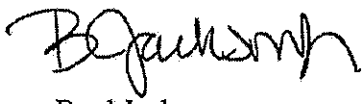
While my client has acquiesced to the City's requirements and requests that the plat approval process go forward, my client continues to assert its rights to compensation for the required exactions as previously outlined in my February 4, 2014 correspondence. My client does not waive any of its rights to fair compensation or otherwise, all of which are expressly reserved.

Although my client has requested it, the City has failed to provide us with the rough proportionality analysis required by Section 212.904 of the TEX. LOC. GOV'T CODE. Please provide this determination so that my clients may determine whether to exercise their administrative appeal rights.

We do not expect that our request that the City comply with Section 212.904 of the TEX. LOC. GOV'T CODE to delay the plat approval process. Although we have done so without waiving our right to compensation or any other legal rights, or the City's obligations under the law, all of which are expressly reserved, we have acquiesced to the City's demands for the replat. The replat process and the City's rough proportionality analysis and our ongoing discussions concerning compensation and any appeal we may institute from the City's ultimate determination can proceed on a dual track basis.

Please immediately inform me if it is the City's position that my client is required to take any further action at this time to move forward in the platting process or to secure its rights and maintain its claims for compensation.

Yours truly,



Brad Jackson

BJ/lc

Hernandez, Yolanda

From: Vandenberg, Bert
Sent: Monday, June 22, 2015 1:53 PM
To: 'Brad Jackson'; Kasten, Katherine; Caso, Chris
Cc: Burgess, Casey
Subject: Skil-Mock Procedure for appeal from apportionment of exactions
Attachments: 00634011.docx; Sec51A-1109.docx

CyAutoId: 6418223
CycomPath: C:\CycomSQL\
CyMatterId: 6406323
CyMultiRecMemos: N
CyStaffId: VANB

All,
Attached you will find the procedure for the appeal. Per code it is scheduled to be heard by the CPC on July 23, 2015. I have also attached a word version of the apportionment of exactions section of the Dallas City Code (Section 51A-1.109) as well as a link to that section and a link to the platting article (51A Article VIII).

http://www.amlegal.com/nxt/gateway.dll/Texas/dallas/volumeiii/chapter51apartiiofthedallasdevelopmentco/articleviiiplatregulations?fn=altmain-nf.htm$f=templates$3.0

http://www.amlegal.com/nxt/gateway.dll/Texas/dallas/volumeiii/chapter51apartiiofthedallasdevelopmentco/articleigeneralprovisions?fn=altmain-nf.htm$f=templates$3.0#LPTOC11

Thanks,
Bert

Brad, I would have cc'd Cheryl in your office but did not have her email. I can include her in future communications if that would work for y'all.

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622

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PROCEDURE FOR APPEAL OF APPORTIONMENT OF EXACTIONS

An appeal of an apportionment of exactions is a quasi-judicial hearing. No communication between city plan commissioners and either party is allowed before the hearing. Any communication must be disclosed.

If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing.

The director shall forward to the city plan commission the complete record of the matter being appealed, including the developer report, if any, and the apportionment determination.[1]

The developer shall have the burden of proof at the public hearing.

The city plan commission shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration.

In reviewing the apportionment determination, the city plan commission shall use the standard in Subsection 51A-1.109(a).

"(a) Exactions must be related and proportionate.

(1) No exactions may be imposed unless the exactions are:

(A) related to the needs created by the property development project; and

(B) roughly proportionate to the impact of the property development project.

(2) No precise mathematical calculation is required, but the city must make an individualized determination that the required exaction is related both in nature and extent to the impact of the property development."

The city plan commission shall make its determination within 30 days after the hearing.

The hearing.

Each side will receive 20 minutes (exclusive of questions from the City Plan Commission) with 5 minutes for rebuttal by appellant.

(a) Order of the hearing.

---

[1] An appeal of an apportionment of exactions is not an appeal on the record. New evidence and testimony is allowed.

(1) Preliminary matters and introduction by the Chair

(2) Appellant's case (20 minutes).

(A) Presentation (including submission of evidence*[2]) by the appellant's representative.

(B) Questions from Commission Members.

(3) Director's case (20 minutes).

(A) Presentation (including submission of evidence) by the director's representative.

(B) Questions from Commission Members.

(4) Rebuttal/closing by the appellant's representative (5 minutes).

(5) Motion and second to either affirm, modify, or remand the decision of the director.

(6) Discussion by commissioners.

(7) Voting.

(b) Decision by the city plan commission. A developer may appeal the city plan commission's decision to the city council by filing a written notice with the director within 30 days after the date of the city plan commission's decision.

---

2 Documentary evidence.

(1) All typewritten documentary evidence including reduced-size copies of conceptual plans, development plans, landscape plans, and site plans must conform to the standard 8.5 x 11-inch letter-sized pages on a size 12 font or larger. Each page must be serially numbered and double-spaced.

(2) All printed and typewritten documentary evidence in excess of five pages tendered by a party shall not be considered by the commission unless such documentary evidence is submitted to the commission's secretary no later than 10 days prior to the scheduled hearing date at which the matter is to be considered. Upon oral request made by the party at the scheduled hearing, the commission may, for good cause, suspend the operation of this rule and consider the excluded evidence or postpone the hearing on the application to a date certain to allow the panel sufficient time to consider the tendered evidence prior to the next scheduled hearing date.

(3) For purposes of this appeal, DOCUMENTARY EVIDENCE means anything printed or written on paper and relied upon to record or prove something.

SEC. 51A-1.109. APPORTIONMENT OF EXACTIONS.

(a) Exactions must be related and proportionate.

(1) No exactions may be imposed unless the exactions are:

(A) related to the needs created by the property development project; and

(B) roughly proportionate to the impact of the property development project.

(2) No precise mathematical calculation is required, but the city must make an individualized determination that the required exaction is related both in nature and extent to the impact of the property development.

(b) Developer report. If the director determines that a developer report is necessary, the developer shall submit a report prepared by a professional engineer licensed to practice in Texas to the director containing an analysis of existing municipal infrastructure, including streets capacity and condition, alleys, street lighting, street signals, water service, wastewater service, fire hydrants, storm water drainage system, solid waste collection, and sanitary sewer; an analysis of the need for municipal infrastructure additions or improvements; and any other information related to the property development project that the director deems necessary.

(c) Waiver. The director may waive the developer report if:

(1) The developer will bear the total cost of the exactions, such as infrastructure improvement necessitated solely by, and internal to, the property development project.

(2) The developer has volunteered to pay a greater proportion of the costs of the exactions.

(3) The director determines that the developer report is unnecessary.

(d) Apportionment determination.

(1) Within 30 days after submission of the developer report, the director shall notify the developer that the report is complete or notify the developer in writing of any deficiencies in the report and of any additional documentation required.

(2) A professional engineer licensed to practice in Texas and retained by the city shall evaluate the complete developer report and make the apportionment determination.

(3) The apportionment determination is a determination of the proportion of exactions to be borne by the developer. For example, if the total cost of the municipal infrastructure additions or improvements is $10,000, and the need for the municipal infrastructure additions or improvements is related to the needs created by the property development project, and the property development project accounts for 80 percent of the impact on the municipal

infrastructure additions or improvements, then the developer's portion is 80 percent of the cost of the municipal infrastructure additions or improvements, or $8,000.

(4) The director shall notify the developer of the apportionment determination within 60 days after deeming the developer report complete, prior to approval of any related zoning district classification or boundary change, prior to final release of any related plat, or prior to execution of any related private development contract, whichever is earliest.

(5) Cost sharing of municipal infrastructure additions or improvements between the developer and the city shall be documented in a cost sharing contract pursuant to Section 51A-8.614.

(e) Appeal.

(1) No waiver. A developer shall not be required to waive the right of appeal as a condition for approval of a development project.

(2) City plan commission. A developer may appeal the director's apportionment determination to the city plan commission by filing written notice with the director within 30 days after the date of the determination. If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city plan commission the complete record of the matter being appealed, including the developer report, if any, and the apportionment determination. The city plan commission shall hold a public hearing where the developer and director may present evidence and testimony under procedures adopted by the city plan commission. The developer shall have the burden of proof at the public hearing. The city plan commission shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city plan commission shall use the standard in Subsection (a). The city plan commission shall make its determination within 30 days after the hearing.

(3) City council. A developer may appeal the city plan commission's decision to the city council by filing a written notice with the director within 30 days after the date of the city plan commission's decision. If an appeal is filed, the city council shall hear the appeal within 60 days after the date of its filing. The director shall forward to the city council the complete record of the matter being appealed, including the developer report, if any, the apportionment determination, and the record of the city plan commission hearing. City council shall hold a public hearing where the developer and the director may present evidence and testimony under procedures adopted by city council. The developer shall have the burden of proof at the public hearing. The city council shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration. In reviewing the apportionment determination, the city council shall use the standard in Subsection (a). The city council shall make its determination within 30 days after the hearing.

(4) County or district court. A developer may appeal the city council's decision to a county or district court of the county where the development project is located within 30 days after the date of the city council's final determination. The sole issue on appeal is whether the city council erred in its review of the city plan commission determination. (Ord. 26530)

Hernandez, Yolanda

From: Brad Jackson [redacted]
Sent: Monday, June 22, 2015 2:03 PM
To: Vandenberg, Bert; Kasten, Katherine; Caso, Chris
Cc: Burgess, Casey; Cheryl Mann
Subject: RE: Skil-Mock Procedure for appeal from apportionment of exactions

Bert:

Both links give me error messages:
System Message

Unable to load file
This file could not be loaded:
altmain-nf.htm
Please contact the site administrator to report this problem.

Value: 0x80070002

Context: Error processing template: altmain-nf.htm

From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Monday, June 22, 2015 1:53 PM
To: 'Brad Jackson'; Kasten, Katherine; Caso, Chris
Cc: Burgess, Casey
Subject: Skil-Mock Procedure for appeal from apportionment of exactions

All,
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http://www.amlegal.com/nxt/gateway.dll/Texas/dallas/volumeiii/chapter51apartiiofthedallasdevelopmentco/articleviiiplatregulations?fn=altmain-nf.htm$f=templates$3.0

http://www.amlegal.com/nxt/gateway.dll/Texas/dallas/volumeiii/chapter51apartiiofthedallasdevelopmentco/articleigeneralprovisions?fn=altmain-nf.htm$f=templates$3.0#LPTOC11

Thanks,
Bert

Brad, I would have cc'd Cheryl in your office but did not have her email. I can include her in future communications if that would work for y'all.
Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201

Telephone (214) 243-2134
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Hernandez, Yolanda

From: Brad Jackson <[redacted]>
Sent: Monday, June 22, 2015 2:04 PM
To: Vandenberg, Bert; Kasten, Katherine; Caso, Chris
Cc: Burgess, Casey; Cheryl Mann
Subject: RE: Skil-Mock Procedure for appeal from apportionment of exactions

Are the Word documents the exact same thing as the links? If so, that is fine as they both work.

From: Brad Jackson [mailto:[redacted]]
Sent: Monday, June 22, 2015 2:03 PM
To: 'Vandenberg, Bert'; 'Kasten, Katherine'; 'Caso, Chris'
Cc: 'Burgess, Casey'; Cheryl Mann
Subject: RE: Skil-Mock Procedure for appeal from apportionment of exactions

Bert:

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System Message

Unable to load file
This file could not be loaded:
altmain-nf.htm
Please contact the site administrator to report this problem.

Value: 0x80070002

Context: Error processing template: altmain-nf.htm

From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Monday, June 22, 2015 1:53 PM
To: 'Brad Jackson'; Kasten, Katherine; Caso, Chris
Cc: Burgess, Casey
Subject: Skil-Mock Procedure for appeal from apportionment of exactions

All,
Attached you will find the procedure for the appeal. Per code it is scheduled to be heard by the CPC on July 23, 2015. I have also attached a word version of the apportionment of exactions section of the Dallas City Code (Section 51A-1.109) as well as a link to that section and a link to the platting article (51A Article VIII).

http://www.amlegal.com/nxt/gateway.dll/Texas/dallas/volumeiii/chapter51apartiiofthedallasdevelopmentco/articleviiiplatregulations?fn=altmain-nf.htm$f=templates$3.0

http://www.amlegal.com/nxt/gateway.dll/Texas/dallas/volumeiii/chapter51apartiiofthedallasdevelopmentco/articleigeneralprovisions?fn=altmain-nf.htm$f=templates$3.0#LPTOC11

Thanks,
Bert

Brad, I would have cc'd Cheryl in your office but did not have her email. I can include her in future communications if that would work for y'all.

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622

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Hernandez, Yolanda

From: Brad Jackson <[redacted]
Sent: Monday, June 22, 2015 2:12 PM
To: Vandenberg, Bert
Cc: Cheryl Mann
Subject: RE: Skil-Mock Procedure for appeal from apportionment of exactions

Cheryl got the links to work.

From: Brad Jackson [mailto:[redacted]]
Sent: Monday, June 22, 2015 2:04 PM
To: 'Vandenberg, Bert'; 'Kasten, Katherine'; 'Caso, Chris'
Cc: 'Burgess, Casey'; Cheryl Mann
Subject: RE: Skil-Mock Procedure for appeal from apportionment of exactions

Are the Word documents the exact same thing as the links? If so, that is fine as they both work.

From: Brad Jackson [mailto:[redacted]]
Sent: Monday, June 22, 2015 2:03 PM
To: 'Vandenberg, Bert'; 'Kasten, Katherine'; 'Caso, Chris'
Cc: 'Burgess, Casey'; Cheryl Mann
Subject: RE: Skil-Mock Procedure for appeal from apportionment of exactions

Bert:

Both links give me error messages:
System Message

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This file could not be loaded:
altmain-nf.htm
Please contact the site administrator to report this problem.

Value: 0x80070002

Context: Error processing template: altmain-nf.htm

From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Monday, June 22, 2015 1:53 PM
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Cc: Burgess, Casey
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http://www.amlegal.com/nxt/gateway.dll/Texas/dallas/volumeiii/chapter51apartiiofthedallasdevelopmentco/articleviiiplatregulations?fn=altmain-nf.htm$f=templates$3.0

http://www.amlegal.com/nxt/gateway.dll/Texas/dallas/volumeiii/chapter51apartiiofthedallasdevelopmentco/articleigeneralprovisions?fn=altmain-nf.htm$f=templates$3.0#LPTOC11

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Hernandez, Yolanda

From: Vandenberg, Bert
Sent: Tuesday, June 23, 2015 7:29 AM
To: 'Brad Jackson'; Kasten, Katherine; Caso, Chris; Cheryl Mann
Cc: Burgess, Casey
Subject: A15-06946 Procedure for appeal from apportionment of exactions
Attachments: 00634011.docx

CyAutoId: 6418998
CycomPath: C:\CycomSQL\
CyMatterId: 6406323
CyMultiRecMemos: N
CyStaffId: VANB

All,

I apologize for resending this. Please note that I added previously omitted cross examination language.

Any questions feel free to call me.

Thanks,

bert

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622

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PROCEDURE FOR APPEAL OF APPORTIONMENT OF EXACTIONS

An appeal of an apportionment of exactions is a quasi-judicial hearing. No communication between city plan commissioners and either party is allowed before the hearing. Any communication must be disclosed.

If an appeal is filed, the city plan commission shall hear the appeal within 60 days after the date of its filing.

The director shall forward to the city plan commission the complete record of the matter being appealed, including the developer report, if any, and the apportionment determination.[1]

The developer shall have the burden of proof at the public hearing.

The city plan commission shall have the same authority as the director and may affirm, in whole or in part, modify the apportionment determination, or remand the apportionment determination back to the director for further consideration.

In reviewing the apportionment determination, the city plan commission shall use the standard in Subsection 51A-1.109(a).

"(a) Exactions must be related and proportionate.

(1) No exactions may be imposed unless the exactions are:

(A) related to the needs created by the property development project; and

(B) roughly proportionate to the impact of the property development project.

(2) No precise mathematical calculation is required, but the city must make an individualized determination that the required exaction is related both in nature and extent to the impact of the property development."

The city plan commission shall make its determination within 30 days after the hearing.

---

[1] An appeal of an apportionment of exactions is not an appeal on the record. New evidence and testimony is allowed.

The Hearing.

Each side will receive 20 minutes (exclusive of questions from the City Plan Commission or cross-examination) with 5 minutes for rebuttal by appellant.

(a) Order of the hearing.

(1) Preliminary matters and introduction by the Chair

(2) Appellant's case (20 minutes).

(A) The appellant may give an opening statement, call witnesses, and offer evidence.[2] However, if the appellant calls a witness, the director IS able to cross examine that witness. The appellant can conduct a redirect of the witness (for up to 5 minutes).

(B) The commissioners can ask questions at any time. Commissioners' questions will not count towards the time limitation.

(3) Director's case (20 minutes).

(A) The director may give an opening statement, call witnesses, and offer evidence. However, if the director calls a witness, the director IS able to cross examine that witness. The director can conduct a redirect of the witness (for up to 5 minutes).

(B) The commissioners can ask questions at any time. Commissioners' questions will not count towards the time limitation.

(4) Rebuttal/closing by the appellant's representative (5 minutes).

---

[2] Documentary evidence.

(1) All typewritten documentary evidence including reduced-size copies of conceptual plans, development plans, landscape plans, and site plans must conform to the standard 8.5 x 11-inch letter-sized pages on a size 12 font or larger. Each page must be serially numbered and double-spaced.

(2) All printed and typewritten documentary evidence in excess of five pages tendered by a party shall not be considered by the commission unless such documentary evidence is submitted to the commission's secretary no later than 10 days prior to the scheduled hearing date at which the matter is to be considered. Upon oral request made by the party at the scheduled hearing, the commission may, for good cause, suspend the operation of this rule and consider the excluded evidence or postpone the hearing on the application to a date certain to allow the panel sufficient time to consider the tendered evidence prior to the next scheduled hearing date.

(3) For purposes of this appeal, DOCUMENTARY EVIDENCE means anything printed or written on paper and relied upon to record or prove something.

(5) Motion and second to either affirm, modify, or remand the decision of the director.

(6) Discussion by commissioners.

(7) Voting.

(b) Decision by the city plan commission. A developer may appeal the city plan commission's decision to the city council by filing a written notice with the director within 30 days after the date of the city plan commission's decision.

Hernandez, Yolanda

From: Vandenberg, Bert
Sent: Wednesday, July 22, 2015 10:05 AM
To: 'Brad Jackson'; Cheryl Mann
Subject: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Brad and Cheryl,

I wanted to make sure you guys had a copy of the CPC agenda for tomorrow.
http://citysecretary.dallascityhall.com/pdf/meetings/072315_CPC.pdf

Please note that it looks like the appeal will be much earlier in the afternoon than I anticipated, coming right after the Subdivision docket. The afternoon hearing begins at 1:30 and the appeal should follow soon after.

Thanks,
Bert

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
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Hernandez, Yolanda

From: Vandenberg, Bert
Sent: Wednesday, July 22, 2015 1:13 PM
To: 'Cheryl Mann'; Brad Jackson
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Doubtful, but I would still suggest showing up.

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
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From: Cheryl Mann [redacted]
Sent: Wednesday, July 22, 2015 11:14 AM
To: Vandenberg, Bert; Brad Jackson
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Bert,

Will there be any briefing on our matter at 11:00?

Cheryl

From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Wednesday, July 22, 2015 10:05 AM
To: 'Brad Jackson'; Cheryl Mann
Subject: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Brad and Cheryl,

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http://citysecretary.dallascityhall.com/pdf/meetings/072315_CPC.pdf

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Bert

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Hernandez, Yolanda

From: Vandenberg, Bert
Sent: Thursday, July 23, 2015 7:03 AM
To: Brad Jackson [redacted]
Subject: FW: A15-06946; Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953
Attachments: Objections to Procedures.pdf

Brad,
I received your emails and am forwarding them to the attorneys working on the case, Chris Caso and Katherine Kasten.
bert

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622

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From: Brad Jackson [redacted]
Sent: Wednesday, July 22, 2015 5:11 PM
To: Vandenberg, Bert
Cc: Cheryl Mann; Hernandez, Yolanda
Subject: RE: A15-06946; Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Bert:

Attached is a written objection to the City's appeal procedures. I am copying this email to the Secretary of the Commission. Do I need to send this to anyone else?

Sincerely,

Brad Jackson

Board Certified – Civil Trial Law
Texas Board of Legal Specialization

LAW OFFICES OF BRAD JACKSON

3701 Turtle Creek Blvd., Suite 12G
Dallas, Texas 75219
Telephone: 214/526-7800
Telefax: 214/526-1955
[redacted]

CONFIDENTIALITY NOTICE: The communication contained in or attached to this e-mail may contain confidential privileged information. If you are not the intended recipient, please notify the sender then delete the e-mail and any attachments without further dissemination.

From: Brad Jackson [mailto:[redacted]]
Sent: Wednesday, July 22, 2015 4:16 PM
To: 'Vandenberg, Bert'
Cc: Cheryl Mann; 'yolanda.hernandez@dallascityhall.com'
Subject: RE: A15-06946; Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Bert:

Thanks for the information.

I previously provided our appraisal report as it was lengthy. Attached to this email is a letter from our engineer and a copy of our attorney fee billing statement through today. As far as I am currently aware, you now have everything we intend to use.

I am copying this email to the Secretary of the Commission. Do I need to send this to anyone else?

Please let me know if there is anything else we need to do in advance of the hearing tomorrow.

Sincerely,

Brad Jackson

Board Certified – Civil Trial Law
Texas Board of Legal Specialization

LAW OFFICES OF BRAD JACKSON
3701 Turtle Creek Blvd., Suite 12G
Dallas, Texas 75219
Telephone: 214/526-7800
Telefax: 214/526-1955
[redacted]

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From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Wednesday, July 22, 2015 1:13 PM
To: 'Cheryl Mann'; Brad Jackson
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Doubtful, but I would still suggest showing up.

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622

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From: Cheryl Mann [redacted]
Sent: Wednesday, July 22, 2015 11:14 AM
To: Vandenberg, Bert; Brad Jackson
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Bert,

Will there be any briefing on our matter at 11:00?

Cheryl

From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Wednesday, July 22, 2015 10:05 AM
To: 'Brad Jackson'; Cheryl Mann
Subject: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Brad and Cheryl,

I wanted to make sure you guys had a copy of the CPC agenda for tomorrow.
http://citysecretary.dallascityhall.com/pdf/meetings/072315_CPC.pdf

Please note that it looks like the appeal will be much earlier in the afternoon than I anticipated, coming right after the Subdivision docket. The afternoon hearing begins at 1:30 and the appeal should follow soon after.

Thanks,
Bert

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622

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LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955
[redacted]

Brad Jackson†
Cheryl L. Mann††

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

††Of Counsel

July 22, 2015

Via email to bert.vandenberg@dallascityhall.com

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201

Via email to yolanda.hernandez@dallascityhall.com

Secretary of the Commission
City Plan Commission
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Objection to Appeal Procedures

After reviewing the Procedure for Appeal of Apportionment of Exactions ("Procedures"), Sec. 51a-1.109 of the Dallas City Code and the related law, my clients lodge the following objections to the procedures adopted by the City of Dallas.

First, the Procedures adopted by the City of Dallas do not place the burden of proof appropriately. They do not comply with United States or Texas constitutional or common law or with Tex. Loc. Gov't Code 212.904 and do not comply with the Dallas City Code Sec. 51a-1.109 (a)(2). It is the City's burden to prove rough proportionality of the exaction.

Second, the City adopted a two-tier appeal procedure instead of the one-tier procedure contemplated by Tex. Loc. Gov't Code 212.904. This added step to the appeal process constitutes an undue burden on the Developer as the Procedures add additional time and burden to the appeal process before the Developer can appeal to a District Court.

Third, the Procedures adopted by the City of Dallas do not permit the Developer adequate time to present their case.

Fourth, the Procedures require the Developer to provide certain documentary evidence to the City of Dallas prior to the hearing but there is no reciprocal requirement that the City of Dallas provide documentary evidence to the Developer.

Fifth, the City of Dallas provides evidence to the Plan Commission in advance of the hearing but does not provide this evidence to the Developer.

Sixth, the Procedures attempt to impose conditions on documentary evidence on the Developer that are unfair, impractical, impossible, vague, ambiguous and/or not reciprocal.

Yours truly,

Brad Jackson

BJ/lc

Hernandez, Yolanda

From: Vandenberg, Bert
Sent: Wednesday, August 05, 2015 2:23 PM
To: 'Cheryl Mann'
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Cheryl,

Here is the link. http://citysecretary.dallascityhall.com/pdf/meetings/080615_CPC.pdf
I haven't really looked at it but I suspect you are still up right after plats.

Thanks,
bert

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201
Telephone (214) 243-2134
Facsimile (214) 670-0622

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From: Cheryl Mann [[redacted]]
Sent: Wednesday, August 05, 2015 12:42 PM
To: Vandenberg, Bert; Brad Jackson
Subject: RE: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Would you please send me a copy of the agenda for tomorrow?

Thanks,

Cheryl

From: Vandenberg, Bert [mailto:bert.vandenberg@dallascityhall.com]
Sent: Wednesday, July 22, 2015 10:05 AM
To: 'Brad Jackson'; Cheryl Mann
Subject: Plat S145-070; Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Brad and Cheryl,

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http://citysecretary.dallascityhall.com/pdf/meetings/072315_CPC.pdf

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Thanks,
Bert

Bertram Vandenberg
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
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COUNCIL
APPEAL LETTER

Appeal from Apportionment for Exaction

S145-070
Skillman-Mockingbird Lots 1 & 2, Block F/2953

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955

Brad Jackson†
Cheryl L. Mann††

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

††Of Counsel

RECEIVED
SEP 09 2015
By

September 1, 2015

C.M.R.R.R. No. 70142870000225485351

Honorable Michael S. Rawlings
Office of the Mayor
Dallas City Hall
1500 Marilla Street
Room 5EN
Dallas, TX 75201

C.M.R.R.R. No. 70142870000225485368

Warren M.S. Ernst
City Attorney
Dallas City Hall
1500 Marilla Street
Room 7DN
Dallas, Tx 75201-6622

C.M.R.R.R. No. 70142870000225485375

A.C. Gonzalez
City Manager
Dallas City Hall
1500 Marilla Street
Room 4EN
Dallas, TX 75201

C.M.R.R.R. No. 70142870000225485382

David Cossum, Director
Department of Sustainable Development and Construction
1500 Marilla Street, 5DN
Dallas, Texas 75201

C.M.R.R.R. No. 70142870000225485399

Yolanda Hernandez, Secretary
City Plan Commission
1500 Marilla Street, 5BN
Dallas, Texas 75201

C.M.R.R.R. No. 70142870000225485405

Rosa A. Rios, City Secretary
City of Dallas
1500 Marilla St.
Room 5D South
Dallas, Texas 75201-6390

Re: S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Dear Sirs:

I represent 6101 Mockingbird, LLC. This serves as notice of appeal to the governing body of the City of Dallas pursuant to Tex. Loc. Gov't Code 212.904 of the City's rough proportionality determination and pursuant to Sec. 51A-1.109(e)(3) of the Dallas City Code of the Dallas Plan Commission's August 6, 2015 decision regarding my client's appeal of the City's apportionment determination.

6101 Mockingbird, LLC has asserted and continues to assert objections to the procedures set forth by Dallas City Code Sec. 51A-1.109 and the hearing procedures provided by the City Attorney's office in the document entitled *Procedure for Appeal of Apportionment of Exactions.*

6101 Mockingbird, LLC has asserted and continues to assert objections to the procedures set forth by the City of Dallas which are in direct contravention to those set forth in Tex. Loc. Gov't Code 212.904. The City of Dallas has attempted to conflate city ordinance and state law. The procedures set forth in the city ordinance are inconsistent with the required procedure under Tex. Loc. Gov't Code 212.904.

6101 Mockingbird, LLC has asserted and continues to assert objections because the City adopted a two-tier appeal procedure instead of the one-tier procedure contemplated by Tex. Loc. Gov't Code 212.904. This added step to the appeal process constitutes an undue burden on my client as the procedures add additional time and burden to the appeal process before they can appeal to a District Court.

6101 Mockingbird, LLC has asserted and continues to assert objections because the procedures adopted by the City do not place the burden of proof appropriately. They do not comply with Tex. Loc. Gov't Code 212.904, common law and the due process afforded by the United States Constitution and Texas Constitution. It is the City's burden to prove that exactions are roughly proportional to the projected impact of the development.

Further, 6101 Mockingbird, LLC adopts and incorporates herein all of its written objections made in all previous filings and correspondence with and to the City.

6101 Mockingbird, LLC asserts a claim for the value of the property exacted and to attorneys' fees and expert witness fees under Tex. Loc. Gov't Code 212.904.

Please provide me with a copy of all rules and procedures for an appeal to the City Council from the City of Dallas' rough proportionality determination as mandated by Tex. Loc. Gov't Code 212.904 and for an appeal to the City Council from the Plan Commission pursuant to the Dallas City Code under the improper two-tier appeal procedure imposed by the City.

If you require any additional information from my client, or if I need to forward this notice of appeal to any other official or department, please advise.

Yours truly,

Brad Jackson

BJ/lc
Encls.

cc: Katherine Kasten
via email katherine.kasten@dallascityhall.com

City's Brief
S145-070

Appeal from Apportionment of Exaction

Skillman-Mockingbird Lots 1 & 2, Block F/2953

PLAT NO. S145-070

IN THE MATTER OF THE APPEAL
BY 6101 MOCKINGBIRD, LLC

CITY'S BRIEF

TO THE HONORABLE DALLAS CITY COUNCIL:

The City submits this brief to assist the Dallas City Council in reviewing 6101 Mockingbird, LLC 's appeal of the Dallas City Plan Commission's decision upholding the Director of Sustainable Development's requirement that 6101 Mockingbird, LLC, dedicate a 10 foot sidewalk right of way on the subdivision plat that was filed with the City.

I. INTRODUCTION

6101 Mockingbird, LLC, argues that the City is proposing to take its property in violation of the US and Texas Constitutions by virtue of the City's ordinances that require a 10 foot area for a sidewalk (the "Sidewalk Area") across its property. The City's position is that it is not proposing to take 6101 Mockingbird, LLC's property because a sidewalk has existed on the Property for decades. A picture of the sidewalk is contained on page 34 of the attached record. The public has obtained a prescriptive right to use the sidewalk for several decades so the area for which the City has requested dedication has already been dedicated to public use. Additionally, there is an implied easement for the 10 foot area

because 6101 Mockingbird, LLC's predecessor in title showed the sidewalk on a plot plan in 1959 and constructed the existing sidewalk in the early 1960s. The City is asking 6101 Mockingbird, LLC, to identify the Sidewalk Area on the final plat of the Property. Alternatively, if a dedication by a prescriptive or implied easement has not occurred for the entire 10 foot area, the City contends that no money is due 6101 Mockingbird, LLC, because the requirement of a sidewalk across the front of its property along Mockingbird Lane is related to the needs created by 6101 Mockingbird, LLC's property development project and is roughly proportionate[1] to the impact of the property development project and the requirement for a 10 foot area for pedestrian travel substantially advances a legitimate state interest in ensuring the safety of pedestrians on the sidewalk. 6101 Mockingbird, LLC is proposing to develop the Property with a medical clinic and those persons visiting the clinic will need to utilize a safe sidewalk to access the facility.

II. FACTS

This appeal involves the property located at 6101 East Mockingbird Lane (the "Property"), which is at the intersection of Mockingbird Lane and Skillman

[1] The City will use the words "proportionate" and "proportional" interchangeably.

Avenue. Record at page 76. The Property is currently owned by 6101 Mockingbird, LLC.

In 1959 the former owner of the Property, who was developing the property as a gas station, submitted a plot plan to the City showing a concrete sidewalk along Mockingbird Lane (the "Sidewalk"). Record at page 237.

The Property has had a sidewalk along Mockingbird for decades and there is a DART bus stop within the Sidewalk Area. Record at pages 238-245. The existence of the DART bus stop indicates that the Sidewalk Area, in addition to having pedestrians utilizing the sidewalk, is utilized by people using DART as well.

6101 Mockingbird, LLC, submitted a preliminary plat (the "Preliminary Plat") to the City for the Property which is known as the Skill-Mock Subdivision and the plat was given the following identifier: S145-070. The Preliminary Plat did not show the existence of the Sidewalk Area.

The City reviewed the Preliminary Plat and noted that it did not show the Sidewalk Area on the Plat. The City notified 6101 Mockingbird, LLC, that the Sidewalk Area needed to be shown on the final plat for the Property and it objected to the City's requirement for the Sidewalk Area.

The City sent a letter to 6101 Mockingbird, LLC, requesting a developer's report as provided by section 51A-1.109 of the Dallas City Code. The developer

never submitted the developer's report, however it did submit a revised site plan showing the proposed improvements.

The City then sent a letter to the developer/owner 6101 Mockingbird, LLC, outlining the need for the sidewalk. 6101 Mockingbird, LLC, then appealed the City's determination about the necessity of the Sidewalk Area to the City Plan Commission. The CPC upheld the decision of the director and 6101 Mockingbird, LLC, has appealed to the City Council.

III. ARGUMENT AND AUTHORITIES

A. City's Platting Regulations.

The regulations for the platting of property within the City are contained in Article VIII of Chapter 51A of the City's Code of Ordinances. The Property must be platted pursuant to section 51A-8.401 of the Dallas City Code. One of the requirements of the City's plat regulations provides that a property owner is required to make certain dedications of property. More specifically, section 51A-8.602(a) provides, in pertinent part, as follows:

> (a) Generally. The owner of the property to be platted must provide an easement or fee simple dedication of all property needed for the construction of streets, thoroughfares, alleys, **sidewalks**, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of this article.

Dallas, Tex., Code § 51A-8.602(a). (emphasis added).

In addition to dedicating the area for sidewalks, developers are also required to construct the sidewalks. Section 51A-8.603 states that: "Sidewalks must be provided in accordance with Section 51A-8.606 of this article." Section 51A-8.606 outlines the requirements for sidewalk construction and subsection (a) of that section states: "Sidewalk construction is required along all public and private streets unless waived by the director and the chief planning officer." Dallas, Tex., Code § 51A-8.606(a). A developer may ask for a waiver of the requirement to construct sidewalks but 6101 Mockingbird, LLC has not requested a waiver of the requirement to dedicate and construct a sidewalk.

B. <u>The Texas and U.S. Constitutions.</u>

Since 6101 Mockingbird, LLC, is alleging that the City's request that it identify the Sidewalk Area on the Plat is a taking of its property, an analysis of the law regarding takings is necessary.

Article I, section 17 of the Texas Constitution prohibits the taking of private property for public use without adequate compensation. Tex. Const. art. I, § 17; *see Mayhew v. Town of Sunnyvale*, 964 S.W.2d 922, 933 (Tex.1998). This provision and the Just Compensation Clause of the Fifth Amendment to the United States Constitution, were "designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by

the public as a whole." *Armstrong v. United States*, 364 U.S. 40, 49 (1960); *see* U.S. Const. amends. V, XIV.

Takings can be classified as either physical or regulatory. *Mayhew*, 964 S.W.2d at 933. A physical taking occurs when the government authorizes an unwarranted physical occupation of an individual's property. *Id*. A regulatory taking may occur when a government conditions the granting of a permit or some other type of government approval on an exaction from a landowner seeking that approval. *See Dolan v. City of Tigard*, 512 U.S. 374, 384–85 (1994); *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620, 634 (Tex.2004). An exaction occurs if a governmental entity requires an action by a landowner as a condition to obtaining government approval of a requested land development. *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 71 S.W.3d 18, 30 (Tex. App.—Fort Worth 2002), *aff'd*, *Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620 (Tex.2004); *City of Carrollton v. RIHR, Inc*., 308 S.W.3d 444, 449 (Tex. App.—Dallas 2010, pet. denied).

For an exaction to be compensable, the Texas Supreme Court in *Stafford Estates* said it must be a cost that, in fairness and justice, should be borne by the public instead of the individual. To apply this sense of fairness and justice, the Texas Supreme Court has adopted a "rough proportionality" test to determine whether an exaction constitutes a compensable taking:

> [C]onditioning government approval of a development of property on some exaction is a compensable taking unless the condition (1) bears an essential nexus to the substantial advancement of some legitimate government interest and (2) is roughly proportional to the projected impact of the proposed development.

Stafford Estates, 135 S.W.3d at 634.

C. Section 212.904 of the Texas Local Government Code.

As a result of several court cases, the Texas Legislature enacted Section 212.904 of the Local Government Code which codified the requirements of the *Nollan*/*Dolan* U.S. Supreme Court cases and established procedures regarding a developer who disagrees with a municipality's determination of what is required for a development project. Section 212.904 provides as follows:

> **Sec. 212.904. APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS.**
>
> (a) If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.
>
> (b) A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body. After hearing any testimony and reviewing the evidence, the governing body shall make

> the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.
>
> (c) A developer may appeal the determination of the governing body to a county or district court of the county in which the development project is located within 30 days of the final determination by the governing body.
>
> (d) A municipality may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.
>
> (e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.
>
> (f) This section does not diminish the authority or modify the procedures specified by Chapter 395.

Tex. Loc. Gov't Code Ann. § 212.904.

D. <u>Section 51A-1.109 of the Dallas City Code</u>.

After the Texas Legislature adopted section 212.904 of the Texas Local Government Code, the City adopted section 51A-1.109 of the Dallas City Code to address the procedures that a developer must follow if he objects to the City's regulations concerning what public infrastructure must be dedicated or built by a developer. Section 51A-1.109 provides that a developer must submit a developer's report to the City if he objects to the City's public infrastructure requirements. The director then reviews that report and makes a decision as to whether the infrastructure requirement is roughly proportional to the needs generated by the

proposed development. The developer can then appeal that determination to the CPC and then to the City Council.

E. <u>Dedications</u>.

Streets or rights-of-way are broadly defined as a public thoroughfare or highway in a city, town, or village, *Austin v. Daniels*, 322 S.W.2d 384 (Tex. Civ. App.—Austin 1959), *aff'd*, 335 S.W.2d 753 (Tex. 1960), and sidewalks are included in the definition of streets. *Richardson v. Walsh*, 292 S.W.2d 855 (Tex. Civ. App.—San Antonio 1956, no writ).

A dedication grants an easement to the general public in the land dedicated for its use. *Wolf v. Brass*, 12 S.W. 159, 160 (Tex. 1888). Dedication may be either express or implied; common law or statutory. Under the common law, no particular course of action is required for dedication; any words or conduct may make the intention clear. *Patterson v. City of Bowie*, 295 S.W.2d 676 (Tex. Civ. App.—Fort Worth 1956, no writ).

1. Easement by Prescription.

An easement by prescription occurs when one or more people use someone else's land in a manner that is "open, notorious, continuous, exclusive, and adverse for the requisite period of time." *Brooks v. Jones*, 578 S.W.2d 669, 673 (Tex. 1979). In this regard, an easement by prescription is like obtaining property by adverse possession. The "requisite period of time" in this case is 10 years. *See*,

Barstow v. State, 742 S.W.2d 495 (Tex. Civ. App.—Austin 1987, no writ); Tex. Civ. Prac. & Rem. Code § 16.026. The public has obtained an easement by prescription in the Sidewalk Area since the public has used the Sidewalk Area for decades for travelling along Mockingbird Lane.

2. Implied Easement.

An implied easement can be created when a property owner takes certain action that creates a belief that the landowner intended to dedicate the property to public use. Intent to dedicate can be implied by the conduct of the owner. *Viscardi v. Pajestka*, 576 S.W.2d 16 (Tex. 1978). 6101 Mockingbird, LLC's, predecessor in title impliedly dedicated the Sidewalk Area by virtue of including it on the Plot Plan as well as by constructing the sidewalk within the Sidewalk Easement. Additionally, it has allowed DART to place a bus stop in the Sidewalk Area thus inviting the walking public to use the Sidewalk Area to get on or off the DART buses. Therefore, there also has been an implied easement for the Sidewalk Area by virtue of the actions taken by the former owner of the Property.

F. <u>Is there an exaction in this case?</u>

As the U.S. Supreme Court in *Nollan* and *Dolan* held, as well as the Texas Supreme Court in *Mayhew*, there can only be a taking if the government asks a property owner to either give the government land or money for a public improvement project. Since the Sidewalk Area has already been dedicated as

right-of-way for pedestrian travel, the City is not asking 6101 Mockingbird, LLC to give the City any land or to make any additional dedication of property. Therefore, there has been no exaction as to the requirement that the Sidewalk Area be shown on the final plat.

G. Assuming there was an exaction, does the requirement to dedicate a 10 foot area for a sidewalk substantially advance a legitimate state interest, is it related to the needs generated by the proposed development by 6101 Mockingbird, LLC, and is it roughly proportionate to the impact of the development?

Assuming that there is a portion of the 10 foot area to be shown on the plat that has not been acquired by a prescriptive or implied easement, is the City's requirement that such 10 foot area be dedicated an improper exaction? The City contends that it does not amount to an improper exaction because the requirement of a 10 foot area for the sidewalk substantially advances a legitimate state interest in keeping pedestrians safe by separating them from vehicular traffic. Additionally, the City's requirement that 6101 Mockingbird, LLC, dedicate a ten foot wide area for a sidewalk is roughly proportionate and proportional to the needs generated by its proposed development of an emergency clinic. Pedestrians will be required to utilize the sidewalk to arrive at and leave the emergency clinic. This includes people using wheelchairs and other ambulatory assistance devices. In fact, there is a bus stop in the 10 foot area so this further illustrates the point that people will be utilizing the Sidewalk Area to access the Property. Therefore, the

requirement to dedicate the 10 foot area is roughly proportionate to the needs generated by the proposed development.

Respectfully submitted,

WARREN M. S. ERNST
Dallas City Attorney

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Appellant's Brief
S145-070

Appeal from Apportionment of Exaction

Skillman-Mockingbird Lots 1 & 2, Block F/2953

LAW OFFICES OF BRAD JACKSON

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Texas Board of Legal Specialization

††Of Counsel

October 21, 2015

Dallas City Council
Dallas City Hall
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

I. Introduction

This letter brief is being served in accordance with the City of Dallas' Procedures for Appeal of Apportionment of Exactions Plat S145-070, Skill-Mock Subdivision, Lots 1 & 2, Block F (the "Property") on behalf of 6101 Mockingbird, LLC ("6101 Mockingbird" or the "Developer").

II. History of Proceedings

The Developer submitted a plat to the City of Dallas (the "City"). As a condition of the Developer's requested re-plat of the Property, the City responded by requiring that the Developer dedicate in fee, certain property without any compensation, as set forth in the enclosed January 23, 2015 letter from Paul Nelson. The Developer and its attorney met with City representatives to discuss the requirements being imposed on the Developer. City staff informed the Developer that the fee dedication was required pursuant to the City Thoroughfare Plan. The Developer objected, insisting that it was entitled to compensation for a thoroughfare dedication unless its use under the requested re-plat impacted traffic in a manner that was roughly proportionate to the exaction being required by the City and requested a rough proportionality determination as required by the Texas Local Government Code. Pending such a determination, the Developer submitted an amended plat acquiescing, without waiving the Developer's right to compensation, to the conditions required by the City in Mr. Nelson in his January 23, 2015 correspondence.[1]

[1]Although the City is requiring the Developer to install a sidewalk along both Skillman Avenue and Mockingbird Lane, the City withdrew its requirement for the dedication of 50 feet of right of way from the center line of Skillman Avenue

On May 14, 2015, Lloyd Denman, the City's engineer, advised the Developer that the revised site plan met the City of Dallas zoning code for building setbacks along Mockingbird Lane and made what purported to be a rough proportionality determination for the exaction along Mockingbird Lane. Surprisingly, Mr. Denman's letter did not mention the City's Thoroughfare Plan but purported to support the demanded exaction by referencing the need for a sidewalk.

On June 3, 2015, the Developer appealed the City's rough proportionality determination in accordance with the City's code to the Dallas Planning Commission.

On July 23, 2015, the appeal was set for hearing before the Dallas Planning Commission. At the request of one of the Dallas Planning Commission's commissioners, the hearing was reset and briefing from the Developer and City was requested.

On August 6, 2015, the appeal was heard by the Dallas Planning Commission and denied.

III. The Applicable Standard

The City has incorrectly applied Tex. Loc. Gov't Code 212.904, the statute governing Apportionment of Municipal Infrastructure Costs.

A. Definition of Exaction

An "exaction" occurs if a governmental entity requires an action by a landowner as a condition to obtaining government approval of a requested land development. *Mira Mar Development Corp. v.City of Coppell, Texas*, 421 S.W.3d 74 (Tex. App.–Dallas 2013, no pet.).

B. Burden of Proof

Effective as of June 18, 2005, the Texas Legislature codified the requirements on municipalities desiring to impose conditions requiring that the developers bear a portion of the costs of municipal infrastructure improvements pursuant to a request to develop real property in the Texas Local Government Code at Tex. Loc. Gov't Code 212.904.

In interpreting the statute, the Texas Supreme Court held, "For an exaction to be compensable, it must be a cost that, in fairness and justice, should be borne by the public instead of the individual." To apply this sense of "fairness and justice," the Court adopted a "rough proportionality" test to determine whether an exaction constitutes a compensable taking: [C]onditioning government approval of a development of property on some exaction is a compensable taking unless the condition (1) bears an essential nexus to the substantial advancement of some legitimate government interest and (2) is roughly proportional to the projected impact of the proposed development. *Mira Mar,* 421 S.W. 3d at 84 *citing Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620, 634 (Tex.2004). Under this test, the government must make

an "individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development." *Mira Mar,* 421 S.W. 3d at 83 *citing Stafford Estates*, 135 S.W.3d at 633 (*citing Dolan*, 512 U.S. at 391, 114 S.Ct. 2309). Thus, after the plaintiff proves an exaction, the burden of proof shifts to the government to prove the exaction imposed meets the test. *Mira Mar,* 421 S.W. 3d at 83 *citing Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620, 643 (Tex.2004) The government's proof of rough proportionality of the impact must be more than bare conclusions; the government is "required to measure that impact in a meaningful, though not precisely mathematical, way, and must show how the impact, thus measured, is roughly proportional in nature and extent to the required improvements." *Mira Mar,* 421 S.W. 3d at 83 *citing Town of Flower Mound v. Stafford Estates Ltd. P'ship*, 135 S.W.3d 620, 644 (Tex.2004)

C. Evidence of Exaction

An "exaction" occurs if a governmental entity requires an action by a landowner as a condition to obtaining government approval of a requested land development. *Mira Mar,* 421 S.W.3d at 82. 6101 Mockingbird has dedicated the property. An exaction has occurred.[2] Evidence of the exaction is:

January 23, 2015 Letter from City of Dallas, attached hereto as Exhibit A.
February 18, 2015 Letter from City of Dallas, attached hereto as Exhibit B.
May 14, 2015 Letter from City of Dallas with approved plat, attached hereto as Exhibit C.

D. The City's Rough Proportionality Determination

The City did not conduct a timely or appropriate rough proportionality determination. The City was required to make an "individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development" prior to requiring the dedication of the property. *Mira Mar,* 421 S.W. 3d at 83 *citing Stafford Estates*, 135 S.W.3d at 633 (*citing Dolan*, 512 U.S. at 391, 114 S.Ct. 2309); Tex. Loc. Gov't Code 212.904(a). Mr. Denman's purported rough proportionality determination does not comply with requirements imposed by the statute or the Texas Supreme Court in interpreting the statute.

1. Rough Proportionality Determination Not Timely

The City did not make a rough proportionality determination until after informing the Developer that it required the dedication, contrary to Tex. Loc. Gov't Code 212.904(a):

[2]The City has attempted to sidestep the exaction issue by claiming that it already owns the property pursuant to a "sidewalk easement."

> (a) If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

Section 212.904(a) requires a city to conduct the rough proportionality analysis prior to demanding the exaction. In this case, the City demanded an exaction based on its Thoroughfare Plan then attempted to justify its demand based on a completely different and insufficient analysis.

2. Rough Proportionality Determination Does Not Reflect That the Dedication Is Related Both in Nature and Extent to the Impact of the Proposed Development And Is, Therefore, Not Appropriate

Apparently, upon being challenged by the Developer, City staff attempted to change its purported basis for the exaction. Previously, City staff insisted that the dedication was required pursuant to the Thoroughfare Plan. For example, the City of Dallas has referred to the need for the 10' as required 1) for right of way (Exhibits A and B); 2) subject to City's Thoroughfare Plan (Exhibit B); 3) per city setback requirements (Exhibit D). However, Mr. Denman's letter of May 14, 2015 for the first time asserts the need for a sidewalk and right of way for a parkway.[3]

Mr. Denman's attempt to provide a rough proportionality determination is conclusory, providing no individualized determination as to the development's impact on the infrastructure that would require the requested dedication. The issue is how the use by 6101 Mockingbird impacts the City's infrastructure. Further, Mr. Denman's letter asserts, for the first time, that there is an easement by prescription for public use and that the City is only seeking that the easement be expressly dedicated by plat. This argument does not comply with the requirement for a rough proportionality analysis but attempts to sidestep the issue. This argument fails for at least two reasons. First, there has never been any judicial determination that such an easement exists. Second, the property exacted by the City extends beyond the perimeter of the area claimed by the City to lie

[3]City staff involved in the exaction apportionment dispute continued to insist that the City was requiring a "sidewalk easement." However, consistent with Exhibits A, B and the position taken by City staff at their March 19, 2015 meeting between City staff, Developer and Developer's counsel, other members of City staff working with the Developer's tenant's site planning engineers were continuing to demand a fee simple right of way dedication. See Exhibits E and F.

within such an easement, were it to exist. Mr. Denman then attempts to provide the required analysis by making conclusory statements concerning the Developer's use for the site as an emergency clinic creating a need for safe public access to and from the clinic.

Mr. Denman's bare allegations are insufficient. In fact, although the Developer does not bear the burden of proof, it retained an engineer who has provided an analysis of the Developer's impact on infrastructure. The Developer retained Jerry Monk, P.E. to provide an opinion concerning the impact of the proposed development on the infrastructure of the City. Mr. Monk's report is attached hereto as Exhibit G and a supplement to his report is attached as Exhibit H. Mr. Monk determined that the development project does not impact the infrastructure of the City.

E. Entitlement to Compensation for Taking

For the reasons set forth herein, the Developer is entitled to compensation for the taking of its property. The total compensation for the acquisition of the land is $327,603.00. A copy of an appraisal report reflecting the value of the land that has been taken is attached hereto as Exhibit I.

F. Entitlement to Attorneys Fees and Expert Fees

The Texas Local Government Code provides:

> (e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees. Tex. Loc. Gov't Code 212.904(e).

Because the Developer has met its burden of proving an exaction and the City of Dallas has not met its burden of proving an impact on the infrastructure by the Developer's proposed property use roughly proportionate to the exaction, the Developer is entitled to attorneys' fees in the amount of $31,900.00 and expert witness fees in the amount of $4,400.00.

Attached hereto as Exhibit J is the Affidavit of Brad Jackson supporting the attorneys' fees. Attached hereto as Exhibit K are the expert witness invoices. These fees continue to accrue.

G. Objection to Appeal Procedures

The Developer has previously lodged objections to the City's appeal procedures (the "Procedures") and reasserts and incorporates each of those objections here. Those objections specifically include, but are not limited to, the following:

The Procedures adopted by the City of Dallas do not place the burden of proof appropriately. They do not comply with United States or Texas constitutional or common law or with Tex. Loc.

Gov't Code 212.904 and do not comply with the Dallas City Code Sec. 51A-1.109 (a)(2). It is the City's burden to prove rough proportionality of the impact to the proposed development.

The Procedures impose a two-tier appeal instead of the one-tier procedure contemplated by Tex. Loc. Gov't Code 212.904. This added step to the appeal process constitutes an undue burden on the Developer as the Procedures add additional time and burden to the appeal process before the Developer can appeal to a District Court.

The Developer objects to any attempt by the City to challenge any of the Developer's evidence without having clearly and unambiguously set forth such rules or requirements in the Procedures pursuant to which it imposes such objection.

The Developer objects and reserves all of its rights and objections to the Procedures as they are unfair to The Developer, contrary to constitutional, statutory and case law and deprive the Developer of due process.

H. Request for Response Brief

The Developer requests it be allowed to prepare and serve a response brief to any briefing served by the City.

Should the Members of the City Counsel have any questions or wish to receive any additional information, the undersigned would be happy to entertain any such inquiries.

Yours truly,

/s/ Brad Jackson

Brad Jackson

BJ/lc
Encls.

City of Dallas

January 23, 2015

6101 Mockingbird, LLC
Attn: R. Parks

RE: S145-070 "Skill-Mock Subdivision"

The staff has reviewed the above application and has determined that it qualifies for an Administrative Approval; therefore I am approving your preliminary plat for the "Skill-Mock Subdivision" subject to compliance with the following conditions:

1. The final plat shall conform to all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the Rules and Regulations of the Texas Board of Land Surveying. Section 51A-8.102(a)(b)(c)(d).
2. Department of Sustainable Development and Construction, Engineering Division must verify that the plat conforms with water, wastewater and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. Compliance with all plans, contracts, ordinances and requirements of the City of Dallas.
4. Provide a copy of the digital electronic CADD file of the final plat at the time the final plat is submitted for signature by the Chairman of the Plan Commission in a format that is compatible with the "Microstation" format to the Survey Section, Engineering Division in Room 200, 320 E. Jefferson Boulevard.
6. Any structure new or existing structure may not extend across new property lines.
7. On the final plat, all easement abandonments and ROW abandonments must be by separate instrument and the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
8. The maximum number of lots permitted by this plat is determined by the lot area requirements of the Dallas Development Code.
9. On the final plat provide "fee simple" dedication in Owners Dedication for shown streets, alleys and easements.
10. Submit drainage and/or paving plans, prepared by a Professional Engineer, to Sustainable Development and Construction, Engineering

Division, Room 200, Oak Cliff Municipal Center. Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds.

11. Place a note on the final plat "Lot-to-lot drainage is not permitted without Engineering Section approval."

12. On the final plat dedicate 50 feet of right-of-way from the established center line of Mockingbird Lane.

13. On the final plat maintain 50 feet of right-of-way from the established center line of Skillman Avenue.

14. On the final plat, dedicate a 20 foot by 20 foot corner clip at Mockingbird Lane and Skillman Street.

15. On the final plat, dedicate a 15 foot by 15 foot Alley Sight Easement at Skillman Street and the alley.

16. A site plan must be submitted to the Water/Wastewater Section in Room 200 of 320 E. Jefferson Blvd. showing proposed new buildings, development, and proposed water and wastewater service locations with service sizes.

17. Wastewater main extension may be required.

18. On the final plat identify the property as Lots 16, and 17 in City Block F/2953.

These conditions represent additional requirements for preparing the final plat. It will be necessary for your engineer or your surveyor to work directly with the various city departments and public utilities involved in the platting process to determine their individual requirements.

If you have any questions concerning this action, please contact me at (214) 948-4452.

Sincerely,

Paul Nelson

Paul Nelson, Subdivision Administrator
Subdivision Section, Current Planning Division
Sustainable Development and Construction Department
Dallas, Texas 75203

Cc Texas Heritage Surveying, LLC
Attn: Doug Stewart
10610 Metric Drive, Suite 124
Dallas, Texas 75243

E-Mail: Doug Stewart, Michael R. Miller, Dwayne Taylor, John Stepp, Danny Fugate, John Loftis, Julio Delgado; Kathryn Branson, Gordon Robinson, Hamid Fard, Mina Eskander, Bob Self; Mohammad Bordbar, Sharon Hurd

CITY OF DALLAS

February 18, 2015

Brad Jackson
3701 Turtle Creek Boulevard, Suite 12G
Dallas, Texas 75219

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Dear Mr. Jackson:

I am writing in response to your letter dated February 5, 2015.

The City of Dallas has requested right-of-way dedication for the subject plat. Specifically, the City has requested the dedication of a standard corner clip and alley sight easement per City Code Section 51A-8.602(d) and (e) respectively. The City also requested dedication of an approximately 10' wide strip of street easement or fee along the Mockingbird Lane frontage per the City's Thoroughfare Plan as stated in City Ordinance No. 20860. Pertinent pages of the City Code and City Ordinance are attached for your reference. Note that the City is not requesting any impact fees associated with this plat or its associated future development.

Your letter quoted the Texas Local Government Code Section 212.904, paragraphs (a) and (b). Paragraph (b) states: "A developer who disputes the determination made under Subsection (a) may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the governing body." The apportionment procedures adopted by Dallas are found in City Code Section 51A-1.109 which is attached for your reference. Please submit a full developer report as described in paragraph 51A-1.109(b) as well as details for the planned development. The developer report may be addressed to my attention and submitted to my office with an additional copy submitted to our City Attorney's Office to the attention of Mr. Bertram Vandenberg. I will then evaluate the complete developer report and make the apportionment determination for the right-of-way dedication request for the subject plat.

Sincerely,

Lloyd Denman, P.E.
City of Dallas
Assistant Director, Engineering
Sustainable Development and Construction

C: Bertram Vandenberg, CAO

CITY OF DALLAS

THOROUGHFARE PLAN

DEPARTMENT OF TRANSPORTATION
CITY HALL, ROOM L1BS
DALLAS, TX 75201
214/670-4038

10/10/90
910305

ORDINANCE NO. 20860

An ordinance incorporating all previous amendments to, and providing the reorganization of, THOROUGHFARE PLAN — CITY OF DALLAS TEXAS (ORDINANCE NO. 15277), a long range plan for improving the flow of traffic throughout the City of Dallas; providing for the classification of various types of roadways and their minimum standards; providing for a description of designated routes, existing and projected, of the various roadways providing a roadway map; providing for its review and amendments; providing a severability clause; and providing an effective date.

WHEREAS, fourteen years have passed since the last adoption a comprehensive Thoroughfare Plan for the City; and

WHEREAS, the City's growth since 1976 has made a comprehensive overhaul of the Thoroughfare Plan necessary due to an increased demand upon the City's transportation system; and

WHEREAS, the city council authorized the city manager to develop a new Thoroughfare Plan on July 23, 1986; and

WHEREAS, the city plan commission and the city council, in accordance with the provisions of the Charter of the City of Dallas, applicable ordnances of the City have given the required notices and have held the required public hearings to amend the Thoroughfare Plan; and

20860

WHEREAS, the city council finds that it is in the public interest to adopt the new Thoroughfare Plan; Now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the city council hereby adopts the Thoroughfare Plan that is attached to and made a part of this ordinance for all purposes, which plan classifies the various roadways and prescribes minimum standards for each type of roadway, together with the map showing the Thoroughfare Plan of present roadways, projected roadways, and the character of roadways throughout the City of Dallas. In the event of a conflict the text of the plan and the map, the text controls.

SECTION 2. That this plan shall be known and may be cited as THOROUGHFARE PLAN - CITY OF DALLAS, TEXAS.

SECTION 3. That it is hereby declared to be the intent and purpose of the city council in enacting this ordinance that:

(1) the plan and standards specified in this ordinance for the designation and improvement of roadways throughout the City of Dallas must be used and adhered to in the improvement, development, extension, and creation of existing and new roadways;

(2) the final alignment and improvement standards of any designated roadway must be determined by application of and in compliance with current engineering criteria as approved by the director of public works; and

(3) the required rights-of way must be dedicated to the City of Dallas when a tract of land that includes all or any portion of a designated roadway is being platted or replatted, or when an existing plat for such a tract is being amended or corrected.

SECTION 4. That the director of transportation shall revise the map of the plan if necessary to accurately reflect the text of the plan and shall provide the city secretary with the revised map.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FROM:

ANALESLIE MUNCY, City Attorney

By Chris Bowers
Assistant City Attorney

Passed JAN 23 1991

0686N

CITY OF DALLAS

May 14, 2015

Brad Jackson
3701 Turtle Creek Boulevard, Suite 12G
Dallas, Texas 75219

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Dear Mr. Jackson:

Thank you for your e-mail dated April 16, 2015 in which you attached a revised site plan for the subject property. This plan meets the City of Dallas zoning code for building setbacks along Mockingbird Lane.

The revised site plan that you submitted does not constitute a "developer report" as defined in the City of Dallas Code Section 51A-1.109 nor have you provided much detail for your planned development. Nevertheless, based on the limited revised site plan information that you did submit, I will respond to your request for a rough proportionality determination for the requested right-of-way along Mockingbird Lane.

The ten feet of right-of-way requested along the Mockingbird Lane frontage of the subject property is the standard width for a parkway, otherwise known as the area between the outside edge of street pavement and the street right-of-way line abutting private property. The parkway area typically includes a public sidewalk and a buffer or planting area to separate pedestrians from vehicular traffic. The site plan that you submitted shows the edge of the existing street pavement to be on or within a couple of feet of the property line with no parkway otherwise delineated. However, whether or not it was disclosed to you by the previous owner, there is indeed a public parkway which includes public sidewalk along the edge of the Mockingbird Lane street pavement that has been in use by the public for decades. There is even a bus stop in place inviting the public to use this existing parkway area adjacent to the Mockingbird Lane street pavement. The public has used this parkway area for decades for safe passage to and through the subject site and will continue to utilize it to safely access the proposed development. Note that the Skillman pedestrian crosswalk even lines up to the public parkway area that is along Mockingbird Lane.

The public use of the parkway area for decades along this north side of Mockingbird Lane has created an easement by prescription for public use. We are simply requesting that the existing public use easement now be expressly dedicated by plat. The ten feet of right-of-way required by this plat is the width necessary to accommodate the public sidewalk alignment as shown on your revised site plan. A copy of the revised site plan is attached for your reference. On the site plan the requested ten feet of dedication is labeled as "10' right of way per thoroughfare plan." Your proposed use for this site as an emergency clinic creates a need for safe public access to and from your site, especially for those individuals with impaired mobility that may use a wheelchair or require assistance from another person which definitely supports the use of a full width parkway.

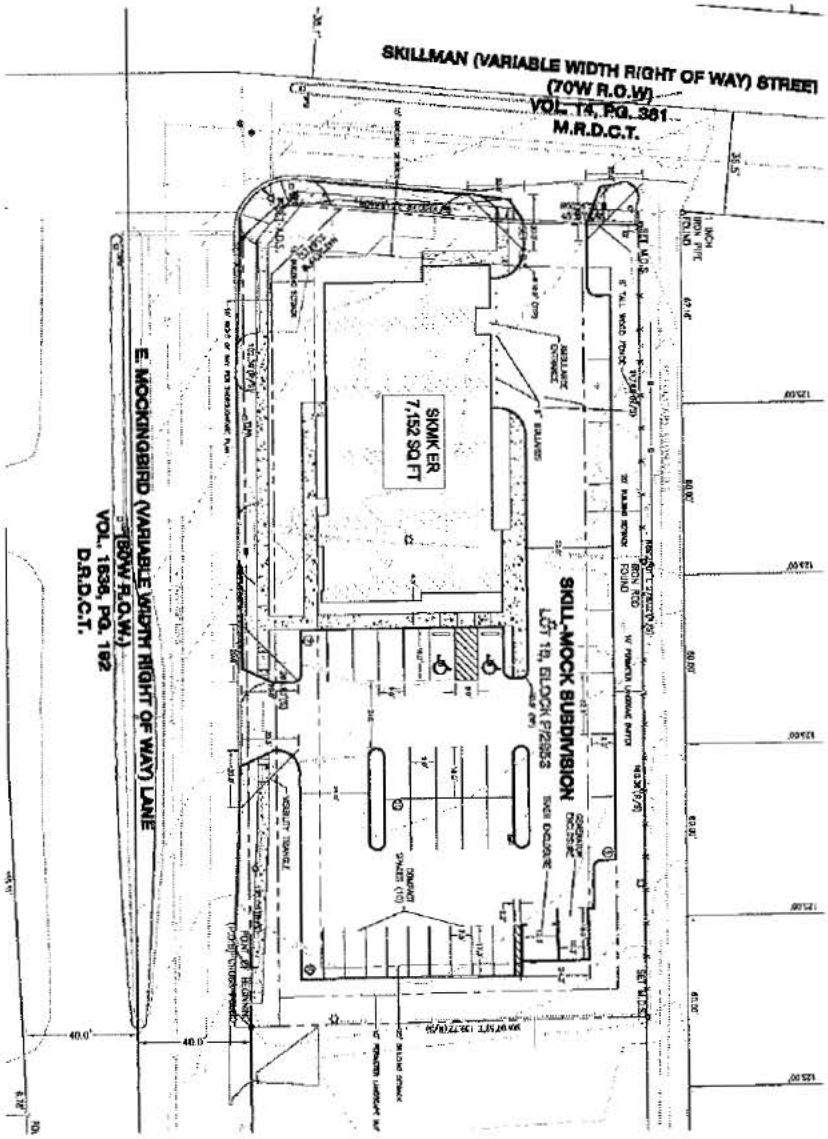
Therefore, in round and approximate numbers, a five feet wide public sidewalk safely separated from the street pavement by a five feet wide buffer area as shown on the very site plan you submitted should adequately and necessarily serve the needs created by your proposed property development and is roughly proportional to the impact of the property development project as represented in your site plan.

Sincerely,

Lloyd Denman, P.E.
City of Dallas
Assistant Director, Engineering
Sustainable Development and Construction

c: Bertram Vandenberg, CAO

Attachment



SCALE: 1" = 20'

C3.0	SKMK EMERGENCY ROOM 6150 MOCKINGBIRD LANE DALLAS, TX 75206 SITE PLAN	DESIGN REVIEW THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. ENGINEER: RONALD SALAMY, P.E. P.E. LICENSE NO.: [illegible] DATE: APRIL 14, 2015	DR. ROBERT PHELAN HIGHLAND PARK EMERGENCY CENTER	574

PROJECT #	14-0141
DATE	04/14/2015
DRAWN BY	RJS
CHECKED BY	RJS
SHEET #	35
REVISIONS	

CITY OF DALLAS

April 10, 2015

Brad Jackson
3701 Turtle Creek Boulevard, Suite 12G
Dallas, Texas 75219

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Dear Mr. Jackson:

I am writing in response to your letter dated April 6, 2015 in which you seem to be asking for a rough proportionality analysis for your client's development plan. My understanding from our in-person meeting at City Hall on March 19, 2015 was that the original development plan that was submitted for a medical services clinic was no longer being offered as the current development plan since it violated city setback requirements per City Code 51A-4.401(a)(2) and or 51A-4.402(a)(2). At our March 19, 2015 meeting you stated that you were going to submit a new development plan to our office that met the City setback requirements. We have not yet received the new development plan and, thus, cannot provide an analysis until we receive it. Please let me know when I can expect to receive your new development plan for the site.

Sincerely,

Lloyd Denman, P.E., Assistant Director
Engineering Division
Dept. of Sustainable Development and Construction

c: Bertram Vandenberg, CAO

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955

Brad Jackson†
Cheryl L. Mann††

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

††Of Counsel

August 4, 2015

Via email to katherine.kasten@dallascityhall.com

Katherine Kasten
Assistant City Attorney
Dallas City Hall
1500 Marilla 7CN
Dallas, Texas 75201

Via email to yolanda.hernandez@dallascityhall.com

Secretary of the Commission
City Plan Commission
1500 Marilla Street, 5BN
Dallas, Texas 75201

Re: Plat S145-070
Skill-Mock Subdivision, Lots 1 & 2, Block F/2953

Supplemental Evidence

Attached hereto is supplemental evidence received this morning by Developer's attorney that rebuts positions put forth by the City. The City contends that it is only asking for a sidewalk easement. However, the new plat prepared in conformity with the demands of the City as evidenced by the plat and the comments and revisions required by City staff as evidenced by the attached email excerpts supporting the documents referenced as attachments to the emails show that, consistent with Developer's understanding and contentions, that the City continues to insist on a 10' fee simple Right of Way dedication.

Developer requests that the Commission grant leave to file this evidence.

Yours truly,

/s/ Brad Jackson

Brad Jackson

From: Ron Salamie <
Date: Tuesday, August 4, 2015 at 8:00 AM
To: Robb Parks
Cc: Doug MacMahon , JD Robertson , Brad Jackson , Cheryl Mann , Aaron Rendon < , Terry Westerman
Subject: RE: Final Plat S145-070 Part of Block F/2953 CITY OF DALLAS, DALLAS COUNTY, TEXAS.

Robb,

Attached is a draft of plat for your team's review.

Ron

Ron Salamie PE
Project Manager
cole®
DALLAS / ST. LOUIS / ST. CHARLES / PHOENIX

Cole & Associates, Inc. is a Missouri Corporation d.b.a. Cole Design Group, Inc. in Texas & Arizona, herein referred to as "Cole"

From: "Delgado, Julio" <julio.delgado@dallascityhall.com>
Date: Wednesday, July 29, 2015 at 9:40 AM
To:
Cc: "Fugate, Danny" , "Lam, David" < , Robb Parks
Subject: Final Plat S145-070 Part of Block F/2953 CITY OF DALLAS, DALLAS COUNTY, TEXAS.

Terry D. Westerman, R.P.L.S

Please, find attached pdf copies of the "Final Plat Review Checklist" and a red lined copy of the Plat to assist you with the revision.
If you have question, please feel free to call or reply to this email

Thank you,

Sincerely,
Julio Delgado, RPLS
City of Dallas
Sustainable Development and Construction
320 E. Jefferson Blvd.
Room 200
Dallas, Texas 75203
Ph. 214-948-5377
email: julio.delgado@dallascityhall.com

Attachments from Ron Salamie, P.E.

OWNER'S CERTIFICATE:

COUNTY OF DALLAS
STATE OF TEXAS

WHEREAS 6101 MOCKINGBIRD, LLC, IS THE SOLE OWNER OF TWO TRACTS OF LAND BEING SITUATED IN THE WILLIAMS P. CARDER SURVEY, ABSTRACT NO. 282, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING PART OF CITY OF DALLAS BLOCK NO. F/2953, AND BEING THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD, LLC BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20140096442[illegible], OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD, LLC BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20140101160, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" FOUND FOR CORNER IN THE NORTH LINE OF MOCKINGBIRD LANE (A VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JAMES WOHNER AND PATRICIA WOHNER BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20060011440[illegible], OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 18 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID MOCKINGBIRD LANE, A DISTANCE OF 277.31 FEET TO A 3 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "D.M.E. & RPLS 5269 THIS" FOUND FOR CORNER;

THENCE NORTH 44 DEGREES 43 MINUTES 39 SECONDS WEST, A DISTANCE OF 17.28 FEET TO A 2 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "D.M.E. & RPLS 5269 THIS" FOUND FOR CORNER, SAID POINT BEING IN THE EAST LINE OF SKILLMAN STREET (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 04 DEGREES 48 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 87.08 FEET TO A 3 INCH METALLIC DISC STAMPED "D.M.E. & RPLS 5269 THIS" FOUND FOR CORNER;

THENCE NORTH 00 DEGREES 28 MINUTES 55 SECONDS EAST CONTINUING ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 40.35 FEET TO A 3 INCH METALLIC DISC STAMPED "D.M.E. & RPLS 5269 THIS" FOUND FOR CORNER, SAID POINT BEING ON THE SOUTH LINE OF A 15 FOOT ALLEY RIGHT-OF-WAY;

THENCE NORTH 89 DEGREES 31 MINUTES 05 SECONDS EAST ALONG THE SOUTH LINE OF SAID ALLEY, A DISTANCE OF 278.02 FEET TO A 3 INCH METALLIC DISC STAMPED "D.M.E. & RPLS 5269 THIS" FOUND FOR CORNER, SAID POINT BEING THE NORTHWEST CORNER OF AFOREMENTIONED WOHNER TRACT;

THENCE SOUTH 01 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE WEST LINE OF SAID WOHNER TRACT, A DISTANCE OF 130.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 36,481 SQUARE FEET OR 0.8376 ACRES.

IN ADDITION THERETO AN EXISTING EASEMENT AND RIGHT OF WAY ADJACENT TO THE ABOVE DESCRIBED TRACT OF LAND, SAID EASEMENT AND RIGHT OF WAY BEING GRANTED TO DALLAS COUNTY, RECORDED BY VOLUME 1635, PAGE 102 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" FOUND FOR CORNER IN THE NORTH LINE OF MOCKINGBIRD LANE (A VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JAMES WOHNER AND PATRICIA WOHNER BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20060011440, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE DEPARTING SAID NORTH LINE OF MOCKINGBIRD LANE, SOUTH 01 DEGREES 41 MINUTES 52 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF MOCKINGBIRD LANE AS RECORDED IN VOLUME 1635 PAGE 102 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE WITH SAID CENTERLINE, SOUTH 89 DEGREES 18 MINUTES 08 SECONDS WEST, A DISTANCE OF 209.91 FEET;

THENCE DEPARTING SAID CENTERLINE, NORTH 00 DEGREES 41 MINUTES 52 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE NORTH LINE OF MOCKINGBIRD LANE AS RECORDED IN VOLUME 1635 PAGE 102 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE WITH SAID LINE, NORTH 89 DEGREES 18 MINUTES 08 SECONDS EAST, A DISTANCE OF 209.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,038 SQUARE FEET OR 0.2534 ACRES.

OWNER'S DEDICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT, 6101 MOCKINGBIRD, LLC, ACTING BY AND THROUGH ITS AUTHORIZED AGENT ROBERT L. PARKS, III, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREON DESCRIBED PROPERTY AS SKILLMOCK SUBDIVISION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER ANY STREETS, ALLEYS, AND FLOODWAY MANAGEMENT AREAS SHOWN THEREON. THE EASEMENTS SHOWN THEREON ARE HEREBY RESERVED FOR THE PURPOSES INDICATED. NO UTILITY AND FIRE LANE EASEMENTS SHALL BE OPEN TO THE PUBLIC, FIRE AND POLICE UNITS, GARBAGE AND RUBBISH COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES FOR EACH PARTICULAR USE. THE MAINTENANCE OF PAVING ON THE UTILITY AND FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE SAME. ALL AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDING, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS, AND ALL PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM AND UPON THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OF OR PARTS OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. SAID PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF READING METERS AND ANY MAINTENANCE OR SERVICE REQUIRED OR REASONABLY PERFORMED BY THE UTILITY.

WATER MAIN AND WASTEWATER EASEMENTS SHALL ALSO INCLUDE ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION AND MAINTENANCE OF THE SYSTEMS. ADDITIONAL EASEMENT AREA IS ALSO CONVEYED FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEANOUTS, FIRE HYDRANTS, WATER SERVICE AND WASTEWATER SERVICE FROM THE MAIN TO THE CURB OR PAVEMENT'S LINE, AND DESCRIPTION OF SUCH ADDITIONAL EASEMENTS HEREON GRANTED SHALL BE DETERMINED BY THEIR LOCATION AS INSTALLED.

THIS PLAT APPROVED SUBJECT TO ALL THE PLATTING ORDINANCES, RULES AND REGULATIONS OF THE CITY OF DALLAS, TEXAS.

WITNESS MY HAND IN _____, TEXAS, THIS_____ DAY OF_____, 2015.

6101 MOCKINGBIRD, LLC

BY:_____
ROBERT L. PARKS III, MANAGER

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED ROBERT L. PARKS III, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED AND AS THE ACT AND DEED THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2015

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

LIEN HOLDER'S SUBORDINATION AGREEMENT:

THE LIEN HOLDER OR MORTGAGEE CONCURS WITH THE OWNER'S CERTIFICATE AND AGREES TO SUBORDINATE ITS INTERESTS TO THE PROVISIONS OF OWNER'S DEDICATION.

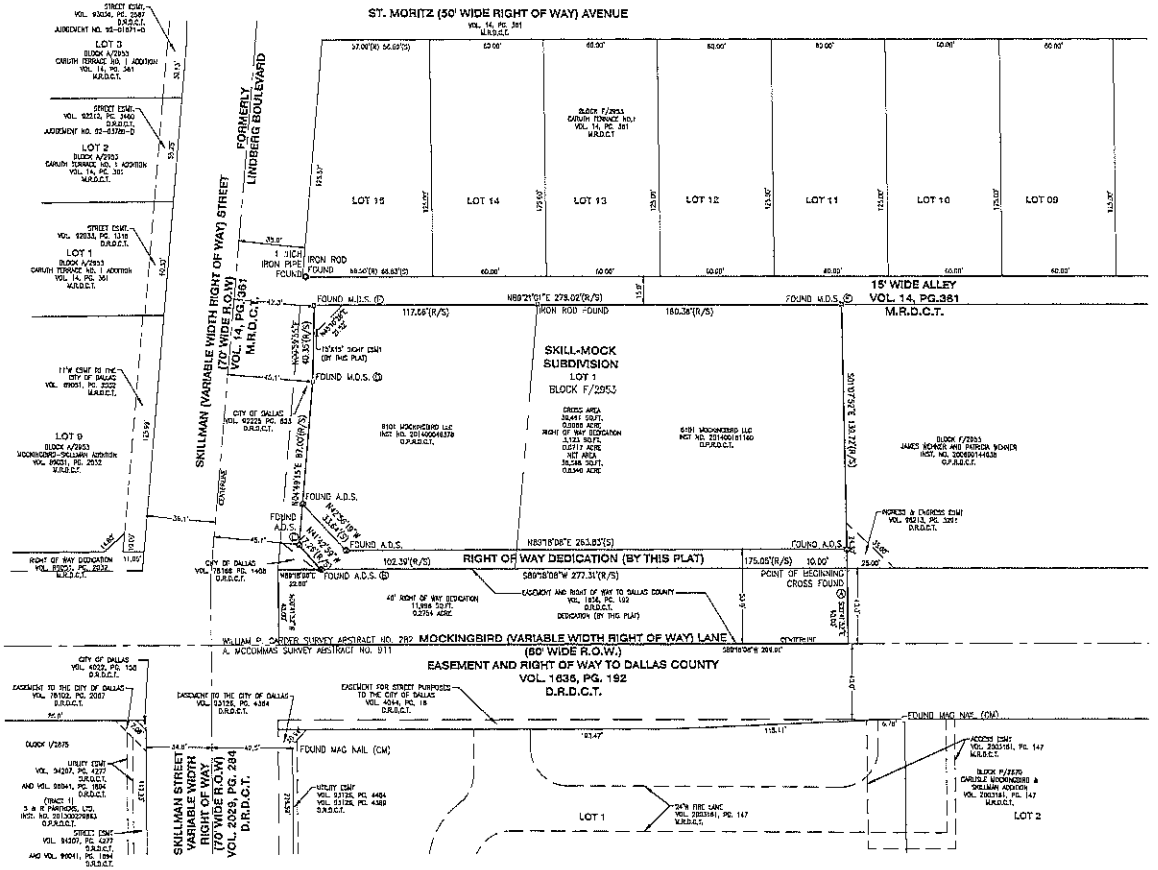
LIEN HOLDER:
AMERICAN NATIONAL BANK OF TEXAS

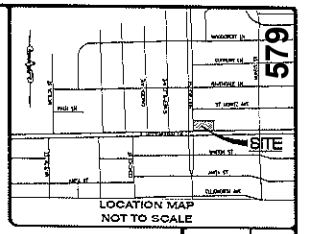
BY:_____
NAME: STEVE WHITE
TITLE: BANKING CENTER PRESIDENT

STATE OF TEXAS
COUNTY OF DALLAS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ [DATE OF ACKNOWLEDGMENT] BY _____ [NAME OF PERSON WHO SIGNED], AS _____ [TITLE OF OFFICER--USUALLY PRESIDENT OR SECRETARY], OF _____ [NAME OF BUSINESS], A _____ [STATE OF BUSINESS, I.E., LLC, CORP, ETC.], ON BEHALF OF THE _____ [L.L.C. CORP., ETC.].

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS





LEGEND	
(CM)	CONTROL MONUMENT
Ⓐ	FOUND NAIL
Ⓑ	FOUND IRON ROD
Ⓒ	FOUND CROSS
A.D.S.	2 1/2" METALLIC DISC WITH MAG NAIL STAMPED "D.M.E. & RPLS 5269 THIS"
M.D.S.	3" METALLIC DISC STAMPED "D.M.E. & RPLS 5269 THIS"
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
Ⓟ	STATE PLANE POINT IDENTIFIER
ESMT	EASEMENT
R.O.W.	RIGHT OF WAY
SQ.FT.	SQUARE FEET
VOL.	VOLUME
PG.	PAGE

NAD 83 2011 ADJUSTMENT STATE PLANE GRID COORDINATES TEXAS NORTH CENTRAL			
POINT DESIGNATOR	NORTHING	EASTING	DESCRIPTION
Ⓐ	6,991,735.16	2,502,768.15	FOUND CROSS IN CONCRETE
Ⓑ	6,991,731.74	2,502,480.86	FOUND A.D.S.
Ⓒ	6,991,744.51	2,502,470.49	FOUND A.D.S.
Ⓓ	6,991,831.20	2,502,468.79	FOUND M.D.S.
Ⓔ	6,991,871.85	2,502,467.38	FOUND M.D.S.
Ⓕ	6,991,874.97	2,502,769.44	FOUND M.D.S.

GENERAL NOTES:

1. ALL BEARINGS AND DISTANCES ARE RECORDED (R) AND SURVEYED (S), UNLESS OTHERWISE NOTED.
2. BASIS OF BEARING: GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD 83, 2011 ADJUSTMENT. THE NORTH RIGHT OF WAY LINE OF EAST MOCKINGBIRD LANE, WHICH BEARS NORTH 89° 18' 08" EAST.
3. TOTAL AREA OF BOUNDARY = 0.9066 ACRES
4. THE PURPOSE OF PLAT: CREATE ONE LOT
5. COORDINATES SHOWN ARE FROM THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
6. LOT-TO-LOT DRAINAGE IS NOT PERMITTED WITHOUT ENGINEERING SECTION APPROVAL.

SURVEYOR'S STATEMENT:

I, TERRY D. WESTERMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, ATTEST THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER REASONABLE RECOMMENDATIONS AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, THE CITY OF DALLAS DEVELOPMENT CODE ORDINANCE NO. 19455, AS AMENDED, AND TEXAS LOCAL GOVERNANCE CODE, CHAPTER 212. I FURTHER AFFIRM THAT MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED IN COMPLIANCE WITH THE CITY OF DALLAS DEVELOPMENT CODE, SEC. 51A-8.617 (A) (1) (C) (2) & (C), AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THIS SIGNED FINAL PLAT.

DATE THIS THE _____ DAY OF _____ 2015

_____
TERRY D. WESTERMAN
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5381

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TERRY D. WESTERMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2015

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

6101 MOCKINGBIRD, LLC
SKILL-MOCK SUBDIVISION
LOT 1, BLOCK F/2953
BEING 0.9066 ACRES

cole
COLE ENGINEERING / SURVEYING / PLANNING / LANDSCAPE ARCHITECTURE
6510 ABRAMS ROAD, SUITE 300 DALLAS, TEXAS 75231 PHONE 214.341.1010 FAX 214.341.4216 TBPE F-2144 TBPLS 10194400

DRAWN BY: DM
CHECKED BY: TDW
DRAWING SCALE: 1" = 30'
DATE: 04/14/2015
Job Number: 14-0141
Sheet Number: 1 OF 1

FINAL PLAT
SKILL-MOCK SUBDIVISION
LOT 1, BLOCK F/2953
BEING PART OF
CITY BLOCK F/2953
BEING 0.9066 ACRES OF THE
WILLIAMS P. CARDER SURVEY
ABSTRACT NO. 282
CITY OF DALLAS,
DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S145-070
CITY ENGINEERING
PLAN FILE 311T-8766

USER: Pro Sabino DGN: 2603-1.DGN, FLAT
DATE: 4/14/2015 11:51:47 AM
XREFS: ALTA.dgn, 2603-1.dgn, LOGO.dgn, V-BASE.dgn, ZONE.dgn, FLAT, 14-0141.dwg

Attachments from Julio Delgado, RPLS

City of Dallas

DEPARTMENT OF SUSTAINABLE
DEVELOPMENT AND CONSTRUCTION
ENGINEERING; SURVEY PLAT REVIEW GROUP
320 E. JEFFERSON BOULEVARD, ROOM 200
DALLAS, TEXAS 75203
FRONT DESK (214)948-4205; FAX (214)948-4211

CITY OF DALLAS

RE: **City Plan File No.** S 145-70 **Addition Name** SKILL-MOCK SUBDIVISION

The Preliminary Plat for the referenced subdivision was approved by the City of Dallas Plan Commission. The next step in the platting process is the submittal of the Final Plat for approval. The Final Plat of the referenced subdivision should conform to the attached Final Plat Review Checklist. As required items are placed on the face of the final plat, a check mark should be placed in the blank corresponding to the item in the applicant column of the checklist. The checklist items not required for your particular plat should be labeled "N/A".

Return a copy of the completed checklist, along with two copies of the Final Plat to:

City of Dallas
Department of Sustainable Development
and Construction
Engineering; Survey Plat Review Group
320 E. Jefferson Blvd, Rm 200
Dallas, Tx 75203

Upon receipt of the plat copies and supporting papers, a staff member will be assigned to review the plat for compliance with the City of Dallas Platting Requirements. Plats that conform to the City of Dallas Platting Requirements will be released for Plan Commission approval and recording, otherwise plats that do not conform will be placed on **"HOLD"**. In this event a copy of the checklist will be returned to the applicant with items that need to be addressed. The **"HOLD"** status will be removed once the required additions and/or corrections are made.

Please submit two copies of the corrected plat, along with the completed checklist to the Survey Plat Review Group at the above address. The plat will then be scheduled for final review. In the event all of the requirements listed on the checklist are suitably addressed the final plat will be released. The Staff Member whose name is listed below is the Survey Division contact for all matters concerning this final plat.

SPRG STAFF CONTACT Julio Delgado

PH NO. 214.948.5377 **EMAIL ADDRESS** julio.delgado@dallascityhall.com

attachment: Final Plat Checklist
cc: Survey File

CITY OF DALLAS

Department of Sustainable Development and Construction- Engineering Division; Survey Plat Review Group "SPRG"

FINAL PLAT REVIEW CHECKLIST

CITY FILE NO.: S145-70

SUBDIVISION NAME: SKILL-MOCK SUBDIVISION

GENERAL REQUIREMENTS

	APPLI-CANT	CITY STAFF	
1.	____	____	SIZE OF PLAT SHOULD BE 24" X 36" OR 24"X 30".
2.	____	____	PLAT MUST BE LEGIBLE.
3.	____	____	TEXT HEIGHT NOT LESS THAN 10 CHARACTERS PER INCH (LEGAL DESCRIPTION, NOTES, CERTIFICATIONS, ETC.)
4.	____	____	SCALE OF 1" = 30', OR LARGEST PRACTICAL SCALE , NO SMALLER THAN 1" = 60'
5.	____	____	NORTH ARROW AND GRAPHIC SCALE ON PLAT
6.	____	____	VICINITY MAP SHOWING: • ALL THOROUGHFARES AND EXISTING STREETS BOUNDED BY THE TWO NEAREST INTERSECTING MAJOR THOROUGHFARES. • NORTH ARROW ON VICINITY MAP • SCALE IF ANY, OR THE STATEMENT "NOT TO SCALE". • (MAP SCALE MUST BE AT LEAST EQUAL TO 1" = 2000')
7.	____	____	NAME AND ADDRESS OF: • SURVEYOR AND/OR ENGINEERING FIRM, • ALL OWNERS, AND/OR DEVELOPER.
8.	____	____	LEGEND INDICATING SYMBOLS USED ON PLAT. LEGEND SHOULD INCLUDE ONLY THOSE SYMBOLS ACTUALLY APPEARING ON THE PLAT.
9.	____	____	DO NOT SHOW TOPOGRAPHIC FEATURES (I.E. CONTOUR LINES, UTILITIES, PARKING AREAS, TREES, SHRUBS, FENCES, PAVING, BUILDING AND STRUCTURES, ETC.)

10. ____ ____ GENERAL NOTES:

- LOT TO LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.

11. ____ ____ ADDRESS ALL APPROPRIATE CITY PLAN COMMISSION LETTER COMMENTS (ADDED EASEMENTS, ETC.).

BOUNDARY REQUIREMENTS

12. ____ ____ BOUNDARY DRAWING DIMENSIONS MUST AGREE WITH LEGAL DESCRIPTION DIMENSIONS INCLUDING:

- POINT OF COMMENCING (IF APPLICABLE)
- POINT OF BEGINNING
- BEARINGS & DISTANCES
- CURVE DATA TO INCLUDE:
    a. DIRECTION TO THE RIGHT OR LEFT
    b. DELTA ANGLE
    c. RADIUS
    d. CHORD BEARING FROM THE BEGINNING OF THE CURVE
    e. CHORD LENGTH
    f. ARC LENGTH
    g. WHETHER CURVE IS TANGENT OR NON-TANGENT

13. ____ ____ BOUNDARY OF AREA BEING PLATTED SHOULD BE OUTLINED WITH A HEAVY SOLID BOLD LINE; ALL OTHER LOT LINES, AND AJOINING PROPERTY OR LOT LINES SHOULD BE A SOLID THIN LINE.

14. ____ ____ DASH IN OLD LOT LINES AND GHOST IN OLD LOT NUMBERS, TRACT LINES, TRACT NUMBERS, ETC.

15. ____ ____ LABEL EACH CITY BLOCK, LOT AND/OR TRACT NUMBERS.

16. ____ ____ LABEL AREA (SQUARE FOOTAGE AND ACREAGE) OF EACH LOT; CENTERED ON LOT OR IN TABLE.

17. ____ ____ SHOW AND LABEL BABSTRACT LINE'S WITHIN 150'

18. ____ ____ SHOW AND LABEL ESTBLISHED CENTERLINE OF ADJOINING STREET

19. ____ ____ LABEL EXISTING ADDITIONS WITH VOLUME AND PAGE AND SOURCE OF RECORD (D.R.D.C.T, D.R.C.C.T. OR OTHER CONTIGUOUS COUNTIES WITHIN DALLAS CITY LIMIT)

20. ____ ____ STATE A BASIS OF BEARING FOR PLAT ON DRAWING.

(SAMPLE STATEMENT)

BASIS OF BEARING IS THE NORTH LINE OF FRENZY ROAD (INSERT RECORDED BEARING, I.E. BEING NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST) AS

RECORDED IN VOLUME 88327, PAGE 0235, DEED RECORDS OF DALLAS COUNTY, TEXAS.

21. ____ ____ SUBMIT A GEOMETRIC CLOSURE FOR THE BOUNDARY OF THE AREA BEING PLATTED (THIS IS REQUIRED IN THE FINAL PLAT FILE PRIOR TO RELEASE, ATTACH TO SUBMITTAL):

- INCLUDE BEARINGS AND DISTANCES
- CURVE DATA TO INCLUDE:
    - h. DIRECTION TO THE RIGHT OR LEFT
    - i. DELTA ANGLE
    - j. RADIUS
    - k. CHORD BEARING FROM THE BEGINNING OF THE CURVE
    - l. CHORD LENGTH
    - m. ARC LENGTH
- PRECISION OF BOUNDARY CLOSURE (MINIMUM 1:15,000)

22. ____ ____ PROVIDE DOCUMENTATION TO SUPPORT EXISTING STREET RIGHT-OF WAY WIDTH (I.E. FILE RESEARCH; SEPARATE INSTRUMENT, PLAT, COUNTY R.O.W. MAP) AND SHOW HOW THE ADJOINING RIGHT OF WAY(S) WERE CREATED (DEDICATION, EASEMENT, ETC..) WITH RECORDING INFORMATION. THE SURVEY RECORDS VAULT IN ROOM 314 OF THE OAK CLIFF MUNICIPAL CENTER IS A VALUABLE SOURCE OF THIS DATA.

23. ____ ____ AREA WITHIN 150 FEET OF THE PERIMETER OF PLATTED BOUNDARY MUST BE DETAILED:

- SHOW ADDITION NAME(S)
- PROPERTY OWNER NAME(S) ON UNPLATTED LOTS OR LOTS THAT HAVE PORTIONS SOLD OFF.
- SHOW LOTS AND BLOCKS, OR TRACTS, LABEL WITH APPROPRIATE NUMBERS.
- SHOW VOLUME AND PAGE, AND SOURCE OF RECORD (D.R.D.C.T., ETC.).
- SHOW WIDTHS OF STREETS, ALLEYS, AND EXISTING EASEMENTS LEGIBLY. LABEL VOLUME AND PAGE AND SOURCE OF RECORD. ADD DISTANCE TIES ACROSS R.O.W. AT VARIABLE WIDTH R.O.W.
- OTHER PERTINENT DATA
- SHOW DISTANCES WITHIN 150 FEET ON ADJOINERS FOR LOT OR TRACT LINES TAKEN FROM DEEDS, PLATS, AND BLOCK MAP RESEARCH.

24. ____ N/A EXISTING BUILDINGS MAY NOT EXTEND ACROSS PROPOSED PROPERTY LINES (PLAT BOUNDARY OR LOT LINES). PROVIDE SEPARATE DETAIL FOR EACH EXISTING BUILDING WITHIN 5 FEET OF PROPOSED PLATTED PROPERTY LINE.

MONUMENTATION REQUIREMENTS

25. ____ ____ ALL MONUMENTATION MUST BE LABELED AND DESCRIBED IN FULL ON

DRAWING AND LEGAL DESCRIPTION. (LEGEND MAY BE USED TO COMPLY WITH THIS REQUIREMENT).

26. ____ 1 ____ COMPLIANCH WITH MONUMENTATION STANDARDS AS SET FORTH IN CITY OF DALLAS ORDINANCE NO. 19455 SEC. 51A-8.617

27. ____ 1 ____ LABEL AT LEAST TWO FOUND CONTROLLING MONUMENTS ON PLAT. SET MONUMENTS WILL NOT BE ALLOWED AS CONTROL MONUMENTS.

27. EASEMENT REQUIREMENTS

(THE SURVEY RECORDS VAULT IN ROOM 314 OF THE OAKCLIFF MUNICIPAL CENTER IS A VALUABLE SOURCE OF THIS DATA)

28. ____ ____ LABEL EXISTING EASEMENTS:

- LABEL TYPE OF EASEMENT, LABEL VOLUME AND PAGE, AND LABEL EASEMENT RECORDING DATA (D.R.D.C.T., ETC.)

29. ____ N/A EASEMENTS CREATED BY THIS PLAT MUST BE LABELED AS TO TYPE, AND LOCATED WITH BEARINGS AND DISTANCES AND TIED TO A PLAT OR LOT CORNER ON PLAT, IF DEDICATED BY PLAT MUST BE LABELED "BY THIS PLAT", IF DEDICATED BY SEPARATE INSTRUMENT SHOW VOLUME AND PAGE AND SOURCE OF RECORD.

30. ____ N/A AREAS TO BE ABANDONED WITHIN THE PLATTED AREA MUST BE PROCESSED BY SEPARATE DOCUMENT AND RECORDING DATA AND/OR ORDINANCE NUMBERS MUST BE NOTED ON PLAT PRIOR TO APPROVAL.

31. ____ N/A LABEL ABANDONED EASEMENTS, RIGHT-OF-WAYS, ALLEYS, ETC., ABANDONED SINCE LAST PLAT OF AREA, TO INCLUDE:

- ORDINANCE NUMBER AND/OR RECORDING DATA, MUST BE SHOWN PRIOR TO RELEASE
- WIDTH

TYPICAL REQUIREMENTS

32. ____ ____ **TITLE BLOCK (USE THE FOLLOWING SEQUENCE FOR LAYOUT; 1-6)**

- LOCATED AT LOWER RIGHT HAND CORNER
- (1) CHANGE TITLE FROM PRELIMINARY PLAT TO FINAL PLAT
- (2) **ADDITION NAME** (PLUS PHASE NUMBER, SECTION NO., OR INSTALLMENT NO. IF NEEDED). THERE CAN BE NO DUPICATION OF (OR CLOSELY SIMILAR TO) ANY EXISTING SUBDIVISION NAME (THE SURVEY RECORDS VAULT IN ROOM 314 OF THE OAKCLIFF MUNICIPAL CENTER IS A VALUABLE SOURCE OF THIS DATA). ADDITION NAMES CANNOT BEGIN WITH THE WORDS "THE" OR "REPLAT" OR A NUMBER (I.E. THE BRYAN PLACE ADDITION, REPLAT OF BRYAN PLACE ADDITION, OR 2116 BRYAN PLACE ADDITION). DO NOT USE ROMAN NUMERALS OR & SYMBOL (I.E. NO. 2 OR AND). ADDITION NAME MUST MATCH OWNER'S DEDICATION.
- (3) **LOT** 000 (A NUMBER), **BLOCK** 0000 (A NUMBER), (I.E. LOTS 1-12, BLOCK A/6582). CHECK LOT NO., AND BLOCK NO. FROM LETTER PROVIDED (A CONTACT IS BOBBY SELF AT 214-948-4586). ***SUBMIT COPY OF LETTER FROM BOBBY SELF WITH SUBMITTAL.***

SAMPLE:

FINAL PLAT
JEFF CONROW NO. 3 ADDITION
LOTS 1A-4A, 1B-4B, AND 5A, BLOCK H/7884
A REPLAT OF LOTS 16 AND 17, BLOCK
H/7884, BILL FOLD ADDITION
IKE THOMPSON SURVEY, ABSTRACT NO. 153
CITY OF DALLAS, DALLAS COUNTY, TEXAS

- REFERENCE SOURCE (I.E. REPLAT OF LOT 00, BLOCK 000, OF THE SNARLEY ADDITION)
- (4) **SURVEY AND ABSTRACT NO.** (I.E. JAMES WINSLOW SURVEY, ABSTRACT NO. 000)
- (5) **CITY OF DALLAS, DALLAS COUNTY, TEXAS** (OR APPROPRIATE COUNTY), MUST BE ON PLAT
- (6) **CITY PLAN FILE NUMBER** (ISSUED WITH SUBDIVISION APPLICATION, I.E. S056-257).

33. **OWNER'S CERTIFICATE** (LABEL HEADING: OWNER'S CERTIFICATE)

- LABEL; **COUNTY OF DALLAS)(**, (OR APPROPRIATE COUNTY)
- LABEL; **STATE OF TEXAS)(**
- OWNERS NAME (MUST MATCH DEED EXACTLY)

34. **LEGAL DESCRIPTION**

GENERAL DESCRIPTION:

- DEED FOR CURRENT OWNER REFERENCED WITH COMPLETE RECORDING INFORMATION IN GENERAL DESCRIPTION OF LEGAL, A COPY OF THE RECORDED DEED/DEEDS MUST BE FURNISHED FOR PLATTED PROPERTY, ATTACH TO SUBMITTAL.
- REFERENCE:
  - SURVEY, ABSTRACT NO.
  - TRACT INFORMATION
  - PRIOR ADDITION NAME, INCLUDE SUBJECT LOT AND BLOCK, WITH VOLUME AND PAGE, OR PREVIOUS OWNERS AND DEEDS OF REFERENCE, WITH VOLUME AND PAGE, AND COUNTY RECORD LOCATION.
  - IF THE PRIOR PLAT WAS DEDICATED TO A COUNTY OR ANOTHER CITY AND ANNEXED INTO THE CITY OF DALLAS, SHOW DATE OF ANNEXATION AND ORDINANCE NUMBER. THE SURVEY VAULT IN ROOM 318 HAS THIS INFORMATION.

SPECIFIC DESCRIPTION:

- POINT OF COMMENCING (IF APPLICABLE)
- POINT OF BEGINNING
- COMMENCE OR BEGIN AT A STREET INTERSECTION, RECORDED ADDITION CORNER, OR LOT CORNER OF A RECORDED ADDITION.
- PROVIDE BEARINGS AND DISTANCES (BEARINGS TO SECONDS, DISTANCES TO HUNDRETHS), AND CURVE DATA TO INCLUDE:
  - i. DIRECTION TO THE RIGHT OR LEFT
  - ii. CENTRAL ANGLE
  - iii. RADIUS
  - iv. CHORD BEARING FROM THE BEGINNING OF THE CURVE
  - v. CHORD LENGTH
  - vi. ARC LENGTH

REFERENCE ADJOINER CALLS AROUND PLAT BOUNDARY WITH RECORDING INFORMATION AND SOURCE OF RECORDATION.

CITY BLOCK LINES ARE NOT CONSIDERED AS ADJOINERS.

- COMPLETE MONUMENTATION DESCRIPTIONS (EXAMPLE: TO A 3 INCH METALLIC DISK STAMPED TRUEHEART ADDN., R.P.L.S. 0000 ON 5/8 INCH IRON ROD SET).
- CONCLUDE LISTING SQUARE FOOTAGE AND ACREAGE OF PLATTED AREA, I.E. AND CONTAINING 43,560 SQUARE FEET OR 1.000 ACRES OF LAND (SQUARE FEET TO WHOLE FOOT, AND ACREAGE TO THOUSANDTHS).

35. _____ _____ **OWNER'S DEDICATION** (LABEL HEADING: OWNER'S DEDICATION)

- NAME OF ADDITION IN DEDICATION MUST BE IN **BOLD TYPE**
- VARIABLE TYPES OF DEDICATION STATEMENTS USED BUT ALL OF A STANDARD FORM; CORPORATE OWNER, PRIVATE OWNER, PRIVATE STREETS, SHARED ACCESS AREA
- IF USING CORPORATE DEDICATION, PLACE AUTHORIZED AGENTS BUSINESS TITLE UNDER THE REPRESENTATIVES NAME, I.E. VICE PRESIDENT, OWNER, ETC.

36. _____ _____ **THE FOLLOWING STATEMENT WILL BE USED FOR THE THE SURVEYOR'S CERTIFICATE ON THE RECORDED FINAL PLAT:**

"SURVEYOR'S STATEMENT:

I, _____, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance no. 19455, as amended) , and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the_____ day of _____, 20__

(Signature) _____

(Surveyor's Typed Name)
Texas Registered Professional Land Surveyor No. _____"

37. _____ _____ **NOTARY STATEMENTS FOR ALL SIGNING PARTIES**

- OWNER/OWNERS, OWNER'S AGENT
- LAND SURVEYOR

38. _____ N/A **FLOODWAY REQUIREMENTS, ETC.** (FOR PLATS IN FLOODPLAIN, ETC.)

- AREA MUST MEET A MINIMUM CLOSURE STANDARD OF 1 IN 5000
- "NOTWITHSTANDING" PARAGRAPH WILL BE NEEDED IN DEDICATION

- STANDARD TYPE OF FLOODWAY STATEMENT; FLOODWAY MANAGEMENT AREA, FLOODWAY EASEMENT, AND/OR FLOODWAY EASEMENT WITHIN COMMON AREA
- FLOODWAY EASEMENTS MUST BE MONUMENTED WITH FLOODWAY MARKERS, PER FILE NO. 424-109.
- FLOODWAY MANAGEMENT AREA MUST BE MONUMENTED.
- ESCARPMENT ZONES MUST BE MONUMENTED.
- DETENTION AREA EASEMENTS MUST BE MONUMENTED.
- CONSERVATION EASEMENTS MUST BE MONUMENTED.
- REQUIRED MONUMENTATION SHALL BE SET AT ALL EASEMENT CORNER'S (POINT OF CURVE, POINT OF TANGENCY AND POINT OF INTERSECTION), TO BE SHOWN ON THE PLAT DRAWING [ORDINANCE; SECTION 51A-8.617 (d)].

39. N/A **SHARED ACCESS AREA** (FOR SHARED ACCESS DEVELOPMENTS ONLY)

- A METES AND BOUNDS DESCRIPTION TRAVERSING THE PERIMETER OF THE SHARED ACCESS AREA WILL BE PREPARED AND FILED AS AN EXHIBIT TO THE SHARED ACCESS AREA DOCUMENT (A CONTACT IS ASST. CITY ATTORNEY TAMMY PALOMINO AT 214-670-4268.)
- SHOW VOLUME AND PAGE OF FILED SHARED ACCESS AREA DOCUMENT ON PLAT.
- THE OWNER'S DEDICATION SPECIFIC TO SHARED ACCESS AREA WILL BE USED FOR THE PLAT.
- "NOTWITHSTANDING" PARAGRAPH WILL BE NEEDED IN DEDICATION
- SHARED ACCESS AREA EASEMENT STATEMENT ON PLAT.

Please use attached sample

40. ____ **LIEN HOLDER'S SUBORDINATION** (FOR DEED WITH VENDOR'S LIEN)

- USE THE LIEN HOLDER'S SUBORDINATION AGREEMENT

THIS COMPLETED AND SIGNED LIST MUST ACCOMPANY THE FINAL PLAT SUBMITTAL. COMPLETE ALL APPLICABLE ITEMS. PLACE A CHECK MARK IN THE SPACE LABELED "APPLICANT". ITEMS THAT ARE NOT APPLICABLE TO YOUR SITUATION SHOULD BE LABELED "N/A". THE CITY SURVEYOR RESERVES THE RIGHT TO MAKE ADDITIONAL COMMENTS.

ADDITIONAL COMMENTS:

I understand and agree that the City Staff Surveyor will require that the final plat be resubmitted for review and if it is determined that this checklist contained incorrect information.
By review of this plat, this Department does not assume any liability for this plat nor does this review releases the surveyor of the record from her/his responsibilities as a surveyor set forth by the Texas Board of Professional Land Surveying.

Signature: _____ Date: _____

Printed Name: _____

PLAT MUST MEET ALL STANDARDS SET FORTH IN **ORDINANCE NO., 19455, PLAT REGULATIONS, 51A-8.100**

COPY OF ORDINANCE MAY BE OBTAINED AT:

CITY SECRETARY'S OFFICE

CITY HALL, 5D SOUTH

1500 MARILLA STREET

DALLAS, TEXAS 75201

(REVISED 09/02/2010)

EXAMPLE
Owner's Certificate Sample

OWNER'S CERTIFICATE

State of Texas ~
County of Dallas ~

Whereas (Owners Name) is the sole owner of a tract of land as recorded in (Deeds of Current Ownership) Volume 0000, Page 0000, and Volume 0001, Page 0001 of the Deed Records of Dallas County, Texas, and being part of a tract of land in the Alfonso Blair Survey, Abstract 778, in the George Perez Addition, Volume 1954, Page 08 of the Deed Records of Dallas County, Texas, being lots 3,4,and 5 in Block 13/5353 and part of a tract of a unrecorded addition , in Block 14/5353 as recorded in deed to Reba Tilley, in Volume 86989, Page 544, of the Deed Records of Dallas County, Texas, and being more particularly described as follows;

Beginning at (or / Commencing at)

a. Street Intersection
b. Recorded Addition Corner
c. Lot Corner of Recorded Addition

The owner's certificate should contain the following information:

1. Name of owner(s)
2. Volume and Page, County, and State, for current deed(s) of ownership
   [Copies of Recorded Deed(s) must be furnished for platted property.]
3. Survey(s) and Abstract(s) of platted tract
4. Addition name(s) with recording information
5. Block(s)
6. Lot(s)

EXAMPLE

Lien Holder's Subordination Agreement Sample

How to use: After the owner certificate (owner's signature), the next block signature should be as follows:

The lien holder or mortgagee concurs with the Owner's Certificate and agrees to subordinate its interests to the provisions of the Owner's Dedication.

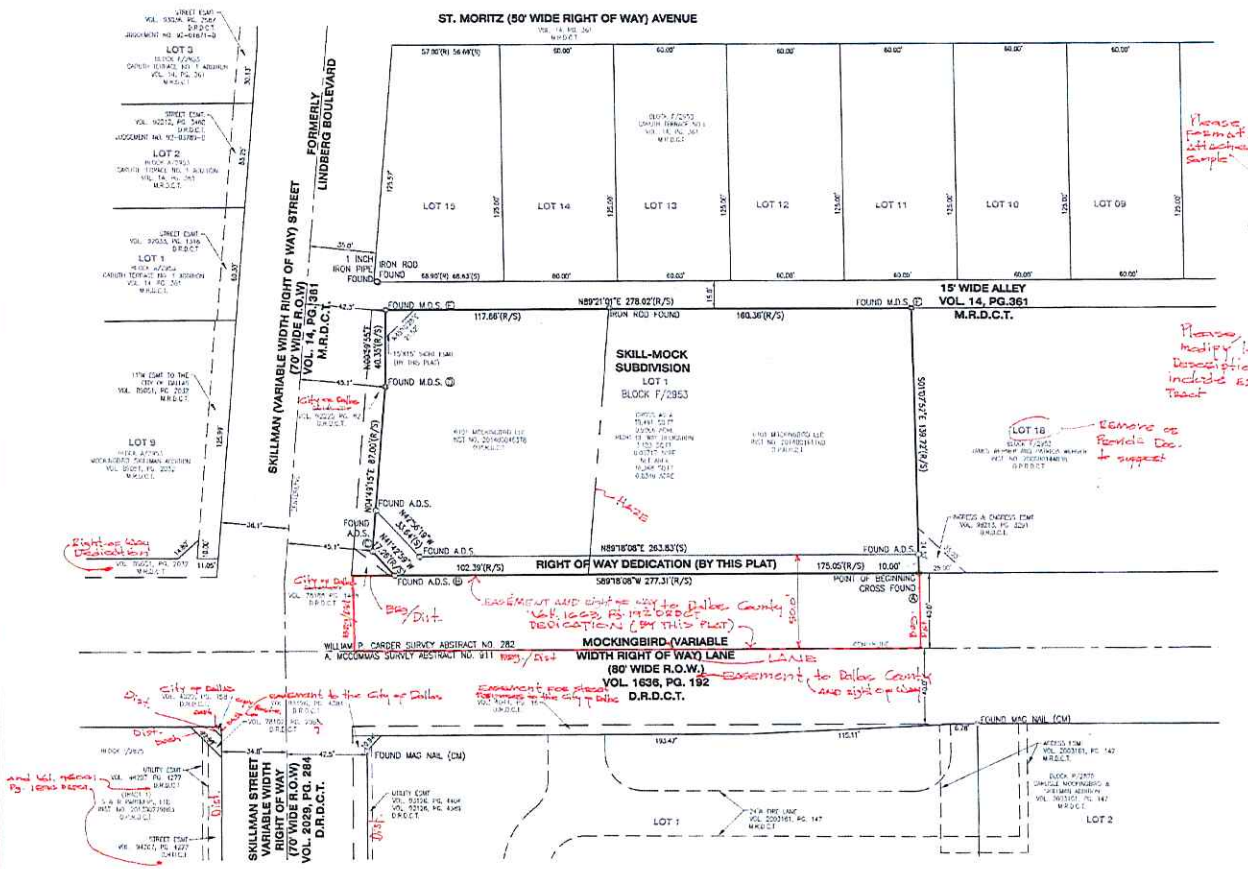
Lien holder:
[Bank/mortgagee]

By: _____
Name: _____
Title: _____

STATE OF TEXAS
COUNTY OF _____

This instrument was acknowledged before me on _____ (date of acknowledgement) by _____ (name of person who signed), as _____ (title of officer-usually president or secretary, of _____ (name of business), a _____ (state of business, i.e., LLC, Corp, etc.), on behalf of the _____ (LLC, Corp., etc.).

_____
Notary Public in and for the State of Texas



LEGEND

(CM)	CONTROL MONUMENT
○	FOUND NAIL
⊡	FOUND IRON ROD
✻	FOUND CROSS
A.D.S.	2 1/2" METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 TXHS"
M.D.S.	3" METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS"
M.R.D.C.T.	MAY RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
⊗	STATE PLANE POINT IDENTIFIER
ESMT	EASEMENT
R.O.W.	RIGHT OF WAY
SQ.FT.	SQUARE FEET
VOL.	VOLUME
PG.	PAGE

NAD 83 2011 ADJUSTMENT STATE PLANE GRID COORDINATES TEXAS NORTH CENTRAL

POINT DESIGNATOR	NORTHING	EASTING	DESCRIPTION
Ⓐ	6,991,735.10	2,502,768.35	FOUND CROSS IN CONCRETE
Ⓑ	6,991,731.74	2,502,490.96	FOUND A.D.S.
Ⓒ	6,991,744.81	2,502,479.49	FOUND A.D.S.
Ⓓ	6,991,831.32	2,502,486.79	FOUND M.D.S.
Ⓔ	6,991,871.63	2,502,487.36	FOUND M.D.S.
Ⓕ	6,991,874.97	2,502,763.44	FOUND M.D.S.

GENERAL NOTES:

1. ALL BEARINGS AND DISTANCES ARE RECORDED (R) AND SURVEYED (S), UNLESS OTHERWISE NOTED.
2. BASIS OF BEARING: GRID BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD 83, 2011 ADJUSTMENT. THE NORTH RIGHT OF WAY LINE OF EAST MOCKINGBIRD LANE, WHICH BEARS NORTH 89° 18' 08" EAST.
3. TOTAL AREA OF BOUNDARY = 0.9066 ACRES
4. THE PURPOSE OF PLAT: CREATE ONE LOT
5. COORDINATES SHOWN ARE FROM THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE, NORTH AMERICAN DATUM 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
6. LOT-TO-LOT DRAINAGE IS NOT PERMITTED WITHOUT ENGINEERING SECTION APPROVAL.

MORTGAGEE CONSENT:

THE UNDERSIGNED, _____, IS THE BENEFICIARY OF A DEED OF TRUST RECORDED IN VOLUME _____, PAGE _____, IN THE DALLAS COUNTY, TEXAS RECORDS ENCUMBERING THE ABOVE DESCRIBED PROPERTY, HEREBY CONSENTS TO AND APPROVES OF THIS RECORD PLAT, AS OF THIS _____ DAY OF _____, 2015

AMERICAN NATIONAL BANK OF TEXAS

BY: _____
NAME: STEVE WHITE
TITLE: BANKING CENTER PRESIDENT

STATE OF TEXAS)
COUNTY OF DALLAS)

ON THIS _____ DAY OF _____, 2015, BEFORE ME PERSONALLY APPEARED _____ TO ME KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT PERSON IS A _____ OF _____ AND THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND _____ FURTHER ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL ON THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES

_____

OWNER'S CERTIFICATE:

COUNTY OF DALLAS
STATE OF TEXAS

WHEREAS 6101 MOCKINGBIRD, LLC IS THE SOLE OWNER OF TWO TRACTS OF LAND BEING SITUATED IN THE WILLIAM P. CARDER SURVEY, ABSTRACT NO. 282, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS; BEING PART OF LOT 1, BLOCK NO. F/2953, AND BEING THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD, LLC BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20140004376, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD, LLC BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20140016160, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" FOUND FOR CORNER IN THE NORTH LINE OF MOCKINGBIRD LANE (A VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JAMES WOHNER AND PATRICIA WOHNER BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20060014402E, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 18 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID E. MOCKINGBIRD LANE, A DISTANCE OF 277.31 FEET TO A 2 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER;

THENCE NORTH 41 DEGREES 42 MINUTES 59 SECONDS WEST, A DISTANCE OF 17.26 FEET TO A 2 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER, SAID POINT BEING IN THE EAST LINE OF SKILLMAN STREET (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 04 DEGREES 49 MINUTES 15 SECONDS EAST ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 87.00 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER;

THENCE NORTH 00 DEGREES 59 MINUTES 58 SECONDS EAST CONTINUING ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 40.35 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER, SAID POINT BEING ON THE SOUTH LINE OF A 15 FOOT ALLEY RIGHT-OF-WAY;

THENCE NORTH 89 DEGREES 21 MINUTES 01 SECONDS EAST ALONG THE SOUTH LINE OF SAID ALLEY, A DISTANCE OF 278.02 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 TXHS" FOUND FOR CORNER, SAID POINT BEING THE NORTHWEST CORNER OF AFOREMENTIONED WOHNER TRACT;

THENCE SOUTH 01 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE WEST LINE OF SAID WOHNER TRACT, A DISTANCE OF 139.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 39,491 SQUARE FEET OR 0.9066 ACRES.

OWNER'S DEDICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT, 6101 MOCKINGBIRD, LLC, ACTING BY AND THROUGH ITS AUTHORIZED AGENT ROBERT L PARKS III, DOES HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREIN DESCRIBED PROPERTY AS **SKILL-MOCK SUBDIVISION**, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND DO HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER ANY STREETS, ALLEYS, AND FLOODWAY MANAGEMENT AREAS SHOWN THEREON. THE EASEMENTS SHOWN THEREON ARE HEREBY RESERVED FOR THE PURPOSES INDICATED. THE UTILITY AND FIRE LANE EASEMENTS SHALL BE OPEN TO THE PUBLIC, FIRE AND POLICE UNITS, GARBAGE AND RUBBISH COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES FOR EACH PARTICULAR USE. THE MAINTENANCE OF PAVING ON THE UTILITY AND FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACE UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES USING OR DESIRING TO USE SAME, ALL, AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDING, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS, AND ALL PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM AND UPON THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OF OR PARTS OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. (ANY PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF READING METERS AND ANY MAINTENANCE OR SERVICE REQUIRED OR ORDINARILY PERFORMED BY THE UTILITY).

WATER MAIN AND WASTEWATER EASEMENTS SHALL ALSO INCLUDE ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION AND MAINTENANCE OF THE SYSTEMS. ADDITIONAL EASEMENT AREA IS ALSO CONVEYED FOR INSTALLATION AND MAINTENANCE OF MANHOLES, CLEANOUTS, FIRE HYDRANTS, WATER SERVICE AND WASTEWATER SERVICE FROM THE MAIN TO THE CURB OR PAVEMENTS LINE, AND DESCRIPTION OF SUCH ADDITIONAL EASEMENTS HEREIN GRANTED SHALL BE DETERMINED BY THEIR LOCATION AS INSTALLED.

THIS PLAT APPROVED SUBJECT TO ALL THE PLATTING ORDINANCES, RULES AND REGULATIONS OF THE CITY OF DALLAS, TEXAS.

WITNESS MY HAND IN _____, TEXAS, THIS _____ DAY OF _____, 2015.

6101 MOCKINGBIRD, LLC

BY: _____
ROBERT L PARKS III, MANAGER

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED ROBERT L PARKS III, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED AND AS THE ACT AND DEED THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2015

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYOR'S CERTIFICATE:

I, TERRY D. WESTERMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF TEXAS, AFFIRM THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, FROM RECORDED DOCUMENTATION, EVIDENCE COLLECTED ON THE GROUND DURING FIELD OPERATIONS AND OTHER REQUIRED DOCUMENTATION, AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE RULES AND REGULATIONS OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, THE CITY OF DALLAS DEVELOPMENT CODE, ORDINANCE NO. 19455, AS AMENDED, AND TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212. I FURTHER AFFIRM THAT MONUMENTATION SHOWN HEREON WAS EITHER FOUND OR PLACED IN COMPLIANCE WITH THE CITY OF DALLAS DEVELOPMENT CODE, SEC. 51A-8.617 (A) (B) (C) (D) & (E), AND THAT THE DIGITAL DRAWING FILE ACCOMPANYING THIS PLAT IS A PRECISE REPRESENTATION OF THIS SIGNED FINAL PLAT.

DATE THIS THE 24th DAY OF July 2015

TERRY D. WESTERMAN
TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6361

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED TERRY D. WESTERMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2015

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

FINAL PLAT
SKILL-MOCK SUBDIVISION
BEING PART OF
CITY BLOCK F/2953
BEING 0.9066 ACRES OF THE
WILLIAMS P. CARDER SURVEY
ABSTRACT NO. 282
CITY OF DALLAS,
DALLAS COUNTY, TEXAS
CITY PLAN FILE NO. S145-070

6101 MOCKINGBIRD, LLC

cole
DALLAS
Phone 214.871.8746
Fax 214.871.8749
TBPE F-2364
TBPLS 10194000

DRAWN BY: DW
CHECKED BY: TDW
DRAWING SCALE: 1" = 30'
DATE: 04/14/2015
Job Number: 14-0141
Sheet Number: 1 OF 1

592

USER: Brad Kramer 745-2418 TXHS PLAT
DATED: July 24, 2015 - 10:54:48 AM
DWG: S:\SURVEY\14-0141\SKILL-MOCK\FINAL PLAT\14-0141.dwg

[redacted]

From: "Delgado, Julio" <julio.delgado@dallascityhall.com>
Date: Wednesday, August 26, 2015 at 2:18 PM
To:
Cc: "Fugate, Danny" "Lam, David" ·
, Rob Parks
Subject: 2nd Review Final Plat S145-070 Part of City Block F/2953 and part of Mockingbird Lane right of way, City of Dallas, Dallas County, Texas.

Terry D. Westerman, R.P.L.S

Please, find attached pdf copies of the "Final Plat Review Checklist" and a red lined copy of the Plat to assist you with the revision.
If you have question, please feel free to call or reply to this email

Thank you,

Sincerely,
Julio Delgado, RPLS
City of Dallas
Sustainable Development and Construction
320 E. Jefferson Blvd.
Room 200
Dallas, Texas 75203
Ph. 214-948-5377
email: julio.delgado@dallascityhall.com

OWNER'S CERTIFICATE:

Dallas County does not accept dedication and right of way to County of Dallas

COUNTY OF DALLAS
STATE OF TEXAS

WHEREAS 6101 MOCKINGBIRD, LLC, IS THE SOLE OWNER OF TWO TRACTS OF LAND BEING SITUATED IN THE WILLIAM P. CARDER SURVEY, ABSTRACT NO. 282, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING PART OF CITY OF DALLAS BLOCK NO. F/2953, AND BEING THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD, LLC BY TEXAS WARRANTY DEED RECORDED IN INSTRUMENT NO. 201400241795, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND THE SAME TRACT OF LAND CONVEYED TO 6101 MOCKINGBIRD LLC BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 201400241958, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT ONE:

BEGINNING AT AN "X" FOUND FOR CORNER IN THE NORTH LINE OF MOCKINGBIRD LANE (A VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JAMES WEINER AND PATRICIA WEINER BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20090011440135, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 18 MINUTES 08 SECONDS WEST ALONG THE NORTH LINE OF SAID MOCKINGBIRD LANE, A DISTANCE OF 277.31 FEET TO A 2 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. # RPLS 5299 DMS" FOUND FOR CORNER;

THENCE NORTH 41 DEGREES 42 MINUTES 30 SECONDS WEST, A DISTANCE OF 17.00 FEET TO A 2 1/2 INCH METALLIC DISC WITH MAG NAIL STAMPED "S.M.S. # RPLS 5299 DMS" FOUND FOR CORNER, SAID POINT BEING IN THE EAST LINE OF SKILLMAN STREET (A VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 04 DEGREES 49 MINUTES 15 SECONDS EAST ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 67.00 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. & RPLS 5299 DMS" FOUND FOR CORNER;

THENCE NORTH 00 DEGREES 38 MINUTES 30 SECONDS EAST CONTINUING ALONG THE EAST LINE OF SAID SKILLMAN STREET, A DISTANCE OF 49.93 FEET TO A 3 INCH METALLIC DISC STAMPED "S.M.S. # RPLS 5299 DMS" FOUND FOR CORNER, SAID POINT BEING ON THE SOUTH LINE OF A 15 FOOT ALLEY RIGHT-OF-WAY;

THENCE NORTH 89 DEGREES 21 MINUTES 01 SECONDS EAST ALONG THE SOUTH LINE OF SAID ALLEY, A DISTANCE OF 278.02 FEET TO A 2 INCH METALLIC DISC STAMPED "S.M.S. # RPLS 5299 DMS" FOUND FOR CORNER, SAID POINT BEING THE NORTHWEST CORNER OF AFOREMENTIONED WEINER TRACT;

THENCE SOUTH 01 DEGREES 07 MINUTES 52 SECONDS EAST ALONG THE WEST LINE OF SAID WEINER TRACT, A DISTANCE OF 139.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 38,481 SQUARE FEET OR 0.8600 ACRES.

TRACT TWO:

IN ADDITION THERETO AN EXISTING EASEMENT AND RIGHT OF WAY ADJACENT TO THE ABOVE DESCRIBED TRACT OF LAND, SAID EASEMENT AND RIGHT OF WAY BEING GRANTED TO DALLAS COUNTY, RECORDED BY VOLUME 1638, PAGE 192 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN "X" FOUND FOR CORNER IN THE NORTH LINE OF MOCKINGBIRD LANE (A VARIABLE WIDTH RIGHT-OF-WAY), SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JAMES WEINER AND PATRICIA WEINER BY SPECIAL WARRANTY DEED RECORDED IN INSTRUMENT NO. 20090011440135, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE DEPARTING SAID NORTH LINE OF MOCKINGBIRD LANE, SOUTH 00 DEGREES 41 MINUTES 01 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE CENTERLINE OF MOCKINGBIRD LANE AS RECORDED IN VOLUME 1638 PAGE 192 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE WITH SAID CENTERLINE, SOUTH 89 DEGREES 18 MINUTES 08 SECONDS WEST, A DISTANCE OF 269.81 FEET;

THENCE DEPARTING SAID CENTERLINE, NORTH 00 DEGREES 41 MINUTES 01 SECONDS WEST, A DISTANCE OF 40.00 FEET TO THE NORTH LINE OF MOCKINGBIRD LANE AS RECORDED IN VOLUME 1638 PAGE 192 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE WITH SAID LINE, NORTH 89 DEGREES 18 MINUTES 08 SECONDS EAST, A DISTANCE OF 269.81 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,066 SQUARE FEET OR 0.2754 ACRES.

OWNER'S DEDICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

SEE ATTACHED - Formerly

THAT, 6101 MOCKINGBIRD, LLC, ACTING BY AND THROUGH ITS AUTHORIZED AGENT ROBERT L PARKS III, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS SKILL-MOCK SUBDIVISION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER ANY STREETS, ALLEYS, AND PREVIOUSLY MAINTENANCE AREAS SHOWN THEREON, THE EASEMENTS SHOWN THEREON ARE HEREBY RESERVED FOR THE PURPOSES INDICATED. THE UTILITY AND FIRE LANE EASEMENTS SHALL BE OPEN TO THE PUBLIC, FIRE AND POLICE UNITS, GARBAGE AND REFUSE COLLECTION AGENCIES, AND ALL PUBLIC AND PRIVATE UTILITIES FOR EACH PARTICULAR USE. THE MAINTENANCE OF PAVING ON THE UTILITY AND FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER. NO BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED, RECONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, SAID EASEMENTS BEING HEREBY RESERVED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES USING OR DESIRING TO USE SAME. ALL AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR GROWTHS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEM ON THE EASEMENTS, AND ALL PERSONS UTILIZING SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM AND UPON THE SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OF OR PARTS OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS TO PRIVATE PROPERTY FOR THE PURPOSE OF READING METERS AND ANY MAINTENANCE OR SERVICE REQUIRED OR ORDINARILY PERFORMED BY THE UTILITY.

WATER MAIN AND WASTEWATER EASEMENTS SHALL ALSO INCLUDE ADDITIONAL AREA OF WORKING SPACE FOR CONSTRUCTION AND MAINTENANCE OF THE SYSTEMS. ADDITIONAL EASEMENT AREA IS ALSO CONVEYED FOR INSTALLATION AND MAINTENANCE OF MANHOLES, ELBOWS, FIRE HYDRANTS, WATER SERVICE AND WASTEWATER SERVICE FROM THE MAIN TO THE CLIENT ON PAVEMENTS LINE, AND DESCRIPTION OF SUCH ADDITIONAL EASEMENTS HEREIN GRANTED SHALL BE DETERMINED BY THEIR LOCATION AS INSTALLED.

THIS PLAT APPROVED SUBJECT TO ALL THE PLATTING ORDINANCES, RULES AND REGULATIONS OF THE CITY OF DALLAS, TEXAS.

IN ADDITION, 6101 MOCKINGBIRD, LLC, ACTING BY AND THROUGH ITS AUTHORIZED AGENT ROBERT L PARKS III, DOES HEREBY DEDICATE, TO THE USE OF THE PUBLIC FOREVER ALL OF THAT AREA OR STRIP OF LAND SHOWN ON THIS PLAT AS DRAINAGE EASEMENTS OR DRAINAGE RIGHT-OF-WAY, IN FEE SIMPLE TO THE PUBLIC USE FOREVER ALL OF THAT AREA OR STRIP OF LAND SHOWN ON THIS PLAT AS DRAINAGE EASEMENTS OR DRAINAGE RIGHT-OF-WAY, IN FEE SIMPLE TO THE PUBLIC USE FOREVER ALL OF TRACT ONE HEREIN DESCRIBED.

WITNESS MY HAND BY _____, TEXAS, THIS _____ DAY OF _____, 2015

6101 MOCKINGBIRD, LLC

BY: _____
ROBERT L PARKS III, MANAGER

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED ROBERT L PARKS III, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED AND AS THE ACT AND DEED THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THE _____ DAY OF _____, 2015

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

LIEN HOLDER'S SUBORDINATION AGREEMENT:

THE LIEN HOLDER OR MORTGAGEE CONSENTS WITH THE OWNER'S DEDICATION AND AGREES TO SUBORDINATE ITS INTERESTS TO THE PROVISIONS OF OWNER'S DEDICATION.

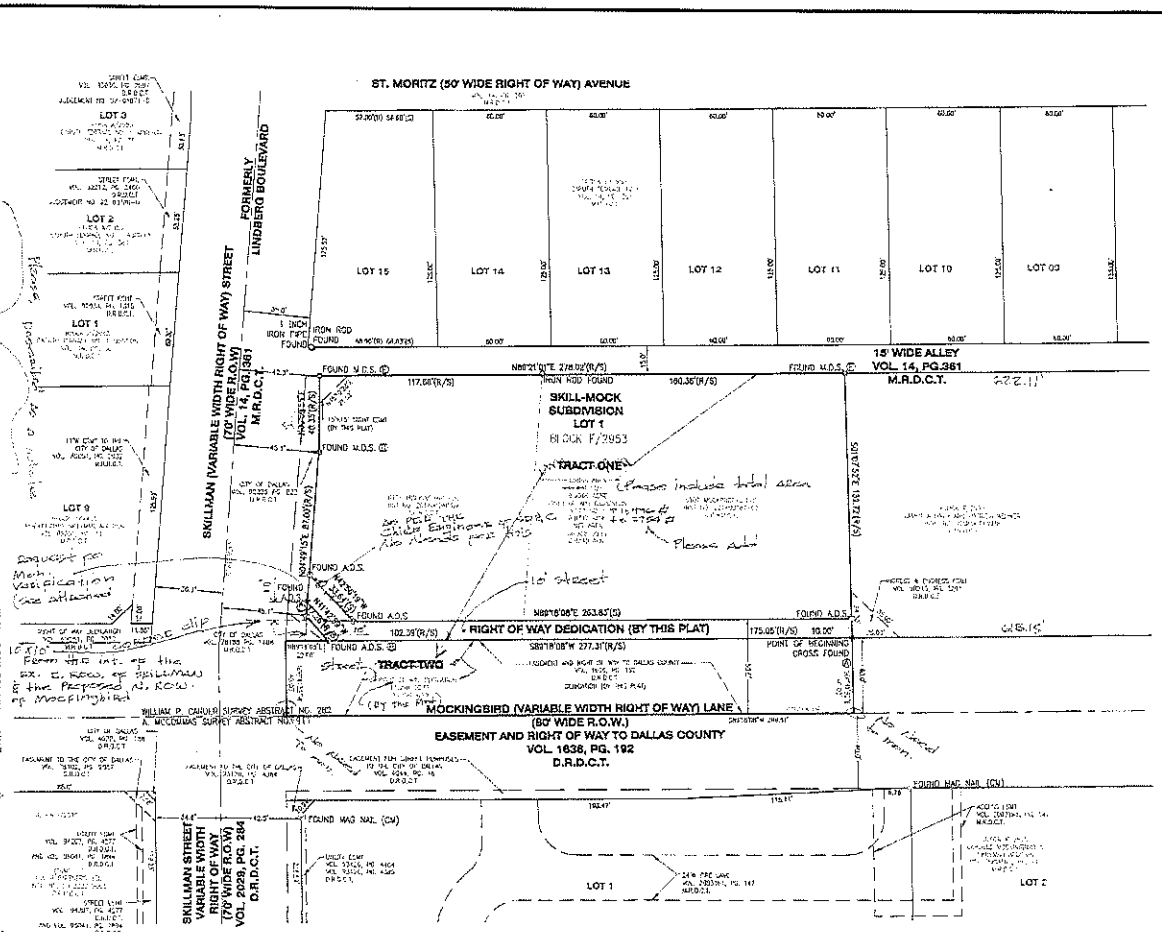
BY: _____
NAME: _____
TITLE: _____
NEW HOLDER:
AMERICAN NATIONAL BANK OF TEXAS

BY: _____
NAME: STEVE WHITE
TITLE: BANKING CENTER PRESIDENT

STATE OF TEXAS
COUNTY OF DALLAS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ (DATE OF ACKNOWLEDGMENT) BY _____ (NAME OF PERSON WHO SIGNED, AS _____ (TITLE OF OFFICER-USUALLY PRESIDENT OR SECRETARY), OF _____ (NAME OF BUSINESS), A _____ (STATE OF BUSINESS: I.E., LLC, CORP, ETC), ON BEHALF OF THE _____ (LLC, CORP, ETC).

_____
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS


ST. MORITZ (50' WIDE RIGHT OF WAY) AVENUE
FORMERLY LINDBERG BOULEVARD
SKILLMAN (VARIABLE WIDTH RIGHT OF WAY) STREET
(70' WIDE R.O.W.) VOL. 14, PG. 361 M.R.D.C.T.
LOT 15
LOT 14
LOT 13
LOT 12
LOT 11
LOT 10
LOT 09
15' WIDE ALLEY VOL. 14, PG. 361 M.R.D.C.T.
SKILL-MOCK SUBDIVISION LOT 1 BLOCK F/2953
TRACT ONE
TRACT TWO
RIGHT OF WAY DEDICATION (BY THIS PLAT)
POINT OF BEGINNING CROSS FOUND
MOCKINGBIRD (VARIABLE WIDTH RIGHT OF WAY) LANE
(60' WIDE R.O.W.)
EASEMENT AND RIGHT OF WAY TO DALLAS COUNTY
VOL. 1638, PG. 192
D.R.D.C.T.
WILLIAM P. CARDER SURVEY ABSTRACT NO. 282
A. MCCOMMAS SURVEY ABSTRACT NO. 911
SKILLMAN STREET VARIABLE WIDTH RIGHT OF WAY (70' WIDE R.O.W.) VOL. 2028, PG. 284 D.R.D.C.T.
LOT 1
LOT 2
LOT 9
N89°21'01"E 278.02'(R/S)
S89°18'08"W 277.31'(R/S)
N89°18'08"E 263.87'(S)
102.36'(R/S)
175.05'(R/S)
90.00'
117.68'(R/S)
180.36'(R/S)
FOUND M.D.S.
FOUND A.D.S.
1 INCH IRON ROD FOUND
IRON ROD FOUND
FOUND MAG NAIL (CM)
16' Street
Please include total area
Please Add!
Request for Mesh Vacation (see attached)
From the int. of the ex. E. ROW of SKILLMAN to the Proposed N. ROW of Mockingbird
Street Dedication (By this Plat)
Lot to Lot Drainage Easement As shown
Sanitary Sewer Easement As shown
Water Easement As shown
Ingress/Egress Easement As shown
Drainage Easement As shown
Mutual Access Easement As shown
Fire Lane Easement As shown
Utility Easement As shown
Sight Visibility Easement As shown
Sanitary Sewer Manhole
Water Valve
Water Meter
Fire Hydrant
Storm Sewer Manhole
Storm Sewer Inlet
Gas Valve
Gas Meter
Gas Line
Overhead Utility Lines
Power Pole
Light Pole
Guy Anchor
Telephone Pedestal
Telephone Manhole
Telephone Riser
Cable TV Riser
Cable TV Pedestal
Cable TV Manhole
Cable TV Box
Cable TV Line
Telephone Line
Fiber Optic Line
Fiber Optic Manhole
Fiber Optic Pedestal
Fiber Optic Box
Fiber Optic Riser
Fiber Optic Line
Fiber Optic Cable
Fiber Optic Conduit
Fiber Optic Duct
Fiber Optic Vault
Fiber Optic Splice Box
Fiber Optic Splice Vault
Fiber Optic Splice Manhole
Fiber Optic Splice Pedestal

DEPARTMENT OF SUSTAINABLE
DEVELOPMENT AND CONSTRUCTION
ENGINEERING; SURVEY PLAT REVIEW GROUP
320 E. JEFFERSON BOULEVARD, ROOM 200
DALLAS, TEXAS 75203
FRONT DESK (214)948-4205; FAX (214)948-4211

CITY OF DALLAS

RE: **City Plan File No. S** 195-070 **Addition Name** SKILL-MOCK SUBDIVISION

The Preliminary Plat for the referenced subdivision was approved by the City of Dallas Plan Commission. The next step in the platting process is the submittal of the Final Plat for approval. The Final Plat of the referenced subdivision should conform to the attached Final Plat Review Checklist. As required items are placed on the face of the final plat, a check mark should be placed in the blank corresponding to the item in the applicant column of the checklist. The checklist items not required for your particular plat should be labeled "N/A".

Return a copy of the completed checklist, along with two copies of the Final Plat to:

City of Dallas
Department of Sustainable Development
and Construction
Engineering; Survey Plat Review Group
320 E. Jefferson Blvd, Rm 200
Dallas, Tx 75203

Upon receipt of the plat copies and supporting papers, a staff member will be assigned to review the plat for compliance with the City of Dallas Platting Requirements. Plats that conform to the City of Dallas Platting Requirements will be released for Plan Commission approval and recording, otherwise plats that do not conform will be placed on **"HOLD"**. In this event a copy of the checklist will be returned to the applicant with items that need to be addressed. The **"HOLD"** status will be removed once the required additions and/or corrections are made.

Please submit two copies of the corrected plat, along with the completed checklist to the Survey Plat Review Group at the above address. The plat will then be scheduled for final review. In the event all of the requirements listed on the checklist are suitably addressed the final plat will be released. The Staff Member whose name is listed below is the Survey Division contact for all matters concerning this final plat.

SPRG STAFF CONTACT Julio Delgado

PH NO. 214.948.5377 **EMAIL ADDRESS** juliodelgado@dallascityhall.com

attachment: Final Plat Checklist
cc: Survey File

CITY OF DALLAS

Department of Sustainable Development and Construction- Engineering Division; Survey Plat Review Group "SPRG"

FINAL PLAT REVIEW CHECKLIST

CITY FILE NO.: S145-070

SUBDIVISION NAME: _____

GENERAL REQUIREMENTS

	APPLI-CANT	CITY STAFF	
1.	____	____	SIZE OF PLAT SHOULD BE 24" X 36" OR 24"X 30".
2	____	____	PLAT MUST BE LEGIBLE.
3.	____	____	TEXT HEIGHT NOT LESS THAN 10 CHARACTERS PER INCH (LEGAL DESCRIPTION, NOTES, CERTIFICATIONS, ETC.)
4.	____	____	SCALE OF 1" = 30', OR LARGEST PRACTICAL SCALE , NO SMALLER THAN 1" = 60'
5.	____	____	NORTH ARROW AND GRAPHIC SCALE ON PLAT
6.	____	____	VICINITY MAP SHOWING: • ALL THOROUGHFARES AND EXISTING STREETS BOUNDED BY THE TWO NEAREST INTERSECTING MAJOR THOROUGHFARES. • NORTH ARROW ON VICINITY MAP • SCALE IF ANY, OR THE STATEMENT "NOT TO SCALE". • (MAP SCALE MUST BE AT LEAST EQUAL TO 1" = 2000')
7.	____	____	NAME AND ADDRESS OF: • SURVEYOR AND/OR ENGINEERING FIRM, • ALL OWNERS, AND/OR DEVELOPER.
8.	____	____	LEGEND INDICATING SYMBOLS USED ON PLAT. LEGEND SHOULD INCLUDE ONLY THOSE SYMBOLS ACTUALLY APPEARING ON THE PLAT.
9.	____	____	DO NOT SHOW TOPOGRAPHIC FEATURES (I.E. CONTOUR LINES, UTILITIES, PARKING AREAS, TREES, SHRUBS, FENCES, PAVING, BUILDING AND STRUCTURES, ETC.)

10. ____ ____ GENERAL NOTES:

- LOT TO LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.

11. ____ ____ ADDRESS ALL APPROPRIATE CITY PLAN COMMISSION LETTER COMMENTS (ADDED EASEMENTS, ETC.).

BOUNDARY REQUIREMENTS

12. ____ ____ BOUNDARY DRAWING DIMENSIONS MUST AGREE WITH LEGAL DESCRIPTION DIMENSIONS INCLUDING:

- POINT OF COMMENCING (IF APPLICABLE)
- POINT OF BEGINNING
- BEARINGS & DISTANCES
- CURVE DATA TO INCLUDE:
    a. DIRECTION TO THE RIGHT OR LEFT
    b. DELTA ANGLE
    c. RADIUS
    d. CHORD BEARING FROM THE BEGINNING OF THE CURVE
    e. CHORD LENGTH
    f. ARC LENGTH
    g. WHETHER CURVE IS TANGENT OR NON-TANGENT

13. ____ ____ BOUNDARY OF AREA BEING PLATTED SHOULD BE OUTLINED WITH A HEAVY SOLID BOLD LINE; ALL OTHER LOT LINES, AND AJOINING PROPERTY OR LOT LINES SHOULD BE A SOLID THIN LINE.

14. ____ ____ DASH IN OLD LOT LINES AND GHOST IN OLD LOT NUMBERS, TRACT LINES, TRACT NUMBERS, ETC.

15. ____ ____ LABEL EACH CITY BLOCK, LOT AND/OR TRACT NUMBERS.

16. ____ ____ LABEL AREA (SQUARE FOOTAGE AND ACREAGE) OF EACH LOT; CENTERED ON LOT OR IN TABLE.

17. ____ ____ SHOW AND LABEL BABSTRACT LINE'S WITHIN 150'

18. ____ ____ SHOW AND LABEL ESTBLISHED CENTERLINE OF ADJOINING STREET

19. ____ ____ LABEL EXISTING ADDITIONS WITH VOLUME AND PAGE AND SOURCE OF RECORD (D.R.D.C.T, D.R.C.C.T. OR OTHER CONTIGUOUS COUNTIES WITHIN DALLAS CITY LIMIT)

20. ____ ____ STATE A BASIS OF BEARING FOR PLAT ON DRAWING.

(SAMPLE STATEMENT)

BASIS OF BEARING IS THE NORTH LINE OF FRENZY ROAD (INSERT RECORDED BEARING, I.E. BEING NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST) AS

RECORDED IN VOLUME 88327, PAGE 0235, DEED RECORDS OF DALLAS COUNTY, TEXAS.

Please, submit closure include whole Boundary of Plat

21. ____ ____ SUBMIT A GEOMETRIC CLOSURE FOR THE BOUNDARY OF THE AREA BEING PLATTED (THIS IS REQUIRED IN THE FINAL PLAT FILE PRIOR TO RELEASE, ATTACH TO SUBMITTAL):

- INCLUDE BEARINGS AND DISTANCES
- CURVE DATA TO INCLUDE:
  - h. DIRECTION TO THE RIGHT OR LEFT
  - i. DELTA ANGLE
  - j. RADIUS
  - k. CHORD BEARING FROM THE BEGINNING OF THE CURVE
  - l. CHORD LENGTH
  - m. ARC LENGTH
- PRECISION OF BOUNDARY CLOSURE (MINIMUM 1:15,000)

22. ____ 1 ____ PROVIDE DOCUMENTATION TO SUPPORT EXISTING STREET RIGHT-OF WAY WIDTH (I.E. FILE RESEARCH; SEPARATE INSTRUMENT, PLAT, COUNTY R.O.W. MAP) AND SHOW HOW THE ADJOINING RIGHT OF WAY(S) WERE CREATED (DEDICATION, EASEMENT, ETC.) WITH RECORDING INFORMATION. THE SURVEY RECORDS VAULT IN ROOM 314 OF THE OAK CLIFF MUNICIPAL CENTER IS A VALUABLE SOURCE OF THIS DATA.

23. ____ 1 ____ AREA WITHIN 150 FEET OF THE PERIMETER OF PLATTED BOUNDARY MUST BE DETAILED:

- SHOW ADDITION NAME(S)
- PROPERTY OWNER NAME(S) ON UNPLATTED LOTS OR LOTS THAT HAVE PORTIONS SOLD OFF.
- SHOW LOTS AND BLOCKS, OR TRACTS, LABEL WITH APPROPRIATE NUMBERS.
- SHOW VOLUME AND PAGE, AND SOURCE OF RECORD (D.R.D.C.T., ETC.).
- SHOW WIDTHS OF STREETS, ALLEYS, AND EXISTING EASEMENTS LEGIBLY. LABEL VOLUME AND PAGE AND SOURCE OF RECORD. ADD DISTANCE TIES ACROSS R.O.W. AT VARIABLE WIDTH R.O.W.
- OTHER PERTINENT DATA
- SHOW DISTANCES WITHIN 150 FEET ON ADJOINERS FOR LOT OR TRACT LINES TAKEN FROM DEEDS, PLATS, AND BLOCK MAP RESEARCH.

24. ____ N/A ____ EXISTING BUILDINGS MAY NOT EXTEND ACROSS PROPOSED PROPERTY LINES (PLAT BOUNDARY OR LOT LINES). PROVIDE SEPARATE DETAIL FOR EACH EXISTING BUILDING WITHIN 5 FEET OF PROPOSED PLATTED PROPERTY LINE.

MONUMENTATION REQUIREMENTS

25. ____ 1 ____ ALL MONUMENTATION MUST BE LABELED AND DESCRIBED IN FULL ON

Please see attached for Mon. Verification

DRAWING AND LEGAL DESCRIPTION. (LEGEND MAY BE USED TO COMPLY WITH THIS REQUIREMENT).

26. ____ 1 ____ COMPLIANCE WITH MONUMENTATION STANDARDS AS SET FORTH IN CITY OF DALLAS ORDINANCE NO. 19455 SEC. 51A-8.617

27. ____ 1 ____ LABEL AT LEAST TWO FOUND CONTROLLING MONUMENTS ON PLAT. SET MONUMENTS WILL NOT BE ALLOWED AS CONTROL MONUMENTS.

27. **EASEMENT REQUIREMENTS**

(THE SURVEY RECORDS VAULT IN ROOM 314 OF THE OAKCLIFF MUNICIPAL CENTER IS A VALUABLE SOURCE OF THIS DATA)

28. ____ 1 ____ LABEL EXISTING EASEMENTS:

- LABEL TYPE OF EASEMENT, LABEL VOLUME AND PAGE, AND LABEL EASEMENT RECORDING DATA (D.R.D.C.T., ETC.)

29. ____ 1 ____ EASEMENTS CREATED BY THIS PLAT MUST BE LABELED AS TO TYPE, AND LOCATED WITH BEARINGS AND DISTANCES AND TIED TO A PLAT OR LOT CORNER ON PLAT, IF DEDICATED BY PLAT MUST BE LABELED "BY THIS PLAT", IF DEDICATED BY SEPARATE INSTRUMENT SHOW VOLUME AND PAGE AND SOURCE OF RECORD.

30. ____ N/A ____ AREAS TO BE ABANDONED WITHIN THE PLATTED AREA MUST BE PROCESSED BY SEPARATE DOCUMENT AND RECORDING DATA AND/OR ORDINANCE NUMBERS MUST BE NOTED ON PLAT PRIOR TO APPROVAL.

31. ____ N/A ____ LABEL ABANDONED EASEMENTS, RIGHT-OF-WAYS, ALLEYS, ETC., ABANDONED SINCE LAST PLAT OF AREA, TO INCLUDE:

- ORDINANCE NUMBER AND/OR RECORDING DATA, MUST BE SHOWN PRIOR TO RELEASE
- WIDTH

TYPICAL REQUIREMENTS

32. ____ ____ **TITLE BLOCK (USE THE FOLLOWING SEQUENCE FOR LAYOUT; 1-6)**

- LOCATED AT LOWER RIGHT HAND CORNER
- (1) CHANGE TITLE FROM PRELIMINARY PLAT TO **FINAL PLAT**
- (2) **ADDITION NAME** (PLUS PHASE NUMBER, SECTION NO., OR INSTALLMENT NO. IF NEEDED). THERE CAN BE NO DUPICATION OF (OR CLOSELY SIMILAR TO) ANY EXISTING SUBDIVISION NAME (THE SURVEY RECORDS VAULT IN ROOM 314 OF THE OAKCLIFF MUNICIPAL CENTER IS A VALUABLE SOURCE OF THIS DATA). ADDITION NAMES CANNOT BEGIN WITH THE WORDS "THE" OR "REPLAT" OR A NUMBER (I.E. THE BRYAN PLACE ADDITION, REPLAT OF BRYAN PLACE ADDITION, OR 2116 BRYAN PLACE ADDITION). DO NOT USE ROMAN NUMERALS OR & SYMBOL (I.E. NO. 2 OR AND). ADDITION NAME MUST MATCH OWNER'S DEDICATION.
- (3) **LOT** 000 (A NUMBER), **BLOCK** 0000 (A NUMBER), (I.E. LOTS 1-12, BLOCK A/6582). CHECK LOT NO., AND BLOCK NO. FROM LETTER PROVIDED (A CONTACT IS BOBBY SELF AT 214-948-4586). ***SUBMIT COPY OF LETTER FROM BOBBY SELF WITH SUBMITTAL.***

SAMPLE:

FINAL PLAT
JEFF CONROW NO. 3 ADDITION
LOTS 1A-4A, 1B-4B, AND 5A, BLOCK H/7884
A REPLAT OF LOTS 16 AND 17, BLOCK
H/7884, BILL FOLD ADDITION
IKE THOMPSON SURVEY, ABSTRACT NO. 153
CITY OF DALLAS, DALLAS COUNTY, TEXAS

- REFERENCE SOURCE (I.E. REPLAT OF LOT 00, BLOCK 000, OF THE SNARLEY ADDITION)
- (4) **SURVEY AND ABSTRACT NO.** (I.E. JAMES WINSLOW SURVEY, ABSTRACT NO. 000)
- (5) **CITY OF DALLAS, DALLAS COUNTY, TEXAS** (OR APPROPRIATE COUNTY), MUST BE ON PLAT
- (6) **CITY PLAN FILE NUMBER** (ISSUED WITH SUBDIVISION APPLICATION, I.E. S056-257).

33. _____ _____ **OWNER'S CERTIFICATE** (LABEL HEADING: OWNER'S CERTIFICATE)

- LABEL: **COUNTY OF DALLAS)(**, (OR APPROPRIATE COUNTY)
- LABEL: **STATE OF TEXAS)(**
- OWNERS NAME (MUST MATCH DEED EXACTLY)

34. _____ _____ **LEGAL DESCRIPTION**

GENERAL DESCRIPTION:

- DEED FOR CURRENT OWNER REFERENCED WITH COMPLETE RECORDING INFORMATION IN GENERAL DESCRIPTION OF LEGAL, A COPY OF THE RECORDED DEED/DEEDS MUST BE FURNISHED FOR PLATTED PROPERTY. ATTACH TO SUBMITTAL.
- REFERENCE:
  - SURVEY, ABSTRACT NO.
  - TRACT INFORMATION
  - PRIOR ADDITION NAME, INCLUDE SUBJECT LOT AND BLOCK, WITH VOLUME AND PAGE, OR PREVIOUS OWNERS AND DEEDS OF REFERENCE, WITH VOLUME AND PAGE, AND COUNTY RECORD LOCATION.
  - IF THE PRIOR PLAT WAS DEDICATED TO A COUNTY OR ANOTHER CITY AND ANNEXED INTO THE CITY OF DALLAS, SHOW DATE OF ANNEXATION AND ORDINANCE NUMBER. THE SURVEY VAULT IN ROOM 318 HAS THIS INFORMATION.

Please, described property as a whole including Part of Easement 1636/192

SPECIFIC DESCRIPTION:

- POINT OF COMMENCING (IF APPLICABLE)
- POINT OF BEGINNING
- COMMENCE OR BEGIN AT A STREET INTERSECTION, RECORDED ADDITION CORNER, OR LOT CORNER OF A RECORDED ADDITION.
- PROVIDE BEARINGS AND DISTANCES (BEARINGS TO SECONDS, DISTANCES TO HUNDREDTHS), AND CURVE DATA TO INCLUDE:
  - i. DIRECTION TO THE RIGHT OR LEFT
  - ii. CENTRAL ANGLE
  - iii. RADIUS
  - iv. CHORD BEARING FROM THE BEGINNING OF THE CURVE
  - v. CHORD LENGTH
  - vi. ARC LENGTH

REFERENCE ADJOINER CALLS AROUND PLAT BOUNDARY WITH RECORDING INFORMATION AND SOURCE OF RECORDATION.

CITY BLOCK LINES ARE NOT CONSIDERED AS ADJOINERS.

- COMPLETE MONUMENTATION DESCRIPTIONS (EXAMPLE: TO A 3 INCH METALLIC DISK STAMPED TRUEHEART ADDN., R.P.L.S. 0000 ON 5/8 INCH IRON ROD SET).
- CONCLUDE LISTING SQUARE FOOTAGE AND ACREAGE OF PLATTED AREA, I.E. AND CONTAINING 43,560 SQUARE FEET OR 1.000 ACRES OF LAND (SQUARE FEET TO WHOLE FOOT, AND ACREAGE TO THOUSANDTHS).

35. ____ ____ **OWNER'S DEDICATION** (LABEL HEADING: OWNER'S DEDICATION)

- NAME OF ADDITION IN DEDICATION MUST BE IN **BOLD TYPE**
- VARIABLE TYPES OF DEDICATION STATEMENTS USED BUT ALL OF A STANDARD FORM; CORPORATE OWNER, PRIVATE OWNER, PRIVATE STREETS, SHARED ACCESS AREA
- IF USING CORPORATE DEDICATION, PLACE AUTHORIZED AGENTS BUSINESS TITLE UNDER THE REPRESENTATIVES NAME, I.E. VICE PRESIDENT, OWNER, ETC.

Please, use standard Dedication statement, see attached.

36. ____ ____ **THE FOLLOWING STATEMENT WILL BE USED FOR THE THE SURVEYOR'S CERTIFICATE ON THE RECORDED FINAL PLAT:**

"SURVEYOR'S STATEMENT:

I, _____, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance no. 19455, as amended) , and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the_____ day of _____, 20__

(Signature)

(Surveyor's Typed Name)
Texas Registered Professional Land Surveyor No. _____"

37. ____ ____ **NOTARY STATEMENTS FOR ALL SIGNING PARTIES**

- OWNER/OWNERS, OWNER'S AGENT
- LAND SURVEYOR

38. ____ N/A **FLOODWAY REQUIREMENTS, ETC.** (FOR PLATS IN FLOODPLAIN, ETC.)

- AREA MUST MEET A MINIMUM CLOSURE STANDARD OF 1 IN 5000
- "NOTWITHSTANDING" PARAGRAPH WILL BE NEEDED IN DEDICATION

- STANDARD TYPE OF FLOODWAY STATEMENT; FLOODWAY MANAGEMENT AREA, FLOODWAY EASEMENT, AND/OR FLOODWAY EASEMENT WITHIN COMMON AREA
- FLOODWAY EASEMENTS MUST BE MONUMENTED WITH FLOODWAY MARKERS, PER FILE NO. 424-109.
- FLOODWAY MANAGEMENT AREA MUST BE MONUMENTED.
- ESCARPMENT ZONES MUST BE MONUMENTED.
- DETENTION AREA EASEMENTS MUST BE MONUMENTED.
- CONSERVATION EASEMENTS MUST BE MONUMENTED.
- REQUIRED MONUMENTATION SHALL BE SET AT ALL EASEMENT CORNER'S (POINT OF CURVE, POINT OF TANGENCY AND POINT OF INTERSECTION), TO BE SHOWN ON THE PLAT DRAWING [ORDINANCE; SECTION 51A-8.617 (d)].

39. ____ N/A ____ **SHARED ACCESS AREA** (FOR SHARED ACCESS DEVELOPMENTS ONLY)

- A METES AND BOUNDS DESCRIPTION TRAVERSING THE PERIMETER OF THE SHARED ACCESS AREA WILL BE PREPARED AND FILED AS AN EXHIBIT TO THE SHARED ACCESS AREA DOCUMENT (A CONTACT IS ASST. CITY ATTORNEY TAMMY PALOMINO AT 214-670-4268.)
- SHOW VOLUME AND PAGE OF FILED SHARED ACCESS AREA DOCUMENT ON PLAT.
- THE OWNER'S DEDICATION SPECIFIC TO SHARED ACCESS AREA WILL BE USED FOR THE PLAT.
- "NOTWITHSTANDING" PARAGRAPH WILL BE NEEDED IN DEDICATION
- SHARED ACCESS AREA EASEMENT STATEMENT ON PLAT.

40. ____ 1 ____ **LIEN HOLDER'S SUBORDINATION** (FOR DEED WITH VENDOR'S LIEN)

- USE THE LIEN HOLDER'S SUBORDINATION AGREEMENT

THIS COMPLETED AND SIGNED LIST MUST ACCOMPANY THE FINAL PLAT SUBMITTAL. COMPLETE ALL APPLICABLE ITEMS. PLACE A CHECK MARK IN THE SPACE LABELED "APPLICANT". ITEMS THAT ARE NOT APPLICABLE TO YOUR SITUATION SHOULD BE LABELED "N/A". THE CITY SURVEYOR RESERVES THE RIGHT TO MAKE ADDITIONAL COMMENTS.

ADDITIONAL COMMENTS:

I understand and agree that the City Staff Surveyor will require that the final plat be resubmitted for review and if it is determined that this checklist contained incorrect information.
By review of this plat, this Department does not assume any liability for this plat nor does this review releases the surveyor of the record from her/his responsibilities as a surveyor set forth by the Texas Board of Professional Land Surveying.

Signature: _____ Date: _____

Printed Name: _____

PLAT MUST MEET ALL STANDARDS SET FORTH IN **ORDINANCE NO., 19455, PLAT REGULATIONS, 51A-8.100**

COPY OF ORDINANCE MAY BE OBTAINED AT:

CITY SECRETARY'S OFFICE

CITY HALL, 5D SOUTH

1500 MARILLA STREET

DALLAS, TEXAS 75201

(REVISED 09/02/2010)

EXAMPLE

Corporate Owner Dedication Sample

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That **(Owner's name, must match deed exactly)**, acting by and through its duly authorized agent, **(You may place agents name here)** does hereby adopt this plat, designating the herein described property as **(Addition name, in bold type)** an addition to the City of Dallas, Dallas County, Texas, **(or appropriate county)** , and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Dallas.

WITNESS, my hand at Dallas, Texas, this the _____ day of,_____, 20__ .

By: _____

(Printed name of authorized signature)
(Corporate title of authorized agent)

SEC. 51A-8.615. NONSTANDARD MATERIALS.

(a) Generally. Nonstandard materials may be used in the public right-of-way for paving, parkway, sidewalk, driveway, and other street enhancement if the criteria in this section are met.

(b) Plans. Plans indicating the nonstandard materials must be approved by the director of public works.

(c) Samples. Samples of each material used for a walking or traveling surface in the public right-of-way must be submitted to and approved by the director of public works.

(d) Standards. All street paving, sidewalk, driveway, curb, and gutter construction must conform to the Standard Construction Details and the Standard Specifications for Public Works Construction of the department of public works.

(e) Sidewalks. Sidewalks must be designed barrier-free to the handicapped.

(f) Landscaping. Proposed landscaping in the public right-of- way must conform to the park and recreation beautification plan or be approved by the director of public works, and must not interfere with utilities or any authorized use of the public right-of-way.

(g) Central business district. If the proposed plat is within the central business district, the nonstandard materials must meet all provisions of the Dallas Central Business District Pedestrian Facilities Plan Update.

(h) Written approval. Written approval must be obtained from the director of public works before any work is done.

(i) Liability. The responsibility and liability for all claims or damages resulting from injury or loss due to the use or presence of nonstandard work or materials is governed by Sections 43-33 and 43- 34 of the Dallas City Code, as amended, and no liability is assumed by the city for approving plans including nonstandard materials.

(j) Agreements required. A written agreement must be executed between the owner of the property to be platted and the city for the use of nonstandard materials in the public right-of-way. The agreement must be executed before the construction of any improvement consisting of nonstandard materials. If the nonstandard material is to be located in a street or alley, or is otherwise intended for vehicular travel, a covenant agreement is required which provides a plan of perpetual maintenance at no cost to the city. If the nonstandard material is for a driveway, a sidewalk, or for another surface outside of the area between street curbs, or is not intended for vehicular travel, a written agreement is required between the owner of the property to be platted and the city. The owner is responsible for securing all required sidewalk, driveway, or street cut permits.

(k) Maintenance of nonstandard material in public rights-of-way. All improvements in the public rights-of-way exist at the pleasure of the city and must be maintained to the satisfaction of the city. The owner of the property to be platted is responsible for all maintenance and replacement of nonstandard materials and all preparatory work, including subgrade and base maintenance and replacement necessary due to work performed by the city or utility companies in the discharge of their responsibilities. Failure to maintain and replace defective nonstandard materials and workmanship constitutes just cause for the city to remove any portion or all of the nonstandard work and replace it with standard materials. (Ord. Nos. 20092; 23384; 28424)

SEC. 51A-8.616. RESERVED.

(Ord. 23384)

SEC. 51A-8.617. MONUMENTATION.

(a) Minimum monumentation standards.

(1) At all angle points, points of curve, and points of tangency on the perimeter of the platted boundary, a minimum three inch metallic cap disc must be affixed to a metal pipe or rod and stamped with the addition name and the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(2) At all block corners, a minimum two inch metallic cap must be affixed to a metal pipe or rod. The cap must be stamped with the block number and registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(3) At all lot corners, points of curve, and points of tangency of curves, a minimum 1/2-inch diameter metal pipe or rod is required with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(4) All monuments installed must contain a cap or disc imprinted with the addition name, if required, and the registration number of the surveyor or the name of the engineering or surveying firm that prepared the plat. In locations where such monuments cannot be installed, alternate types of monuments may be installed with the prior approval of the chief city surveyor. A request for alternate monumentation must be made in writing by the surveyor of record, and must include the City Plan File Number and the reason for the alternate monumentation request.

(5) Any points of monumentation that can not be set at the designated place must be referenced with sufficient witness monumentation.

(b) Placement of a monument on the boundary of property being platted in which no areas are to be dedicated to the public.

(1) Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency.

(2) The size, shape, and substance of monuments found or installed on the perimeter of the platted boundary must be described on the drawing and in the owner's certificate of the submitted plat.

(c) Placement of monuments on and within the boundary of property being platted in which areas are to be dedicated to the public. Monuments must be installed on the boundary of such property being platted at all corners, angle points, and points of curvature and tangency, except those points falling within areas to be dedicated. In areas to be dedicated, all points on new right-of-way lines must be monumented. Monuments must be installed within the boundary of such property being platted at the following points:

(1) All corners of parks, squares, or other portions intended for public use.

(2) All block corners.

(3) On the right-of-way lines of all alleys and public and private streets at all points of intersections, angle points, and points of curvature and tangency.

(d) Placement of monuments on floodways, conservation easement areas, and escarpment lines.

(1) Monuments must be installed on each lot line and boundary line where these lines are intersected by or tangent with a floodway management area, floodway easement, conservation easement area, or the escarpment zone.

(2) Monuments for floodway management areas, floodway easements, and detention areas must be installed at all angle points and points of curvature or tangency.

(3) Floodway management areas, detention areas, escarpment zones, and conservation easement areas must be monumented with a minimum 1/2-inch iron rod with a cap stamped with the registered professional land surveyor number of the surveyor of record, or the name of the surveying company.

(4) Floodway easement areas must be monumented in accordance with the dimensions and specifications set forth under City File No. 424-109.

(e) Registered Professional Land Surveyor's certificate. The final plat of the area being platted must contain a certificate that the land being platted was surveyed under the supervision of a registered professional land surveyor. The certificate must contain the registered professional land surveyor's name and registration number, and must be sworn to before a notary public.

(f) Monument verification. After required monumentation has been set, a letter stating this must be sent to the chief city surveyor, for field inspection and verification of the platted property. The letter must be from the surveyor of record and must include the City Plan File Number and the addition name. (Ord. Nos. 20092; 23384; 24843)

SEC. 51A-8.618. TRAFFIC BARRIERS.

(a) When required. For all property being platted with identifiable single family, duplex, or townhouse components that front on both an arterial and a public or private street or alley, traffic barriers must be constructed that separate the property from the arterial. See Section 51A-8.507 (b)(6) for alley requirements.

(b) Easement. The owner must dedicate an exclusive barrier easement along the lots or alleys perimeter to the thoroughfare depending on who will maintain the barrier. Barrier easements must have a minimum width of three feet. If a screening wall serves as a traffic barrier, maintenance of the wall is the responsibility of each individual owner abutting the easement or the homeowners' association.

(c) Design. The design and construction of traffic barriers must be approved by the director. If concrete is used for traffic barriers, it must be reinforced and have a minimum compressive strength of 3000 pounds per square inch at 28 days test. The traffic barrier must be at least 24 inches in height. All traffic barriers must be maintained by the property owner or a homeowners association.

(d) Timing of construction. All traffic barriers required by this article must be constructed concurrently with the adjoining street or, if the thoroughfare is already constructed or is not to be constructed with the subdivision infrastructure, before the issuance of a certificate of occupancy or utility connection for any structure within the boundaries of the plat.

(e) Acceptance of construction. All traffic barriers must be constructed under a private development contract in accordance with Section 51A-8.612. If a screening wall serves as a traffic barrier, it must be designed by an engineer and approved by the director.

(f) Maintenance and repair. Each adjacent property owner is responsible for simple routine maintenance and cleaning of all barriers to which his property is adjacent. The city of Dallas is responsible for any major maintenance and repair work necessary for the traffic barrier if the city has accepted it for maintenance. Any other type of traffic barriers is the responsibility of the homeowners' association or the owner. (Ord. Nos. 20092; 21186; 23384; 25047; 28073)

SEC. 51A-8.619. SCREENING WALLS.

If the screening wall serves as a traffic barrier, it must meet the standards of Section 51A-8.618. (Ord. Nos. 20092; 23384)

SEC. 51A-8.620. RETAINING WALLS.

All retaining walls located on private property along public rights-of-way or easements must be constructed of reinforced concrete or other materials determined to be sufficiently durable by the

July 21, 2015

To Whom It May Concern:
City of Dallas

RE: Skill-Mock Subdivision
Lots 1 & 2, Block F/2953

I am familiar with the development project known as Skill-Mock Subdivision Lots 1 & 2, Block F/2953 and its intended use as an emergency medical facility. I am also familiar with the prior uses of the subject property which consisted of two service stations. I am familiar with and have analyzed the infrastructure impact of both uses.

The original use of this property was gasoline sales / minor mechanical repairs and a car wash. The Institute of Transportation Engineers Common Trip Generator, 8th Edition, states that the previous usage would have been a combination of the following categories: # 941 Quick Lube, #944 Gas Sales, #945 Service Station with Convenience store, and #946 Gasoline sales and Carwash

The 2 business previously operating on this tract were a service station with 4 fueling stations plus a 3,000 sf building with 4 service bays; the other business was a convenience store/carwash with approximately 8 fueling stations. This information is based on Arial maps from NTCOG. Based on these usages the PM peak in and out would have been approximately as follows:

	PM Peak Hour
4 Service bays	11 in 9 out
4 Fueling Stations	28 in 28 out
8 Fueling stations/Conv. Store/carwash	54 in 54 out
Total	93 in 91 out*

*These numbers are based on the PM Peak Hour of Traffic for both businesses. See Attached Trip Generator Reports

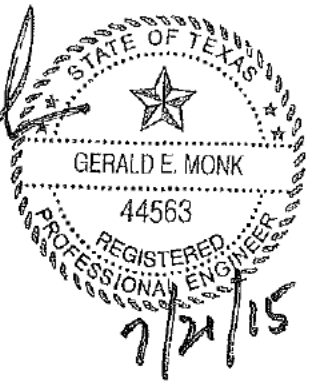
Based on information forwarded to me, similar projects, Highland Park ER and Preston Hollow ER are each averaging between 15-20 patients per day (keep in mind open for business 24 hours a day). They will probably run 3 - 8-hour shifts or 2 - 12-hour shifts per day – with about 5 employees on staff per shift. The doctor will usually be there for 24-hours.

It is also my opinion, based on the City of Dallas water and sewer maps, that there are adequate city services present for the new usage. At present there are 12" water lines in Skillman and in Mockingbird. There is also a fire hydrant on the corner of Skillman and Mockingbird on this tract's SW corner. There is also an 8" sanitary sewer in the alley at the rear of this tract. Based on the old surveys of the removed building, there were 3 sewer connections and 3 water meters serving the businesses. The new services would be less than this.

It is my opinion that the development project's use as an emergency medical facility will not have an impact on the infrastructure of the City of Dallas such that any infrastructure improvements are required or that the 3132 sq. ft. of Right of Way Dedication reflected on the Final Plat of the Skill-Mock Subdivision Lots 16, Block F/2953 is related in nature or extent to the impact of the proposed development.

Sincerely;

Gerald. E. Monk, PE



Instructions:
Enter Numbers into the "Expected Units" in the Corresponding Yellow Column

Trip Generation Rates from the 8th Edition ITE Trip Generation Report

NA: *Not Available*
DU: *Dwelling Unit*
Occ.Room: *Occupied Room*
KSF: *Units of 1,000 square feet*
Fuel Position: *# of vehicles that could be fueled simultaneously*

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out
Waterport/Marine Terminal 010	Berths	171.52	NA	NA	NA		0	NA	NA	NA
Commercial Airport 021	Employees	13.40	0.80	54%	46%		0	0	NA	NA
Commercial Airport 021	Avg Flights/Day	104.73	5.75	56%	44%		0	0	NA	NA
Commercial Airport 021	Com. Flights/Day	122.21	6.88	54%	46%		0	0	NA	NA
General Aviation Airport 022	Employees	14.24	1.03	45%	55%		0	0	NA	NA
General Aviation Airport 022	Avg. Flights/Day	1.97	NA	NA	NA		0	NA	NA	NA
General Aviation Airport 022	Based Aircraft	5.00	0.37	45%	55%		0	0	NA	NA
Truck Terminal 030	Acres	81.90	6.55	43%	57%		0	0	NA	NA
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.62	22%	78%		0	0	NA	NA
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	0.81	28%	72%		0	0	NA	NA
Light Rail Station w/ Park 093	Parking Space	2.51	1.24	58%	42%		0	0	NA	NA
Light Rail Station w/ Park 093	Occ. Spaces	3.91	1.33	58%	42%		0	0	NA	NA
General Light Industrial 110	KSF	6.97	0.97	12%	88%		0	0	NA	NA
General Light Industrial 110	Employees	3.02	0.42	21%	79%		0	0	NA	NA
General Heavy Industrial 120	KSF	1.50	0.66	NA	NA		0	0	NA	NA
General Heavy Industrial 120	Employees	0.82	0.88	NA	NA		0	0	NA	NA
Industrial Park 130	KSF	6.96	0.86	21%	79%		0	0	NA	NA
Industrial Park 130	Employees	3.34	0.46	20%	80%		0	0	NA	NA
Manufacturing 140	KSF	3.82	0.74	36%	64%		0	0	NA	NA
Manufacturing 140	Employees	2.13	0.35	44%	56%		0	0	NA	NA
Warehousing 150	KSF	3.56	0.32	25%	75%		0	0	NA	NA
Warehousing 150	Employees	3.89	0.59	35%	65%		0	0	NA	NA
Mini Warehouse 151	KSF	2.50	0.26	51%	49%		0	0	NA	NA
Mini Warehouse 151	Storage Units	0.25	0.02	NA	NA		0	0	NA	NA
Mini Warehouse 151	Employees	61.90	6.04	52%	48%		0	0	NA	NA
High-Cube Warehouse 152	KSF	1.44	0.10	33%	67%		0	0	NA	NA
High-Cube Warehouse 152	Employees	NA	0.66	35%	65%		0	0	NA	NA
Utilities 170	KSF	NA	0.76	45%	55%		0	0	NA	NA
Utilities 170	Employees	NA	0.76	90%	10%		0	0	NA	NA
Single Family Homes 210	DU	9.57	1.01	63%	37%		0	0	NA	NA
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA
Apartment 220	DU	6.65	0.62	65%	35%		0	0	NA	NA
Apartment 220	Persons	3.31	0.40	NA	NA		0	0	NA	NA
Apartment 220	Vehicles	5.10	0.60	NA	NA		0	0	NA	NA
Low Rise Apartment 221	Occ.DU	6.59	0.58	65%	35%		0	0	NA	NA
High Rise Apartment 222	DU	4.20	0.35	61%	39%		0	0	NA	NA
Mid-Rise Apartment 223	DU	NA	0.39	58%	42%		0	0	NA	NA
Rental Townhouse 224	DU	NA	0.72	51%	49%		0	0	NA	NA
Resd. Condo/Townhouse 230	DU	5.81	0.52	67%	33%		0	0	NA	NA
Resd. Condo/Townhouse 230	Persons	2.49	0.24	67%	33%		0	0	NA	NA
Low Rise Resd. Condo 231	DU	NA	0.78	58%	42%		0	0	NA	NA
High Rise Resd. Condo 232	DU	4.18	0.35	62%	38%		0	0	NA	NA
Luxury Condo/Townhouse 233	Occ. DU	NA	0.55	63%	37%		0	0	NA	NA
Mobile Home Park 240	DU	4.89	0.59	62%	38%		0	0	NA	NA
Mobile Home Park 240	Persons	2.45	0.26	63%	37%		0	0	NA	NA
Retirement Community 250	DU	NA	0.27	56%	44%		0	0	NA	NA
Elderly Housing-Detached 251	DU	3.71	0.27	61%	39%		0	0	NA	NA
Congregate Care Facility 253	Occ.DU	2.15	0.17	56%	44%		0	0	NA	NA
Elderly Housing- Attached 252	Occ.DU	3.48	0.16	60%	40%		0	0	NA	NA
Recreational Homes 260	DU	3.15	0.26	41%	59%		0	0	NA	NA
Residential PUD 270	DU	7.50	0.62	65%	35%		0	0	NA	NA
Hotel 310	Occ. Room	8.92	0.70	49%	51%		0	0	NA	NA
Hotel 310	Rooms	8.17	0.59	53%	47%		0	0	NA	NA
Hotel 310	Employees	14.34	0.80	54%	46%		0	0	NA	NA
All Suites Hotel 311	Occ.Room	6.24	0.55	42%	58%		0	0	NA	NA
All Suites Hotel 311	Rooms	4.90	0.40	45%	55%		0	0	NA	NA

NEXT 2 PAGES ↓

Daycare Center 565	KSF²	79.26	12.46	47%	53%		0	0	NA	NA
Daycare Center 565	Students	4.48	0.82	47%	53%		0	0	NA	NA
Daycare Center 565	Employees	28.13	4.79	47%	53%		0	0	NA	NA
Cemetery 566	Employees	58.09	7.00	33%	67%		0	0	NA	NA
Prison 571	KSF²	NA	2.91	NA	NA		0	0	NA	NA
Prison 571	Employees	NA	0.23	28%	72%		0	0	NA	NA
Library 590	KSF²	56.24	7.30	48%	52%		0	0	NA	NA
Library 590	Employees	52.52	5.40	47%	53%		0	0	NA	NA
Lodge/Fraternal Organization 591	Members	0.29	0.03	NA	NA		0	0	NA	NA
Lodge/Fraternal Organization 591	Employees	46.80	4.05	NA	NA		0	0	NA	NA
Hospital 610	KSF²	16.50	1.14	42%	58%		0	0	NA	NA
Hospital 610	Beds	11.81	1.31	36%	64%		0	0	NA	NA
Hospital 610	Employees	5.20	0.33	31%	69%		0	0	NA	NA
Nursing Home 620	Beds	2.37	0.22	33%	67%		0	0	NA	NA
Nursing Home 620	Employees	4.03	NA	26%	74%		0	NA	NA	NA
Clinic 630	KSF²	31.45	5.18	NA	NA		0	0	NA	NA
Clinic 630	Employees	7.75	1.23	41%	59%		0	0	NA	NA
General Office 710 (Equation)	KSF²	Equation	Equation	17%	83%		0	0	NA	NA
General Office 710	KSF²	11.01	1.49	17%	83%		0	0	NA	NA
Corporate Headquarters 714	KSF²	7.98	1.40	10%	90%		0	0	NA	NA
Corporate Headquarters 714	Employees	7.98	1.40	10%	90%		0	0	NA	NA
Single Tenant Office Bldg 715	KSF²	11.57	1.72	15%	85%		0	0	NA	NA
Single Tenant Office Bldg 715	Employees	3.62	0.50	15%	85%		0	0	NA	NA
Medical Dental Office 720	KSF²	36.13	3.46	27%	73%		0	0	NA	NA
Medical Dental Office 720	Employees	8.91	1.05	34%	66%		0	0	NA	NA
Government Office Building 730	KSF²	68.93	1.21	31%	69%		0	0	NA	NA
Government Office Building 730	Employees	11.95	1.91	74%	26%		0	0	NA	NA
State Motor Vehicles Dept. 731	KSF²	166.02	17.09	NA	NA		0	0	NA	NA
State Motor Vehicles Dept. 731	Employees	44.54	4.58	NA	NA		0	0	NA	NA
US Post Office 732	KSF²	108.19	11.12	51%	49%		0	0	NA	NA
US Post Office 732	Employees	28.32	2.84	51%	49%		0	0	NA	NA
Gov. Office Complex 733	KSF²	27.92	2.85	31%	69%		0	0	NA	NA
Gov. Office Complex 733	Employees	7.75	0.79	31%	69%		0	0	NA	NA
R&D Center 760	KSF²	8.11	1.07	15%	85%		0	0	NA	NA
R&D Center 760	Employees	2.77	0.41	10%	90%		0	0	NA	NA
Building Materials/Lumber 812	KSF²	45.16	4.49	47%	53%		0	0	NA	NA
Building Materials/Lumber 812	Employees	32.12	2.77	51%	49%		0	0	NA	NA
Free-Standing Discount Superstore 813	KSF²	53.13	4.61	49%	51%		0	0	NA	NA
Free-Standing Discount Store 815	KSF²	57.24	5.00	50%	50%		0	0	NA	NA
Free-Standing Discount Store 815	Employees	28.84	3.48	50%	50%		0	0	NA	NA
Hardware/Paint Store 816	KSF²	51.29	4.84	47%	53%		0	0	NA	NA
Hardware/Paint Store 816	Employees	53.21	5.05	NA	NA		0	0	NA	NA
Nursery (Garden Center) 817	KSF²	36.08	3.80	NA	NA		0	0	NA	NA
Nursery (Garden Center) 817	Employees	22.13	1.99	NA	NA		0	0	NA	NA
Nursery (Wholesale) 818	KSF²	39.00	5.17	NA	NA		0	0	NA	NA
Nursery (Wholesale) 818	Employees	23.40	0.47	NA	NA		0	0	NA	NA
Shopping Center 820 (Equation)	KSF²	Equation	Equation	49%	51%		0	0	NA	NA
Shopping Center 820 Rate	KSF²	42.94	3.37	49%	51%		0	0	NA	NA
Factory Outlet Center 823	KSF²	26.59	2.29	47%	53%		0	0	NA	NA
Quality Restaurant 931	KSF²	89.95	7.49	67%	33%		0	0	NA	NA
Quality Restaurant 931	Seats	2.86	0.26	67%	33%		0	0	NA	NA
High Turnover/Sit Down Rest 932	KSF²	127.15	11.15	59%	41%		0	0	NA	NA
High Turnover/Sit Down Rest 932	Seats	4.83	0.41	57%	43%		0	0	NA	NA
Fast Food w/o Drive Thru 933	KSF²	716.00	25.15	51%	49%		0	0	NA	NA
Fast Food w/o Drive Thru 933	Seats	42.12	2.13	64%	36%		0	0	NA	NA
Fast Food w/ Drive Thru 934	KSF²	496.12	33.48	52%	48%		0	0	NA	NA
Fast Food w/ Drive Thru 934	Seats	19.52	0.94	53%	47%		0	0	NA	NA
Drive Thru Only 935	KSF²	NA	153.85	54%	46%		0	0	NA	NA
Drinking Place 925	KSF²	NA	11.34	66%	34%		0	0	NA	NA
Quick Lube Shop 941	Service Bays	40.00	5.16	55%	45%	4.0	160	21	11	9

Automobile Care Center 942	Service Bays	12.48	2.17	NA	NA		0	0	NA	NA
Automobile Care Center 942	KSF[2]	15.86	3.38	50%	50%		0	0	NA	NA
New Car Sales 841	KSF[2]	33.34	2.59	39%	61%		0	0	NA	NA
New Car Sales 841	Employees	21.14	0.96	48%	52%		0	0	NA	NA
Automobile Parts Sales 843	KSF[2]	61.91	5.98	49%	51%		0	0	NA	NA
Gasoline/Service Station 944	Fuel. Position	168.56	13.87	50%	50%	4.0	674	55	28	28
Serv.Station w/ Conven.Mkt 945	Fuel Position	162.78	13.38	50%	50%	8.0	1,302	107	54	54
Serv.Stat.w/Conv.Mkt.&Carwash 946	Fuel Position	152.84	13.94	51%	49%	4.0	611	56	28	27
Self-Service Carwash 947	Stalls	108.00	5.54	51%	49%		0	0	NA	NA
Tire Store 848	Service Bays	NA	3.54	42%	58%		0	0	NA	NA
Tire Store 848	KSF[2]	24.87	4.15	43%	57%		0	0	NA	NA
Wholesale Tire Store 849	Service Bays	30.55	3.17	47%	53%		0	0	NA	NA
Supermarket 850	KSF[2]	102.24	10.50	51%	49%		0	0	NA	NA
Convenien. Mkt. (Open 24 hrs) 851	KSF[2]	737.99	52.41	51%	49%		0	0	NA	NA
Convenien. Mkt. (Open 16 Hrs) 852	KSF[2]	NA	34.57	49%	51%		0	0	NA	NA
Convenien. Mkt w/ Gas Pumps 853	KSF[2]	845.60	59.69	50%	50%		0	0	NA	NA
Discount Supermarket 854	KSF[2]	96.82	8.90	50%	50%		0	0	NA	NA
Wholesale Market 860	KSF[2]	6.73	0.88	53%	47%		0	0	NA	NA
Discount Club 857	KSF[2]	41.80	4.24	50%	50%		0	0	NA	NA
Home Improvement Store 862	KSF[2]	29.80	2.37	48%	52%		0	0	NA	NA
Electronics Superstore 863	KSF[2]	45.04	4.50	49%	51%		0	0	NA	NA
Toy/Children's Superstore 864	KSF[2]	NA	4.99	50%	50%		0	0	NA	NA
Apparel Store 876	KSF[2]	66.40	3.83	50%	50%		0	0	NA	NA
Drugstore w/o Drive-Thru 880	KSF[2]	90.06	8.42	50%	50%		0	0	NA	NA
Drugstore w/ Drive-Thru 881	KSF[2]	88.16	10.35	50%	50%		0	0	NA	NA
Furniture Store 890	KSF[2]	5.06	0.45	48%	52%		0	0	NA	NA
Video Arcade 895	KSF[2]	NA	56.81	52%	48%		0	0	NA	NA
Video Rental Store 896	KSF[2]	NA	31.54	50%	50%		0	0	NA	NA
Walk-in Bank 911	KSF[2]	156.48	12.12	44%	56%		0	0	NA	NA
Drive-in Bank 912	Drive-in Windows	139.25	27.41	49%	51%		0	0	NA	NA
Drive-in Bank 912	KSF[2]	148.15	25.82	50%	50%		0	0	NA	NA

] *

NA: Not Available
DU: Dwelling Unit

KSF[2]: Units of 1,000 square feet
Fuel Position: # of vehicles that could be fueled simultaneously

MONK CONSULTING ENGINEERS, INC.

GERALD E. MONK, P.E.

Firm Registration: F2567

Monk Consulting Engineers, Inc. is a State of Texas Registered Engineering Firm providing engineering services for clients throughout the State of Texas. Monk Consulting Engineers, Inc. has designed structural and civil components for many varied projects. Projects designed included general buildings, industrial facilities, bank facilities, showrooms, 8 story elevator test tower, large retaining walls, subdivisions, retirement communities, as well as elaborate residences. The firm also specializes in providing construction consulting in the form of being the Owner's Representative dealing with all phases of construction. Our firm's combined 52 yrs of expertise in the engineering and construction industry for has prepared us to provide this service.

Our firm can provide the following services:

- Civil Engineering
- Structural Engineering
- Land Planning
- Cost Evaluations
- Value Engineering

Gerald E. Monk, P.E.

State of Texas Professional Engineers License # 44563

Education:

Garland Independent Schools grades 1-12
Texas Tech University, Lubbock, Texas: Bachelor of Science in Civil Engineering 1972
Continuing Education: 15 hrs minimum per year since 2003

Professional Experience:

Monk Consulting Engineers, Inc., 2004 – Present:
Incorporated in 2004
Licensed to Provide Engineering Services in State of Texas

Gerald E. Monk, P.E., Consulting Engineer, 1993 – 2004
Provided engineering services for clients located throughout the State of Texas. Mr. Monk designs civil and structural components for commercial, industrial, and residential projects. Also serves as a consultant to the construction industry for owners and architects providing engineering as well as construction expertise for many varied projects.

Gray-Bilt Construction Company 1976-1994: Worked as part owner and engineer for family owned design build construction business. Commercial, residential and industrial projects ranged in size up to 8 million dollars. Served as President of the corporation (1990-94) and operated all facets of the firm. Company sold in 1994.

State of Texas Professional Engineer: Became a registered Professional Engineer in 1976

Texas Utilities, 1972-1976: Worked as a structural engineer for design in the Power Plant Design Office. Designs include foundations, structural components for turbine-generator facilities, building design, fuel oil dikes and fuel oil tank foundations, roads, sound barriers, and transmission tower design.

Volunteer:

Served on various committees for the Association of General Contractors 1985-93 Association of General Contractors
Served on the Board 1989-96 First Methodist Church of Richardson
Sunday School Teacher 15 years
Facilities Chairman for FUMC Richardson
1990-95, 2004-06 Pastor-Parish Committee
2002-04 Board of Trustees
Bible Study Fellowship, 6 years
Exchange Club of Garland

Professional Associations:

Mechanical and Plumbing Board, City of Garland
City of Garland 1St Street Improvement Committee
Member American Society of Civil Engineers since 1980
Member National Society of Professional Engineers since 1977
Member Portland Cement Association
Member Structural Engineering Institute
Member Post Tension Institute

Recent Project List

Winters Park Nursing Home, Garland, TX
Assisted Living Complex, Approx. 74,000 SF
Provided Civil Engineering for a 7 acre site

Amaranth @ 544, Lewisville, TX
Multi Purpose Complex, Approx. 174,000 SF
Provided Civil for a 21 acre site and
Structural Engineering

Best & Hicks Law, Garland, TX
Office Building, Approx. 17,500 SF
Provided Civil for a 15 acre site and
Structural Engineering

Wylie Church of Christ, Wylie, Texas
Building Addition, Approx. 16,000 SF
Provided Civil Engineering on a 3 acre site

Barnyard Day Care, Forney, TX
Day Care Facility, Approx. 13,500 SF
Provided Civil Engineering on a 2.6 acre site
and Structural Engineering

Patel Law Office, Richardson, TX
2 Story Office Building, Approx. 6,000 SF
Provided Civil Engineering on a .4 acre site
and Structural Engineering

Creekbranch, Richardson, TX
Designed 57 lot Residential Subdivision
Provided Civil Engineering on a 17 site

Beverly Drive, Highland Park, TX
Storm Improvements
Provided Civil Engineering

Old Town General Store, Garland, TX
Convenient Store 4,000 SF Office 6,000 SF
Provided Civil Engineering on 2 acre site
and Structural Engineering

Lexington, Highland Park, TX
Addition to Residence, Approx. 8,000 SF
Provided Structural Engineering

Parnian Addition, Dallas, TX
Auto Repair, Approx. 1,200 SF
Provided Civil Engineering on a 1 acre site
and Structural Engineering
Sports Authority, Dallas, TX
Raised Roof Addition, Approx. 56, 000 SF
Provided Structural Engineering

Novatech Corp, Dallas, TX
Warehouse, Approx. 20,000 SF
Provided Civil Engineering on a 3 acre site
and Structural Engineering

Pilar Funeral Home, Garland, TX
Funeral Home, Approx. 4,900 SF
Provided Civil on a 1 acre site and
Structural Engineering

Mallard Creek Estates, Hunt County
Residential Subdivision with 16 lots
Provided Civil Engineering on 24 acres

Barnyard Day Care, Mesquite, TX
Day Care Facility, Approx. 14,000 SF
Provided Civil Engineering on a 2 acre site
and Structural Engineering

Thomas Developments, Addison, TX
Office Building 15,000 SF, Car lot 18,000 SF
Provided Engineering on a 2 acre site and
Structural Engineering

Falcon Ridge, Rowlett, TX
Residential Subdivision with 33 lots
Provided Civil Engineering on a 13 acre site

Davenport Meadows, Dallas, TX
Residential zero lot line
Subdivision with 42 lots
Provided Civil Engineering on a 3.6 acre site

Fossil Creek Plaza, Denison, TX
Retail Building, Approx. 9, 000 SF
Provided Civil Engineering on a 1 acre site
and Structural Engineering

Drainage System for Belmont, Lexington
Streets
Highland Park, Texas
Provided Civil Engineering

Denton Creek Nursing Home, Coppell, TX
Nursing Home, Approx. 52,000 SF
Provided Civil Engineering on a 6 acre site

Sneed Building, Mesquite, TX
Retail and storage Building
Approx. 12,000 SF Provided Civil Engineering on a 1.7 acre site

Irving Nursing and Rehab Center
Nursing Home, Approx. 48,000 SF
Redevelopment of an existing site
Provided Civil Engineering on a 8 acre site

City of Murphy, TX
Murphy City Park
RR/Concession Building
Structural

City of Sachse, TX
Amphitheatre
Structural for Amphitheatre Roof cantilevered System

City of Forney
Economic Development Offices
Structural framing review of existing roof structure of Historic building

Temporary Stage Facilities
State Fair of Texas
Speedway Events
Temporary stage for Chevy show cases 2010, 2011,2012

Hidden Hills Subdivision
200 acres; 49 Lots
Land Planning and provided Civil Engineering design for roads, drainage, sewer, and water

Mesquite Nursing Home, Mesquite, TX
Nursing Home, Approx. 40,000 SF
Provided Civil and structural Engineering on a 8.5 acre site

Storm Drainage System
Highland Park, Texas
Underground Drainage system for Edmundson Street
Provided Civil Engineering

Dallas Christian Schools
Provided design drawing, civil and structural for a weight training facility
Mesquite, Texas

Gloria's on Bishop in Dallas
Renovation of historical building for Gloria's Restaurant
Provided civil and structural engineering for building and site development

Siverado Memory Care Facility
Bryant Irvin Blvd, Ft. Worth TX.
30,000 sf Facility
Provided Civil Engineering services for 6 acre tract

Quail Ridge Nursing Home,
Ft. Worth, TX
Nursing Home, Approx. 40,000 SF
Provided Civil and structural Engineering on a 8.5 acre site

Wilcox Residence
New 8,000sf Residence with basement on Rockbrook Lane in Dallas
Provided structural and Civil Engineering services

MONK CONSULTING ENGINEERS, INC.

October 21, 2015

To Whom It May Concern
City of Dallas

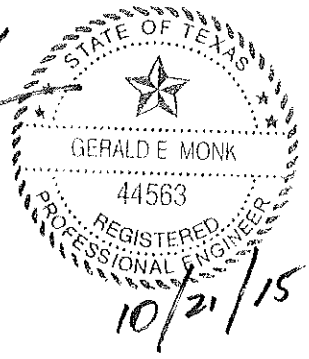
RE: Skill-Mock Subdivision
Lot 1&2, Block F/2953

I am familiar with the development project known as the Skill-Mock Subdivision, lots 1 & 2, Block F/2953 and its intended use of an emergency medical facility.

It has been discussed that there is concern about pedestrian traffic with the new proposed facility. The original use of convenience store and gas station/car wash would in my opinion have more foot traffic than the new intended use. The new use as an emergency medical facility would have more vehicle traffic than foot traffic as most clients if needing emergency care would be transported by a motor vehicle than coming by foot.

Sincerely;

Gerald. E. Monk, PE



MICHAEL W. MASSEY & ASSOCIATES

Real Estate Appraisers & Consultants

Address of Property: NEC Mockingbird Lane and Skillman Road, Dallas, Dallas County, Texas 75214
Property Owner: 6101 Mockingbird, LLC
Address of Property Owner:
Texas, 75225
Occupant's Name: None
Whole: ☐ Partial: ☒ Acquisition

Project:
Parcel: NA
Entity: NA
County: Dallas

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of the fee simple title to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas and sulphur. If this acquisition is of less than the whole property, then any special benefits and /or damages to the remainder property must be included in accordance with the laws of Texas.

Market Value

Market value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

Certificate of Appraiser

I hereby certify:

That it is my opinion the total compensation for the acquisition of the herein described property is $ 327,603 as of July 7, 2015 based upon my independent appraisal and the exercise of my professional judgment;

That on July 7, 2015 and other dates, I personally inspected in the field the property herein. The most recent inspection was July 7, 2015.

That the comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on (shown on sales sheets) (date)(s);

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the client, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified to such findings;

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

I certify to the best of my knowledge and belief:

That the statements of fact contained in this report are true and correct;

That the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions;

That I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right of way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement for which such property is to be acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to the physical deterioration within the reasonable control of the owner, has been disregarded in estimating the compensation for the property.

Respectfully submitted,
MICHAEL W. MASSEY & ASSOCIATES

Michael W. Massey, MAI
President
Texas Cert. #TX-1320163-G

Greg Connelly
Senior Appraiser
Texas Cert. #TX-1324452-G

CERTIFICATE

I certify that, to the best of my knowledge and belief....

The statements of facts contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, unbiased professional analyses, opinions, and conclusions.

As of the date of the appraisal only, I have no present or prospective interest in the property that is the Subject of this report, and I have no personal interest or bias with respect to the parties involved.

My compensation is not contingent on the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event.

The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the code of Professional Ethics of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

Greg Connelly (TX-1324452-G) provided significant professional assistance to the persons signing this report.

As of the date of the appraisal, Michael W. Massey has completed the requirements of the voluntary continuing education program of the Appraisal Institute, the Texas Real Estate Commission – Broker's License and the Texas Appraiser Licensing and Certification Board.

The property was physically inspected by Michael W. Massey, MAI and Greg Connelly.

Michael W. Massey and Greg Connelly have not provided real estate services as contemplated by USPAP for the Subject within the past three years.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

Michael W. Massey, MAI
President
Texas Cert. #TX-1320163-G

Greg Connelly
Senior Appraiser
Texas Cert. #TX-1324452-G

USPAP REQUIREMENTS

CLIENT

The "Client" for this assignment is the 6101 Mockingbird, LLC (property owner) and Brad Jackson (agent).

INTENDED USERS OF REPORT

The intended users of this report are the 6101 Mockingbird, LLC (property owner) and Brad Jackson (agent) and their designated assignees or contractors.

INTENDED USE OF REPORT

The "Intended Use" of this report is for the estimation of just compensation due the property owner in condemnation proceedings relating to the subject property.

PROPERTY RIGHTS APPRAISED

The property rights being appraised are those of a fee simple estate. **A Fee Simple Estate** is defined as: "Absolute ownership unencumbered by other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."[1]

NATURE OF ASSIGNMENT

The nature of this assignment and report is to estimate the "Market Value"[2] of the Fee Simple Interest of the real property to be acquired, encumbered by any existing easements not to be extinguished, less oil, gas and sulfur. If the acquisition is of less than the entire property, any special benefits and damages to the remaining property will be included in accordance with the laws of Texas.

DEFINITION OF MARKET VALUE

The following definition of Market Value is generally that definition accepted by the courts of the State of Texas under Texas Laws (City of Austin v. Cannizzo, SW 2d 808 Tex 1954):

> "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

---

[1] Appraisal Institute, *The Appraisal of Real Estate*, 13th Ed., (Chicago, 2008), page 69.

[2] The value estimate is to be "as is" and includes valuation of the Whole Property, the Part to be Acquired, and the Remainder.

EFFECTIVE DATE OF VALUATION

The effective date of valuation is July 7, 2015. The on-site inspection date of the subject was July 7, 2015 and other dates. The most recent on-site inspection of the subject was July 7, 2015. The date of this report is July 13, 2015.

EXTRAORDINARY ASSUMPTIONS

An extraordinary assumption is an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. The assumption is assumed to be true, but is not certain. If these assumptions turn out to be untrue, the value conclusion could be impacted. The reader is referred to the Assumptions and Limiting Conditions section of this report. The appraiser is not qualified to render an engineer's report or assess the detailed physical condition of the subject.

HYPOTHETICAL CONDITIONS

Hypothetical Conditions is a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Hypothetical conditions are contrary to know facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. The reader is referred again to the Assumptions and Limiting Conditions section of this report.

IDENTIFICATION OF PROPERTY

The whole subject property is 0.9066 acres, or 39,491 SF of land located on the northeast corner of Mockingbird Lane and Skillman Road in the City of Dallas, Dallas County, Texas. The size of the land and improvements were provided by the owner and are assumed correct. The tract is zoned "CR" Community Retail District by the City of Denton. The Property is legally described as: two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400161160, Official Public Records, Dallas County, Texas, containing 39,491 SF or 0.9066 of an acre of land.

SCOPE OF WORK

1. The appraisal includes the process of investigating and gathering all pertinent data that is deemed necessary to arrive at an opinion of the Market Value of the subject property's fee simple interest and compensation due.
2. The gathering of market data from various sources (CoStar, Roddy, buyers/sellers, area brokers, appraisers, city officials, deed records and others).
3. Analysis of the city and neighborhood trends, analysis of market trends with regard to supply and demand.
4. Analysis of the subject site and improvements (if any) from a physical and economic standpoint.
5. An analysis of the Highest and Best Use of the subject property.
6. Review of the City of Denton maps pertaining to the subject.
7. The employment of the three approaches to value (if applicable) as explained herein.

Comparable land sales and listings were researched in the Dallas area over the last five years. Market data was confirmed by knowledgeable sources to include real estate brokers, buyers, sellers, appraisers, tax assessors, and sales reporting services. The subject property and all sales utilized were personally inspected and were photographed. Since the subject property is vacant land, only the Sales Comparison Approach to value will be used to value the site.

PERSONAL PROPERTY, FIXTURES, AND INTANGIBLE ITEMS

According to the requirements of the Uniform Standards of Professional Appraisal Practice ("USPAP"), it is necessary to identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal. The impact of their inclusion or exclusion on the estimated value should be discussed. This appraisal report includes only real property associated with the subject property, and does not consider any personal property, fixtures or intangible items. **The scope of this assignment does not include apportioning the estimated compensation for the acquisition between any parties that may have an interest.**

PROPERTY INSPECTION

The subject property inspected on July 7, 2015 and other dates. Previous and subsequent inspections were conducted during the construction of the appraisal report.

OWNERSHIP/SALES HISTORY OF SUBJECT

The subject property is currently owned by 6101 Mockingbird, LLC. Ownership acquired the subject in two separate transactions. The ± 16,152 SF (6101 Mockingbird) hard corner portion was purchased on February 26, 2014 from Mockingbird Skillman, Inc., while the ±23,475 SF (6119 Mockingbird) was purchased on June 27, 2014 from Quik Way Retail As II, Ltd. At the time of sale, 6101 Mockingbird was improved with an operating gas station/service center, while 6119 Mockingbird was improved with an operating gas station/convenience store.

Since acquiring the properties the improvements on both tracts have been razed and the underground fuel tanks have been removed. To the best of our knowledge, no other sale or transfer of ownership has occurred within the past three years. Ownership is currently negotiating with users to ground lease the site.

TYPE OF APPRAISAL REPORT

The appraisal is a "Real Property Appraisal" developed in accordance with Standard Rule 1-1 through 5 of USPAP. The format of the appraisal is that of an "Appraisal Report" as specified in the requirements of USPAP, Standard Rule 2-2a.

EXPOSURE TIME AND MARKETING TIME

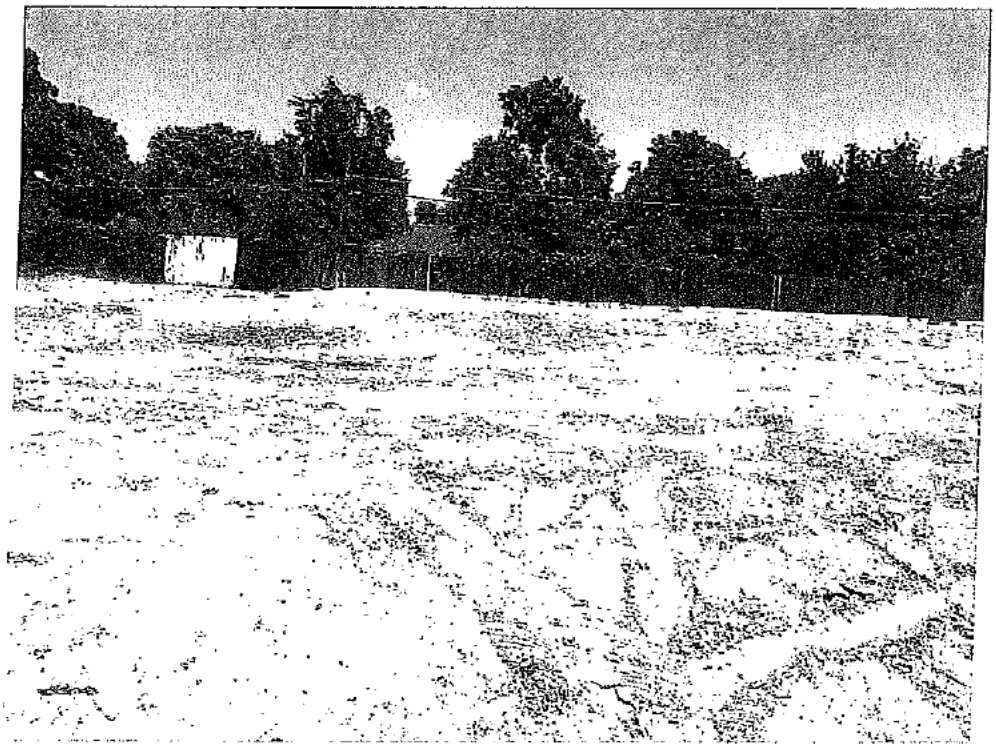
Exposure time is the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. The estimated exposure time of the fee simple interest of the subject is estimated at 12 months or less based on discussions with area brokers, marketing time for comparable properties and the physical characteristics of the subject property. The above estimated exposure time assumes ample exposure to the market and diligent marketing efforts by the brokers or principals. The estimated future marketing time is estimated to be 12 months.

COMPETENCY CLAUSE

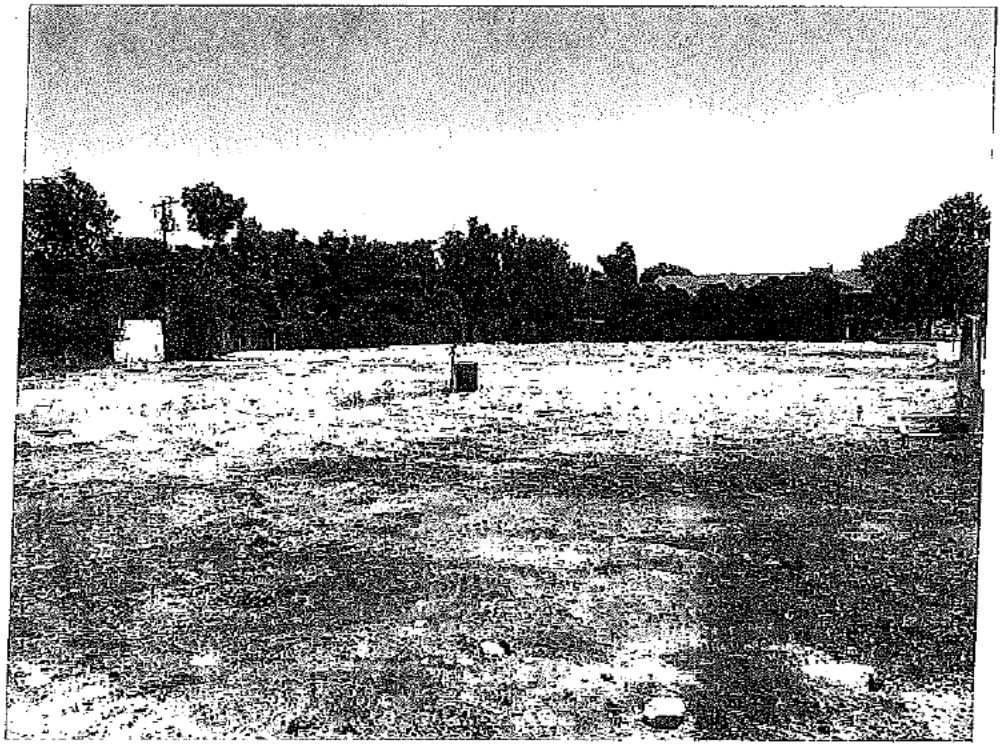
The appraiser has sufficient technical education and practical experience in appraising similar properties in this market to meet the competency requirements as outlined in USPAP. Michael W. Massey has over 35 years experience.

JURISDICTIONAL EXCEPTIONS

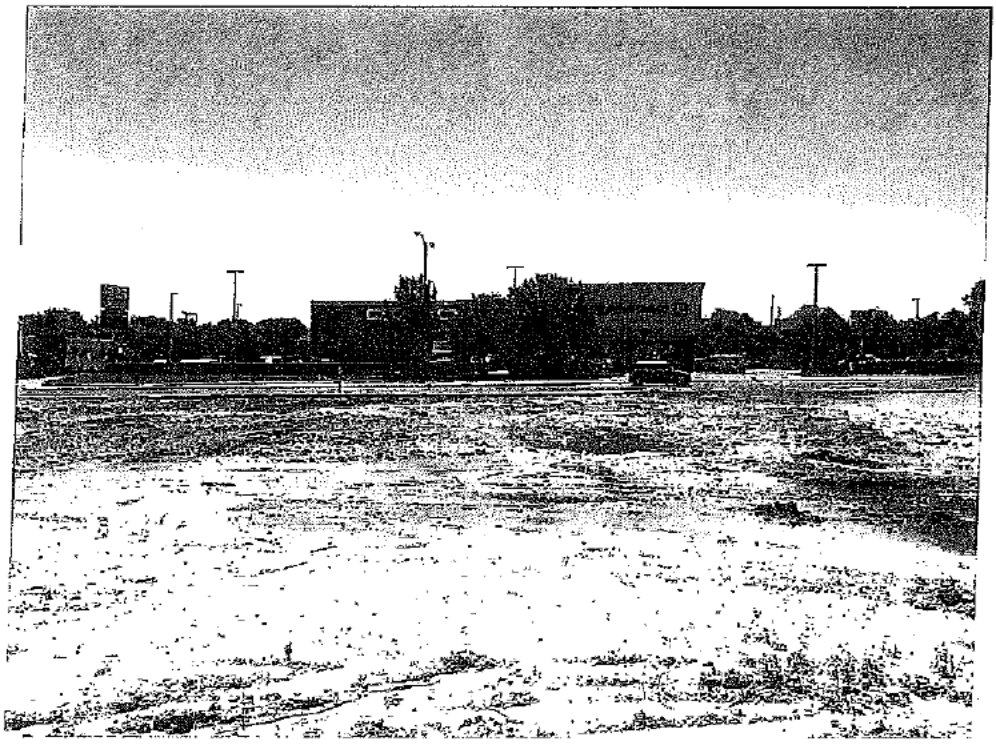
An assignment condition that voids the force of a part or parts of USPAP, when compliance with part or parts of USPAP is contrary to law or public policy applicable to the assignment. In this regard, project enhancement will not be considered in our valuation.



SUBJECT PROPERTY – LOOKING NORTH FROM MOCKINGBIRD LANE

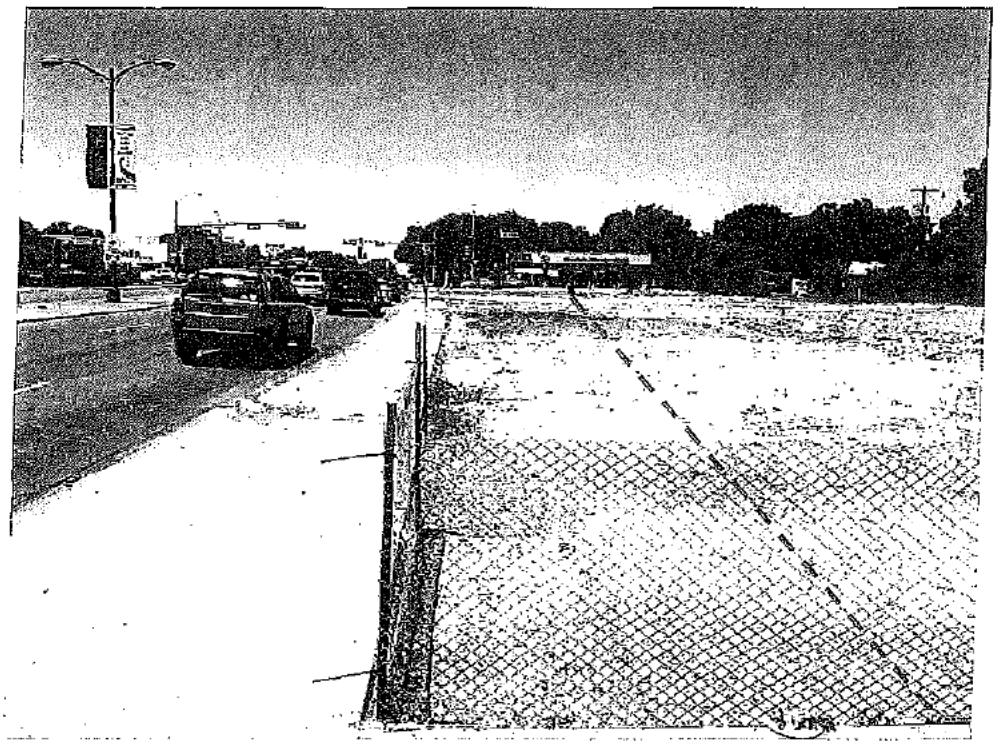


SUBJECT PROPERTY – LOOKING EAST FROM SKILLMAN ROAD



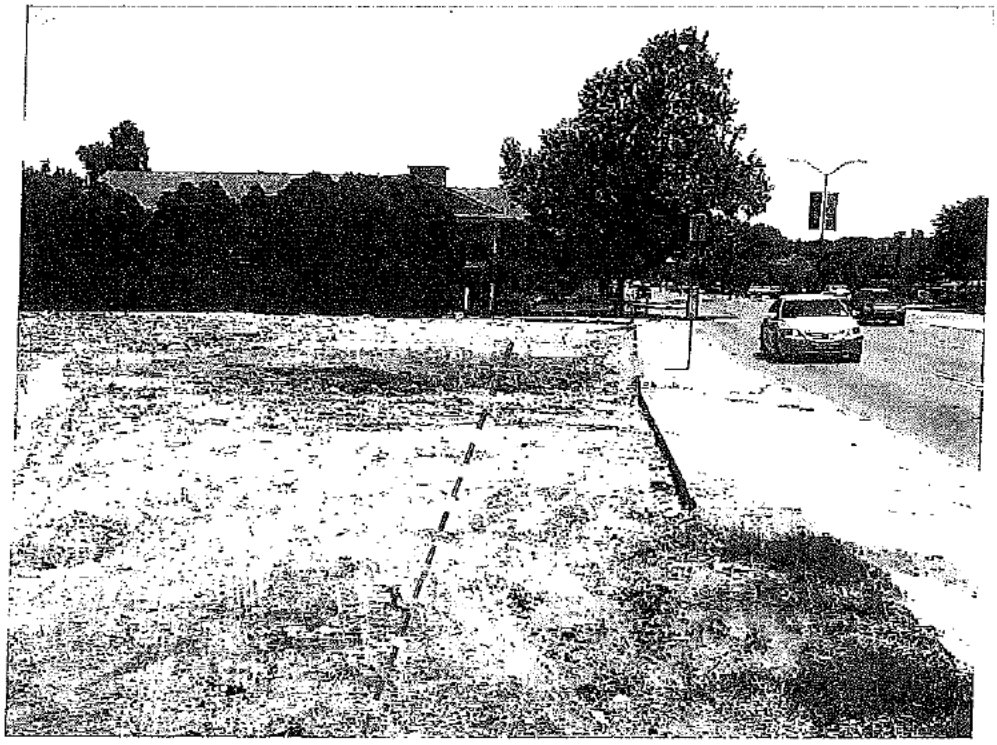
SUBJECT PROPERTY – LOOKING SOUTH

SUBJECT PROPERTY – LOOKING WEST

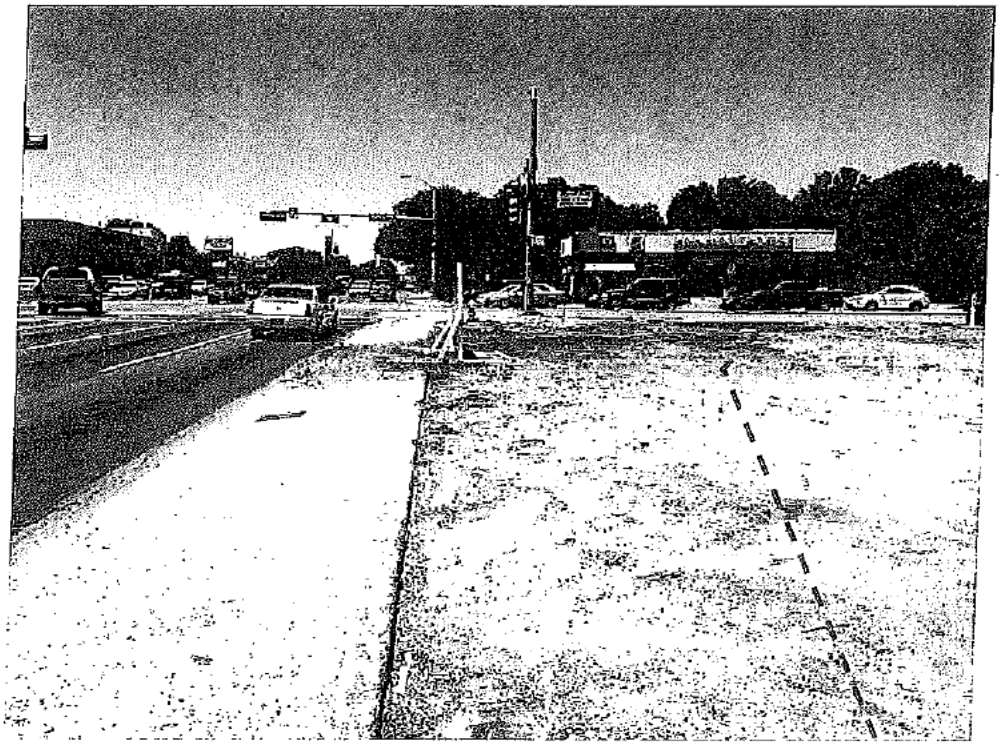


PART-TO-BE-ACQUIRED (PTA) – LOOKING WEST

PART-TO-BE-ACQUIRED (PTA) – LOOKING WEST

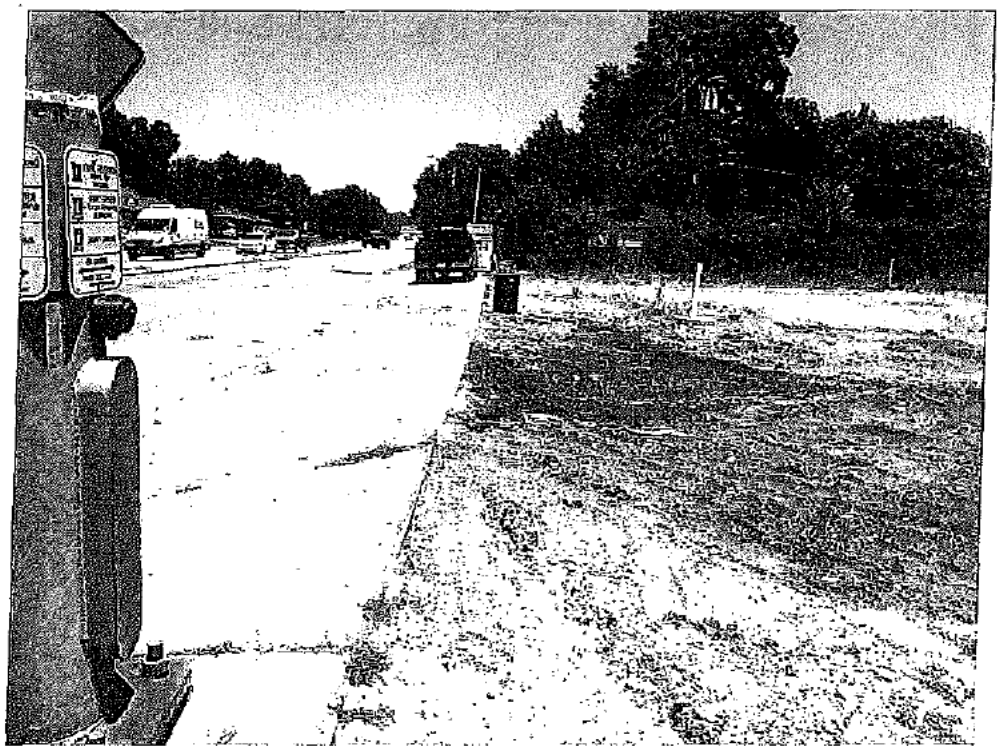


PART-TO-BE-ACQUIRED - LOOKING EAST ALONG TAKING



PART-TO-BE-ACQUIRED - LOOKING WEST ALONG TAKING

PART-TO-BE-ACQUIRED - LOOKING SOUTH ALONG TAKING



PART-TO-BE-ACQUIRED - LOOKING NORTH ALONG TAKING

MOCKINGBIRD LANE LOOKING WEST

SKILLMAND ROAD LOOKING SOUTH

SITE ANALYSIS

Tract	The subject is 0.9066 acres, or 39,491 SF of land. The tract is located on the northeast corner of Mockingbird Lane and Skillman Road in the City of Dallas, Dallas County, Texas.
Dimensions	Rectangular
Land Area	Whole Site – 0.9066 acres, or 39,491 SF.
Shape	Rectangular
Frontage/Access	± 277.31' along the north side of Mockingbird Lane, 17.26' along the Mockingbird/Skillman corner clip, and ± 127.35' along the east side of Skillman Road. Access to the site is available from two curb cuts along Skillman Road and four curb cuts along Mockingbird Lane.
Topography	Level to slight slope. Tract is at the street grade of both frontage roads.
Streets	Mockingbird Lane is a six-lane, divided, east/west primary thoroughfare. The 2002 daily traffic count was ± 42,571 cars. Skillman Road is a four-lane, divided, north/south, primary thoroughfare. The 2009 traffic count was ± 19,749 cars. The overall access and visibility is considered good.
Utilities	All available
Flood Zone	Per FEMA Map #48113C0335-K, dated July 7, 2014, no portion of the Subject is located within the 100-year flood plain. The site is not negatively affected by flood plain.
Zoning	"CR" – Community Retail District
Easements/ Encroachments	No easements and/or encroachments onto the subject site were noted during the inspection. Only typical utility easements and building setbacks are assumed present. However a survey and title are recommended for an exact determination of any unforeseen conditions.
Environmental	No environmental assessment or soil study of the subject site was provided to the appraiser; however, an inspection of neighboring properties does not indicate any hazardous material or problems associated with the soil. The value contained in this report is based on the assumption that there are no environmental concerns with respect to the subject property.
Improvements	None
Other	According to the survey conducted by Texas Heritage Surveying, LLC, dated December 23, 2014, the site contains 0.9066 acres or 39,491 SF of land. This is considered to be correct and will be used.

ZONING SUMMARY

The Subject is zoned "CR" Community Retail District by the City of Dallas. The purpose of this district is to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities. Allowable uses include office, financial, retail, restaurant, medical, ambulatory surgical center, commercial uses. Development guidelines are summarized as follows.

Zoning	"CR" Community Retail District
Set Backs	
Front Yard	15'
Side & Rear Yard	20' if abuts residential district, no side and rear yard required in all other cases; however, if required it must be a minimum of 10'
Maximum FAR	0.5 for office uses; and 0.75 for all uses combined
Maximum Lot Coverage	60%
Stories	4
Maximum Building Height	54'
Parking Requirements	Depends on use

TAX EXHIBIT

The subject property is assessed by the Dallas County Appraisal District (DCAD) under two accounts. The preliminary 2015 assessment is summarized in the following chart.

Real Estate Assessment Summary			
Account #	Land Size SF	2015 Assessed Value	2015 Assessed Value/SF
00000240769000000	16,152	$565,320	$35.00
00000240766000000	23,475	$821,630	$35.00
Total*	39,627	$1,386,950	$35.00

*Assessment PSF based on DCAD's land area of 39,627 SF.

Taxing Authority	2015 Assessed Value	2014 Tax Rate/$100	Estimated
City of Dallas	$1,386,950	0.797000	$11,054
Dallas County*	$1,386,950	0.663875	$9,208
Dallas ISD	$1,386,950	1.282085	$17,782
Total	$1,386,950	2.742960	$38,044

*Includes Dallas County, Dallas County Community College District and Dallas County Hospital District.

Part-to-be-Acquired (PTA)

The part-to-be-acquired (PTA) involves the fee taking of one land tract for street right-of-way (ROW). The PTA contains 0.0717 acres, or 3,123 SF of land located is located along the south side of the tract along Mockingbird Lane and along the east side of Skillman Road. Only vacant land is located within the taking.

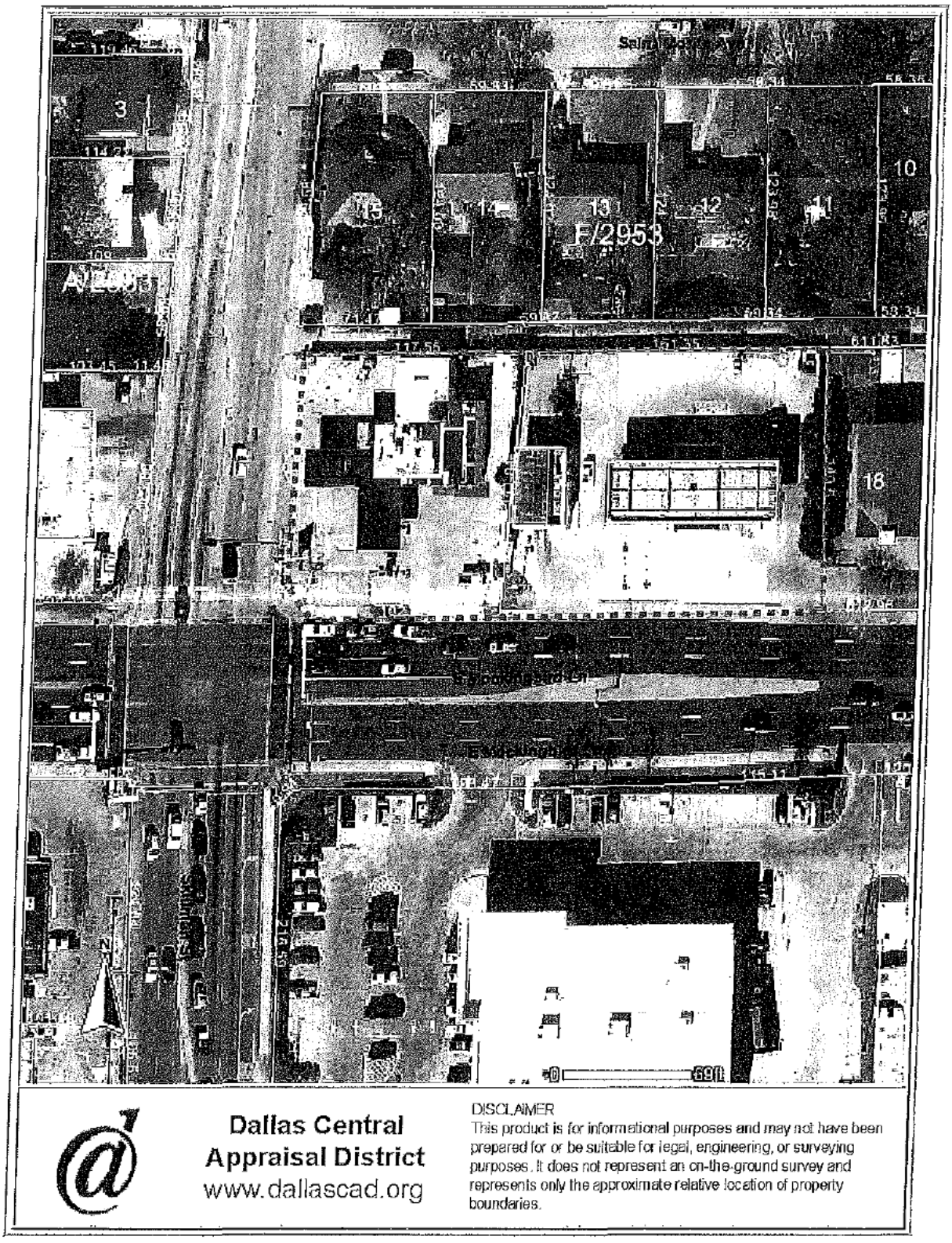
The PTA is irregular in shape, with a level topography. The tract has ± 277.31' of frontage along the north side of Mockingbird Lane, ± 17.26' along the Mockingbird Land/Skillman Road corner clip and ± 22' along the east side of Skillman Road. The width ranges from ± 10' along the south portion and ± 22' along the southwest portion of the acquisition.

Due to the small size and narrow shape of the taking, the part-to-be-acquired tract is not considered to be self-sustaining economic unit and will be valued as part of the whole.

Visual representation of the part-to-be-acquired can be seen on pages 20, 21 and 37. The subject tract is summarized in the following chart.

	Whole Property		Taking Tract		Remainder Tract	
	Acres	SF	Acres	SF	Acres	SF
Whole - Fee	0.9066	39,491	-0.0717	-3,123	0.8349	36,368
Total	**0.9066**	**39,491**	**-0.0717**	**-3,123**	**0.8349**	**36,368**

The following are exhibits for the subject property.


3
15
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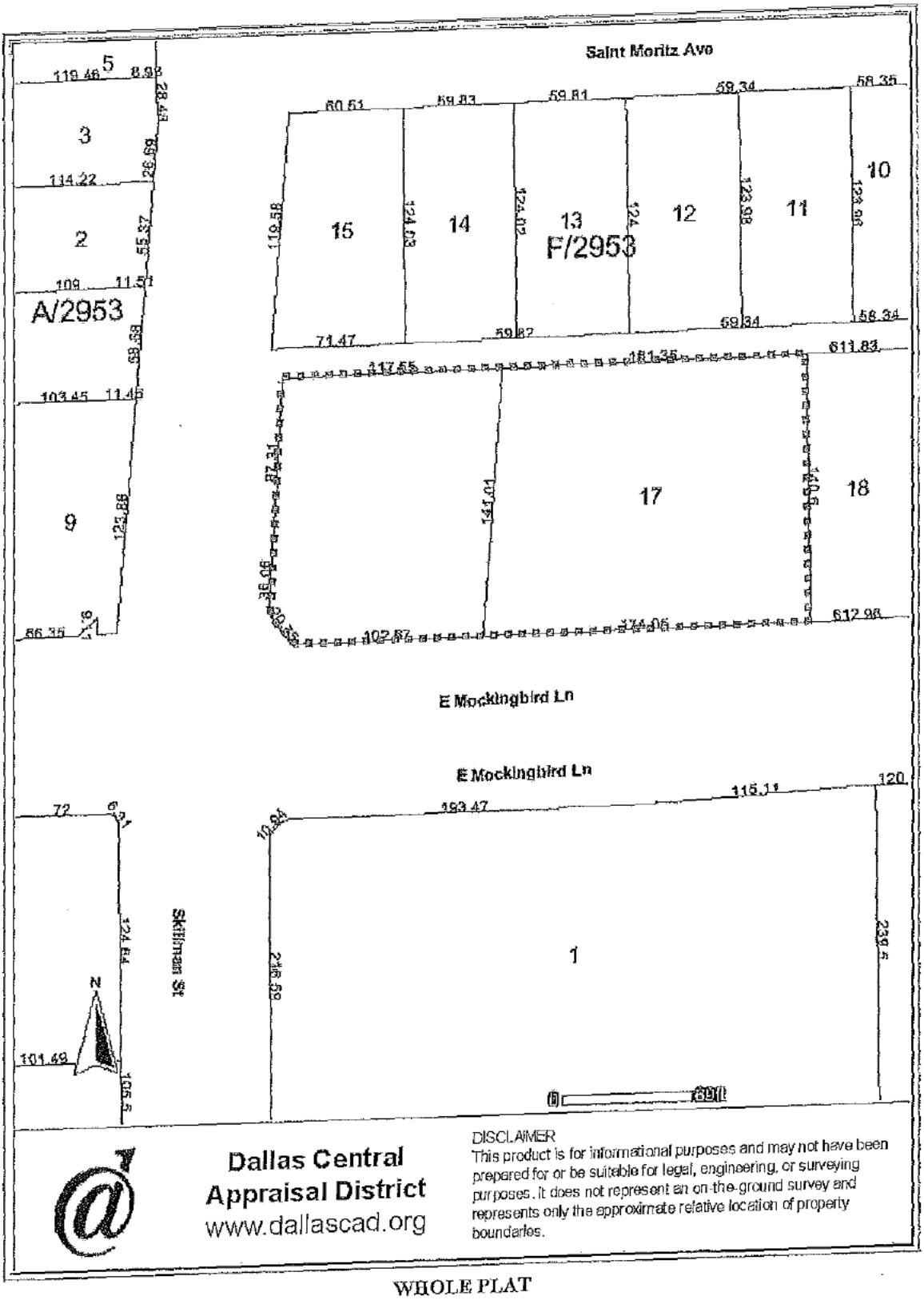
69ft
Dallas Central
Appraisal District
www.dallascad.org
DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

AERIAL


Saint Moritz Ave
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E Mockingbird Ln
Skillman St
A/2953
F/2953
Dallas Central Appraisal District
www.dallascad.org
DISCLAIMER
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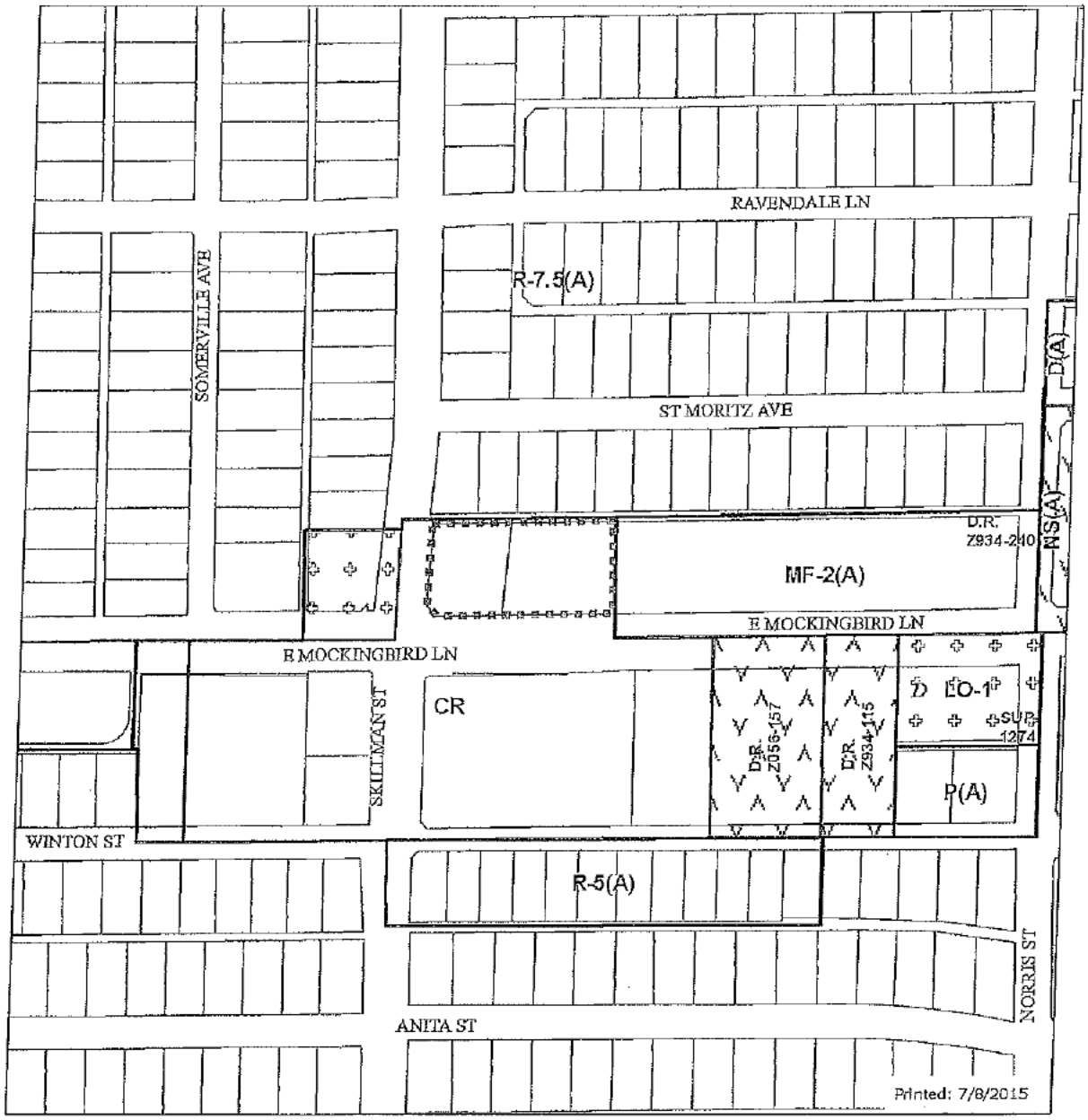
WHOLE PLAT



Legend

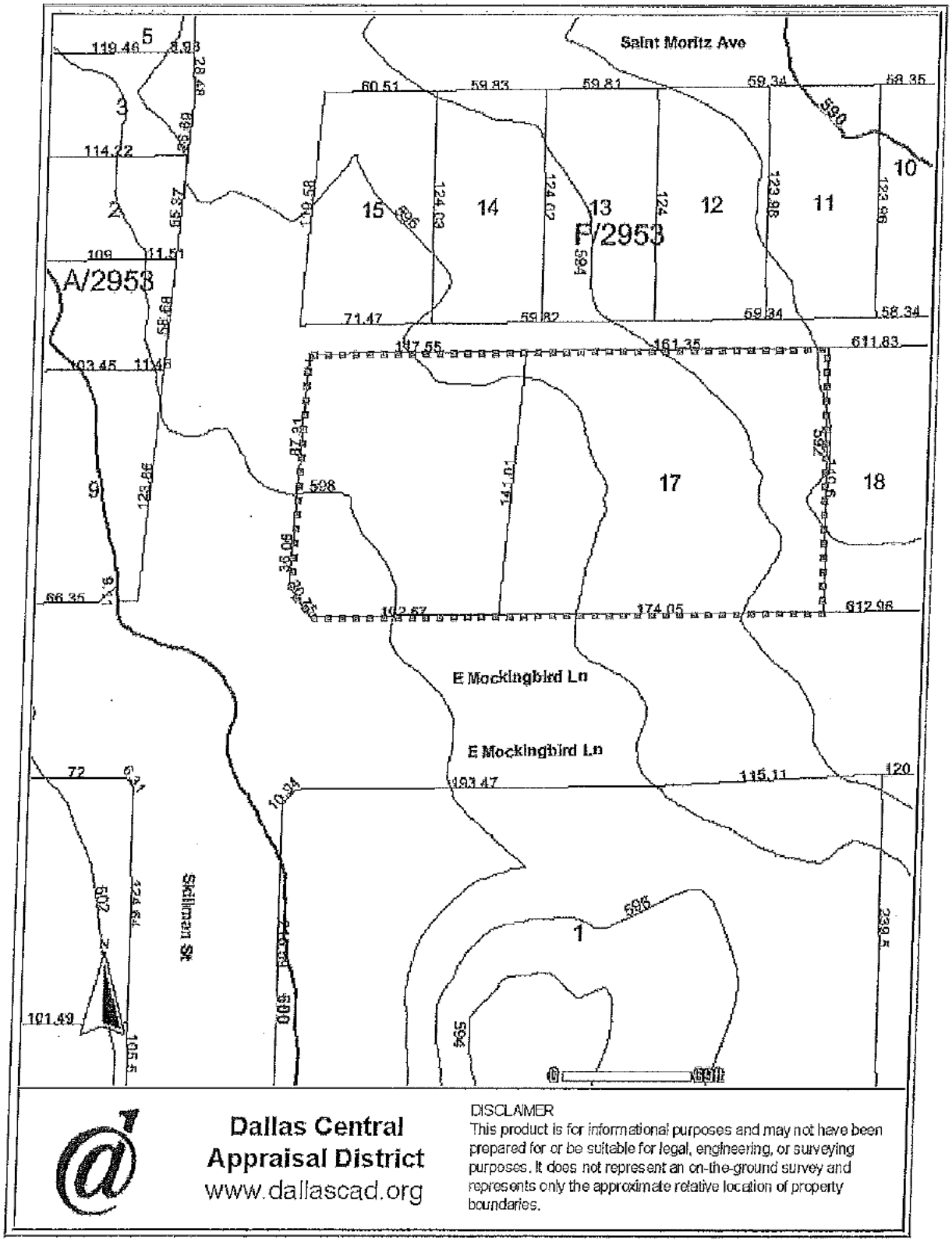
City Limits
School
Floodplain
100 Year Flood Zone
Mill's Creek
Peak's Branch
X Protected by Levee
Parks
railroad
Certified Parcels
Base Zoning
PD 193 Oak Lawn
Dallas Environmental Corridors
SPSD Overlay
Deed Restrictions
SUP
Dry Overlay
D
D-1
CP
SP
MD Overlay
Historic Subdistricts
Historic Overlay
Height Map Overlay
CD Subdistricts
PD Subdistricts
PDS Subdivisions
NSO Subdivisions
NSO_Overlay
Escarpment Overlay
Parking Management Overlay
Shop Front Overlay

This data is to be used for graphical representation only. The accuracy is not to be taken/used as data produced by a Registered Professional Land Surveyor (RPLS) for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.' (Texas Government Code § 2061.102)

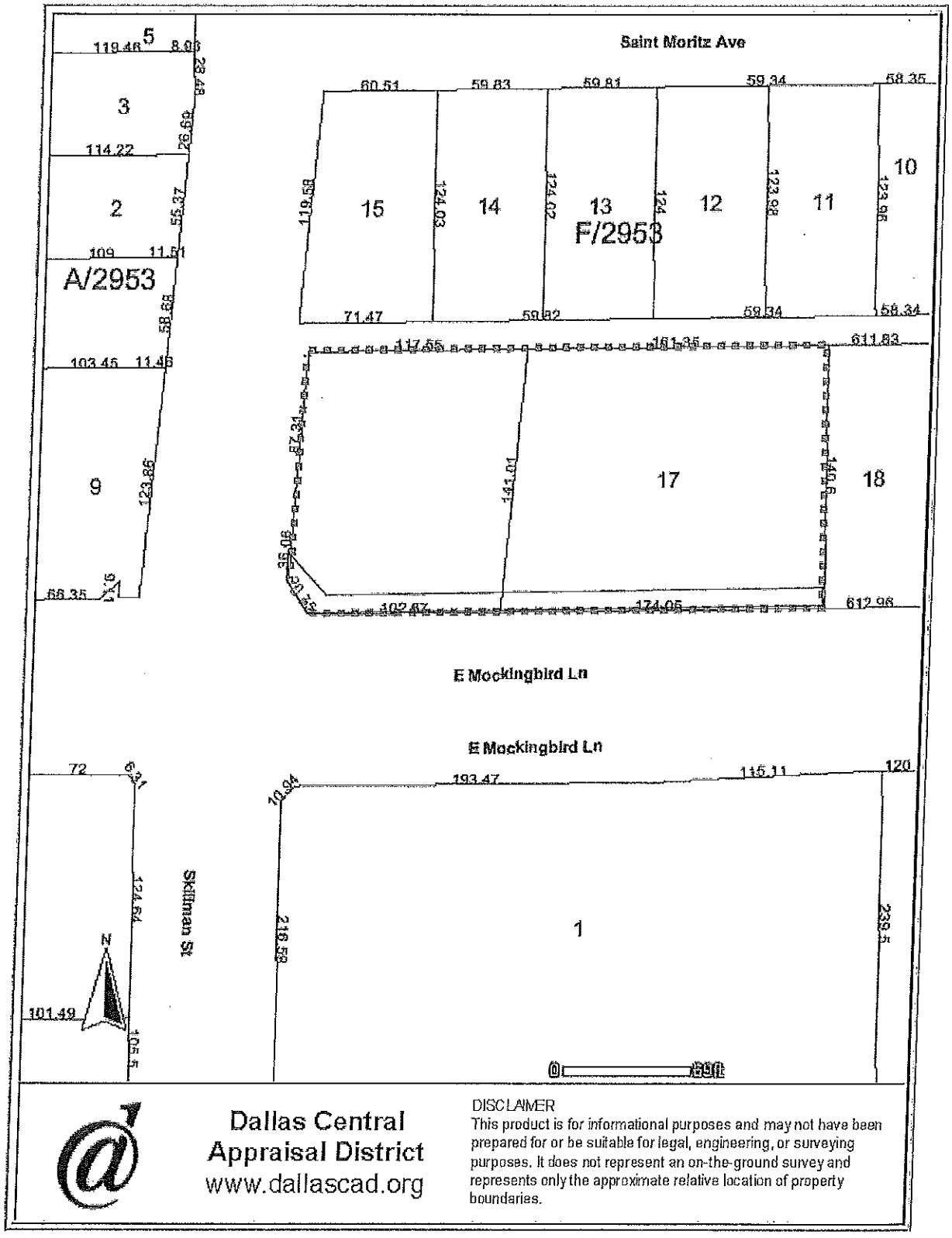
N

1:2,400

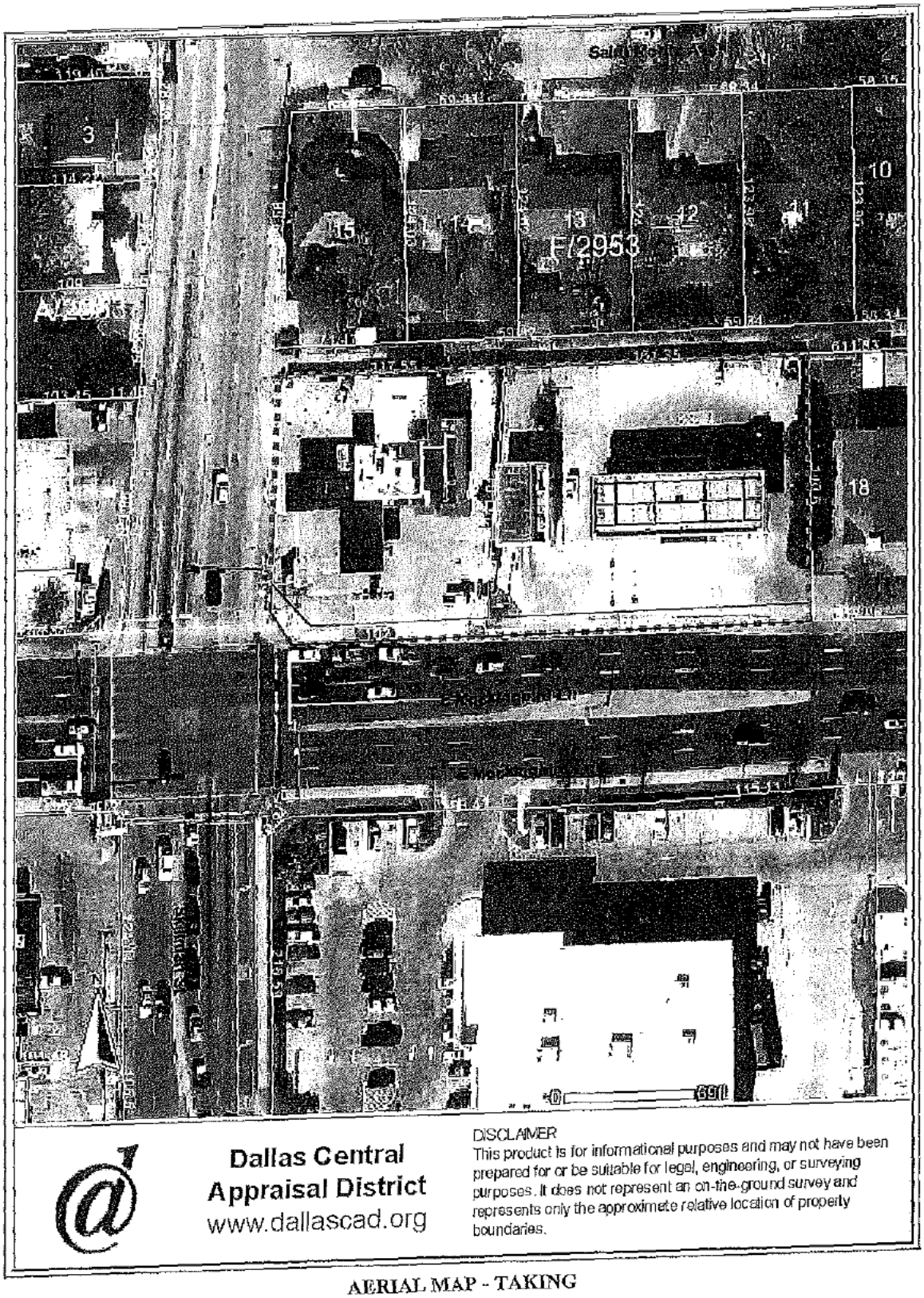
ZONING MAP



WHOLE TOPOGRAPHY MAP

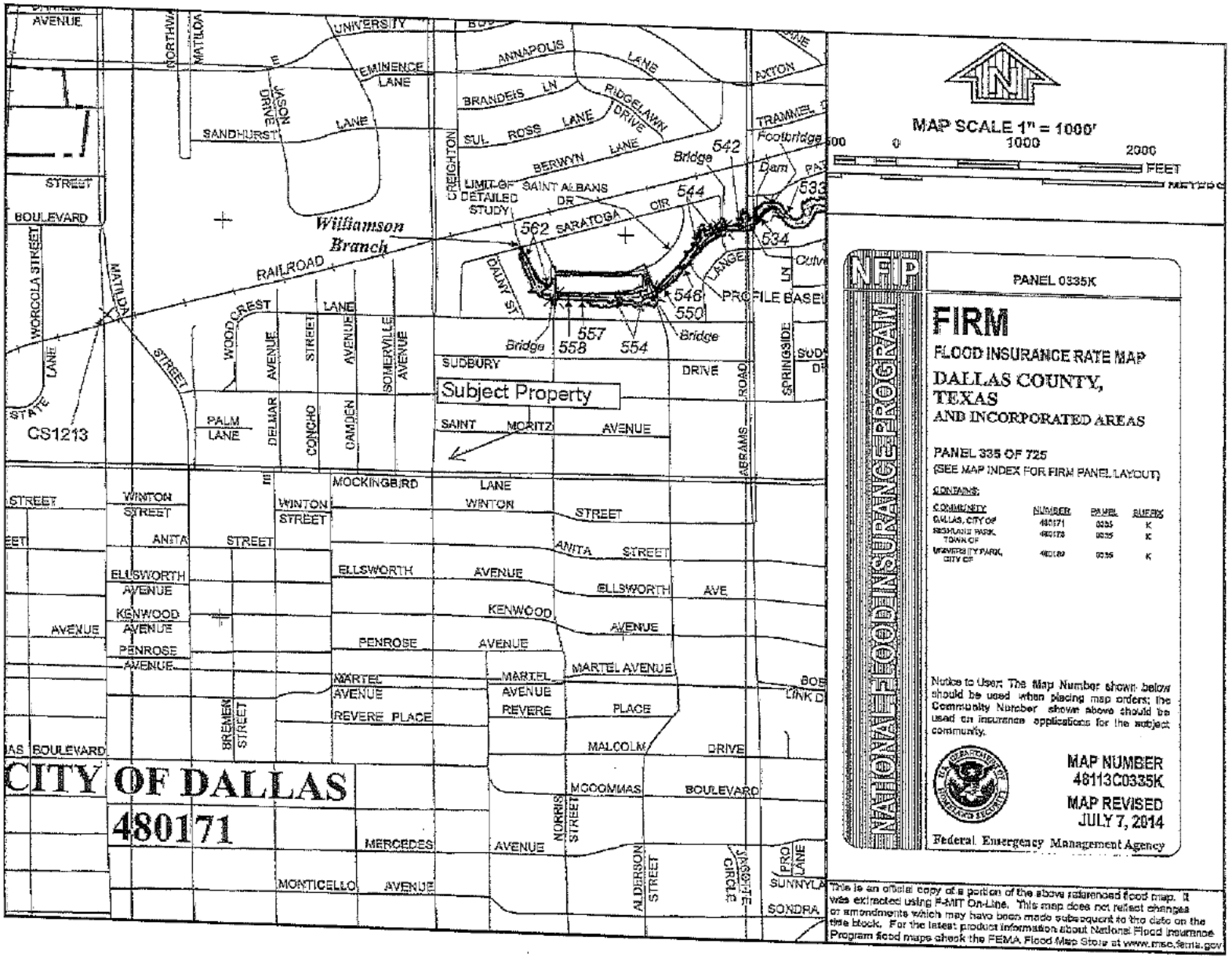


PART-TO-BE-ACQUIRED (PTA)



AERIAL MAP - TAKING

FLOOD PLAIN MAP



PROPERTY VALUATION SUMMARY

Whole: ☒ Part to be Acquired: ☐ Remainder After: ☐

HIGHEST AND BEST USE ANALYSIS: See next page.

VALUATION APPROACHES
Insert value estimate, then describe, analyze, and support each approach as required.

Cost Approach	NA		
Sales Comparison Approach	$	4,142,606	(Land Only)
Income Approach	NA		
Reconciliation of Approaches to Value	$	4,142,606	

Contributory Value of Improvements (Itemized)	
	$ -
	$ -
	$ -
	$ -
	$ -
	$ -
Total Contributory Value of Improvements	$ -

Easement Value	-	acres/sq. ft. @	$	-	=	$	-		
Fee Land Value	39,491	sf/sq. ft. @	$	104.90	=	$	4,142,606	Say $	4,142,606

Reconciled Final Value ..... $ 4,142,606

Each approach developed follows this page and is sequenced as shown below.

Land Value,	Cost Approach,	Sales Comparison Approach,	Income Approach,
page 25	page NA	page NA	page NA

HIGHEST AND BEST USE ANALYSIS - SUBJECT WHOLE PROPERTY

The highest and best use of land, as though vacant and ready to be put to it's highest and best use, and as improved must meet four criteria. The highest and best use must be:

1) physically possible;
2) legally permissible;
3) financially feasible,
4) maximally productive.

After analyzing the existing improvements and the data gathered in the site analysis, the following analysis was made which considers the highest and best use of the subject.

AS VACANT LAND

1) **Physically Possible**
There are no physical problems associated with size, topography, easements, or flood plain that would limit development of the subject property. All utilities are available to the site. Therefore, the possible uses of the subject tract based on physical characteristics are varied with no physical issues.

2) **Legal Restrictions**
The subject tract is zoned "CR" Community Retail District. This zoning allows a wide range of office, professional services, retail, financial, medical restaurant and commercial uses. There are no known legal restrictions upon the use of the subject.

3) **Financially Feasible**
The surrounding properties and land uses are considered when determining feasible uses. The subject property is located on the northeast corner of Mockingbird Lane and Skillman Road. Both frontage roads are major thoroughfares that provide good access and visibility in an area developed with retail, office, restaurant and commercial uses.

4) **Maximally Productive**
The highest and best use "As Is" is for retail, office or commercial development that conforms to the surrounding uses.

SALES COMPARISON APPROACH Whole: ☒ Land: ☒ Part to be Acquired: ☐ Improved: ☐ Remainder After: ☐

LAND VALUATION GRID **Representative Comparable Sales**

	Subject	Comp. No 1	Comp. No 2	Comp. No 3
Grantor		Colonial Bank	Quik Way Retail As II, Ltd.	Rosebriar Caruth Haven, LP
Grantee		MC Preston, LP	CCP Green Belmont, LP	In N Out Burger
Date of Sale		10/5/2011	9/17/2014	09/30/2014
Unit Price		$ 161.11	$ 69.51	$ 79.26
Relative Location	NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas	SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas	E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas
Distance from Subject		± 3.2 Miles Northwest	± 1.4 Miles Southwest	± 1.7 Miles Northwest
Property Rights Conveyed		Fee Simple 0%	Fee Simple 0%	Fee Simple 0%
Financing		Cash to Seller 0%	Cash to 0%	Cash to 0%
Conditions of Sale		Market 15%	Market 0%	Market 0%
Market Conditions		0%	0%	0%
Adjusted Price		$185.28	$69.51	$79.26
Location/Access/Visibility		Superior -50%	Inferior 20%	Inferior 15%
Size SF	39,491	9,000 20%	22,184 15%	50,464 0%
Zoning		Similar 0%	Similar 0%	Similar 0%
Shape/Topography		Similar 0%	Similar 0%	Similar 0%
Utilities		Similar 0%	Similar 0%	Similar 0%
Flood Plain		Similar 0%	Similar 0%	Similar 0%
Total Adjustment		-30%	35%	15%
	Indicated Unit Value	SF $ 129.70	SF $ 93.84	SF $ 91.15
Estimated Unit Value				$ 104.90

39,491 SF @ $ 104.90 $ 4,142,606

Estimated Value by Sales Comparison Approach ..... $ 4,142,606

See next page for explanation of adjustments.

EXPLANATION OF ADJUSTMENTS – WHOLE PROPERTY

Property Rights Conveyed – All of the sales were purchased in Fee Simple and no adjustment is necessary.

Financing – All of the sales comparables were purchased with cash to the Sellers and no adjustment is necessary.

Conditions of Sale – The sales comparables did not require adjustments for conditions of sale.

Market Conditions – Sale 1 occurred in October 2011, while Sales 2 and 3 occurred in September 2014. Overall market conditions have improved significantly since 2011 and an upward adjustment will be applied to Sale 1. No adjustment will be applied to Sales 2 and 3.

Location/Access/Visibility – The subject is located on the northeast corner of Mockingbird Lane and Skillman Road. Both frontage roads are primary thoroughfares that provide good access and visibility.

Sale 1 is located on the southwest corner of Northwest Highway and Preston Road, approximately 3.2 miles northwest of the Subject. Both frontage roads are primary thoroughfares that provide good access and visibility in an area heavily developed with office and retail uses. The overall location is considered to be superior to the subject and a downward adjustment will be made.

Sale 2 is located on the southwest corner of Greenville Avenue and Belmont Avenue, approximately 1.4 miles southwest of the Subject. Greenville Avenue is a primary thoroughfare, while Belmont Avenue is a secondary roadway. The overall location, access and visibility are inferior to the Subject and an upward adjustment will be applied.

Sale 3 is located along the east side of the Central Expressway (US-75) service road, just south of Caruth Haven Lane, approximately 1.7 miles northwest of the Subject. Central Expressway is a major freeway; however Sale 3's interior location is deemed inferior to the Subject corner location and an upward adjustment will be applied.

Size – The whole subject property contains 0.9066 acres, or 39,491 SF of land. In built-up areas similar to the Subject a premium is paid for larger more developable tracts than smaller tracts that require assemblage. Sale 1 contains only 9,000 SF, which is detrimental to its development utility and an upward adjustment will be applied. Sale 2 contains 22,184 SF and will be adjusted upward. Sale 3 contains 50,464 SF, which is similar to the Subject and no adjustment will be made.

Shape/Topography – The subject property is rectangular in shape with a level to slightly sloping topography. The overall shape and topography of the subject and comparable sales are similar and no adjustment is warranted.

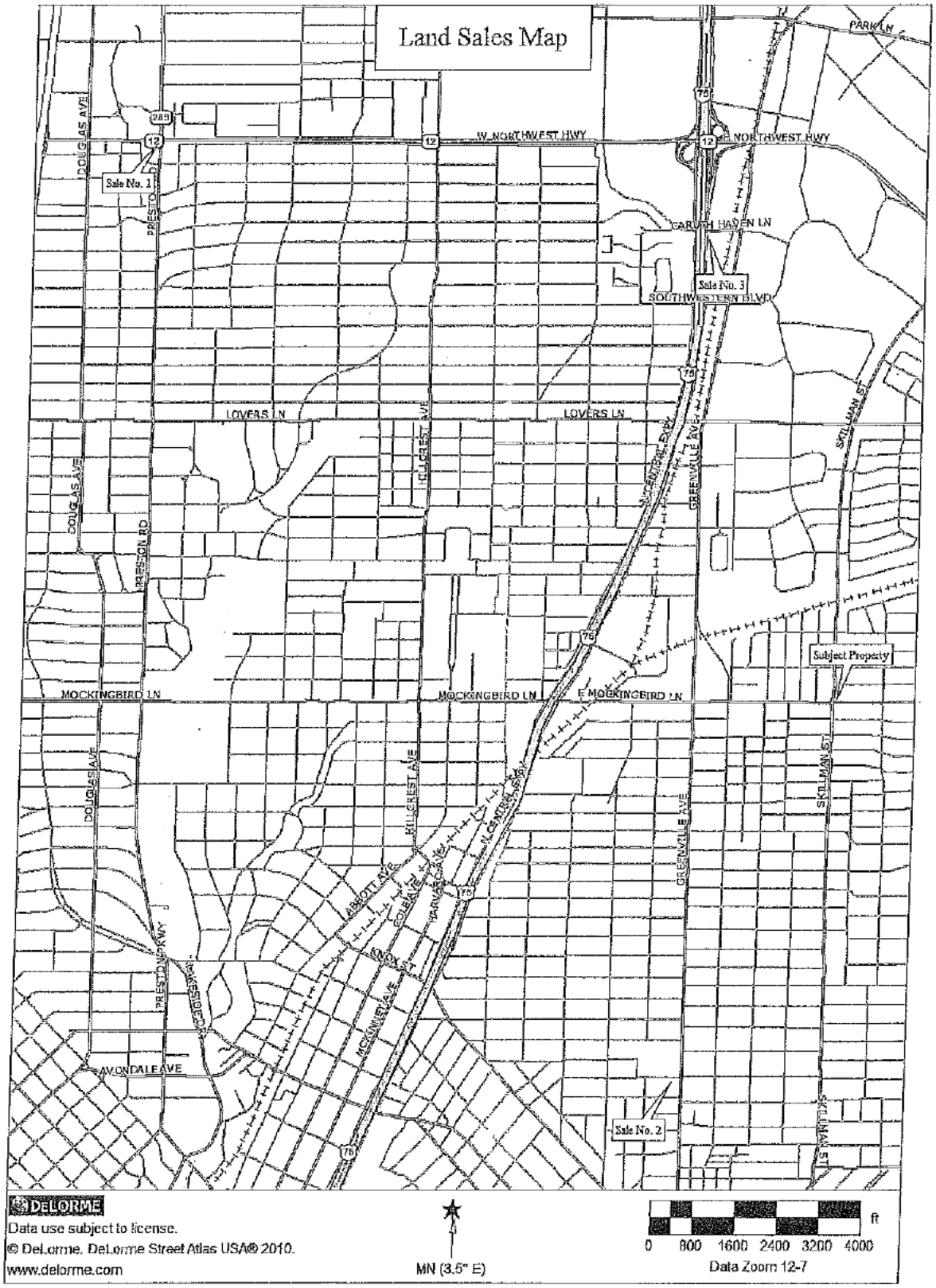
Flood Plain – No portion of the subject property or comparable sales are located in the flood plain. No adjustments will be made. **Zoning** – The subject's zoning and zoning of the comparable sales allow for similar uses and no adjustment is necessary.

Utilities – The subject and comparable sales have access to all utilities. No adjustments are necessary.

Final Reconciliation – The adjusted sales range from $91.15/SF to $129.70/SF, with an average of $104.90/SF. Each is a tract with the same highest and best use as the subject. After adjustments, these sales indicated a narrow range of unit values for the subject property. An equal emphasis will be given to all the sales. For our analysis, a price per square of $104.90/SF is reasonable and will be utilized.

The value of the subject whole property is calculated as follows.

Whole Land Value						
39,491	SF	@	$	104.90	=	$ 4,142,606


Land Sales Map
Sale No. 1
Sale No. 2
Sale No. 3
Subject Property
W NORTHWEST HWY
E NORTHWEST HWY
PARK LN
DOUGLAS AVE
PRESTON RD
HILLCREST AVE
LOVERS LN
MOCKINGBIRD LN
E MOCKINGBIRD LN
GREENVILLE AVE
SKILLMAN ST
CARUTH HAVEN LN
SOUTHWESTERN BLVD
ABBOTT AVE
COLGATE
HARVARD AVE
KNOX
MCKINNEY AVE
AVONDALE AVE
PRESTON PARKWAY
N CENTRAL EXPY
DELORME
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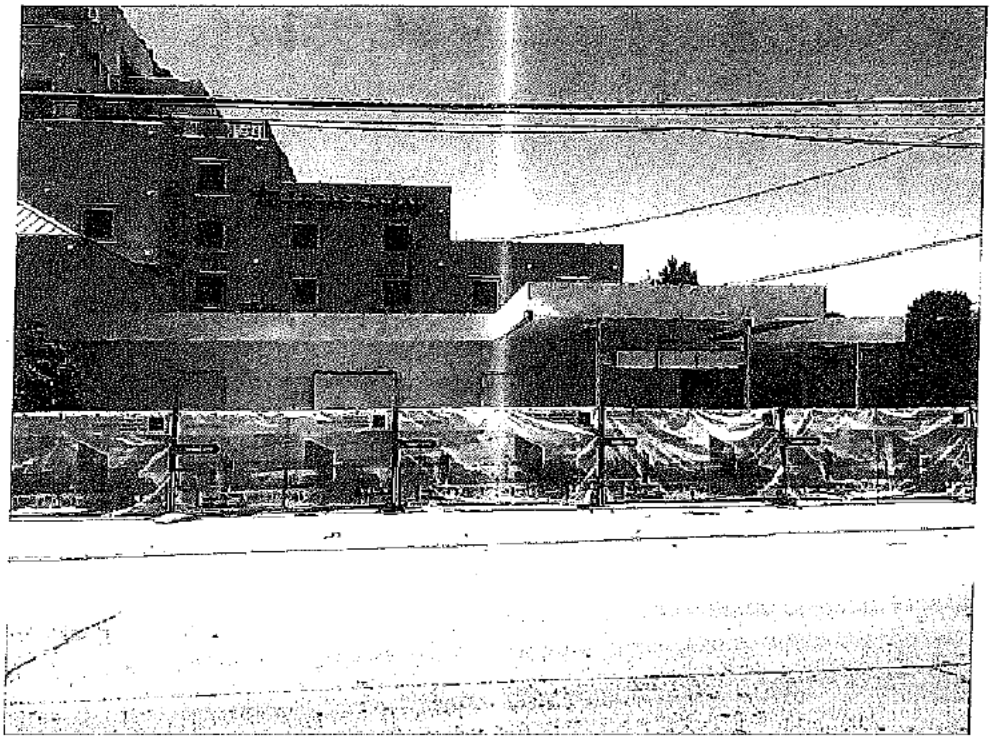
www.delorme.com
MN (3.5° E)
0 800 1600 2400 3200 4000 ft
Data Zoom 12-7

COMPARABLE DATA SUPPLEMENT – SALE 1

Land Sale ☒ Improved Sale ☐ Rental Data ☐

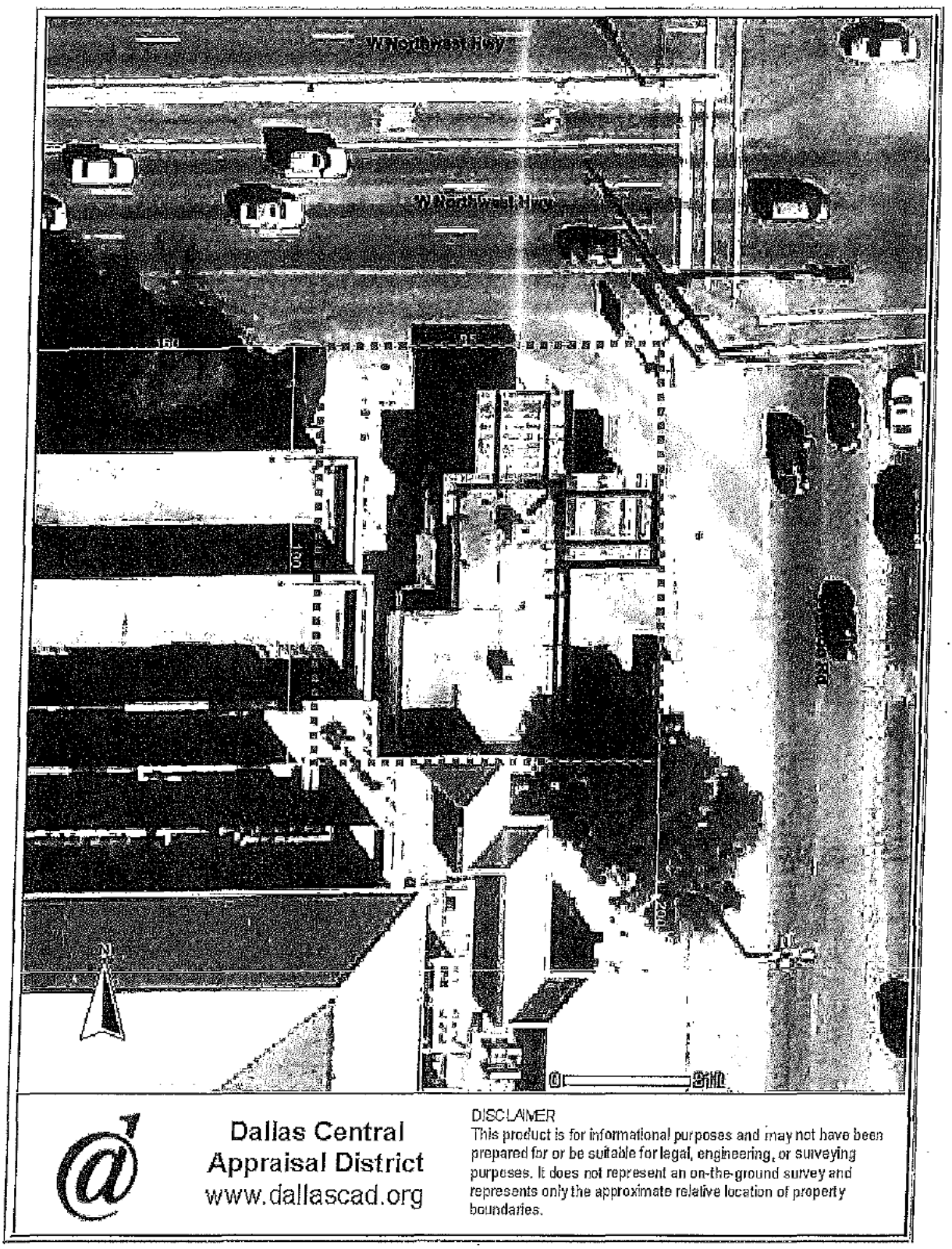


Grantor/Lessor:	Colonial Bank		Grantee/Lessee:	MC Preston, LP	
Date:	10/5/2011	Recording Information:	201100261854	Key Map:	D25-T
Address:	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas			Zip Code:	75225
Legal Description:	Part of Lot 1, Block 5623, Antony Plaza Addition, Dallas				
Confirmed Price:	$1,450,000		Verified with:	Confidential	
Terms and Conditions of Sale:	Cash to the Seller				
Rental Data:	N/A				
Land Size:	9,000 SF or 0.207 Acres		Unit Price as Vacant:	$ 161.11 SF	
Type Street:	Primary thoroughfares		Utilities:	All Available	
Improvement(s) Description:	None				
Improvement(s) Size:	N/A (GBA) N/A (NRA)		Unit Price as Improved:	N/A	
Condition and Functional Design:	N/A				
Current Use:	Vacant Land		Highest & Best Use:	Commercial	
Date of Inspection:	July 7, 2015	Zoning:	PD-314 MU-2	Flood Plain:	None

Attach Additional Information:

The tract is located on the southwest corner of Northwest Highway and Preston Road. The tract is improved with a 1,979 converted service station that was built in 1957. The tract has approximately 100' of frontage along Preston Road and approximately 90' of frontage along Northwest Highway.

Appraiser: Michael W. Massey, MAI Date: July 13, 2015


W Northwest Hwy
W Northwest Hwy
160
N
0
Dallas Central
Appraisal District
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DISCLAIMER
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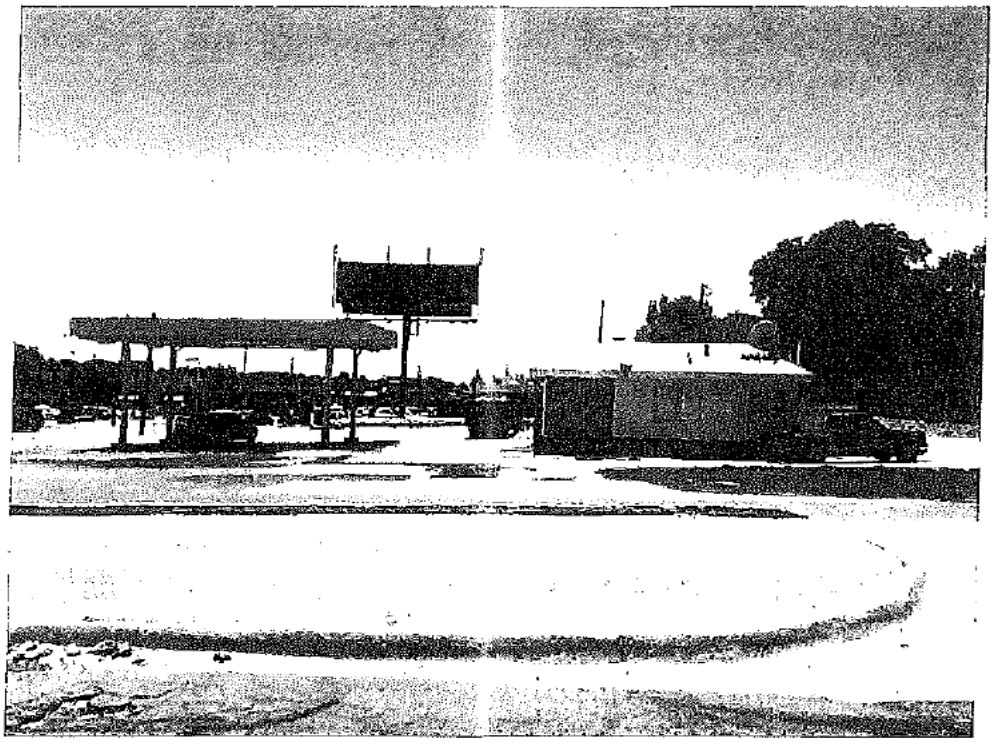
COMPARABLE DATA SUPPLEMENT – SALE 2

Land Sale ☒ Improved Sale ☐ Rental Data ☐

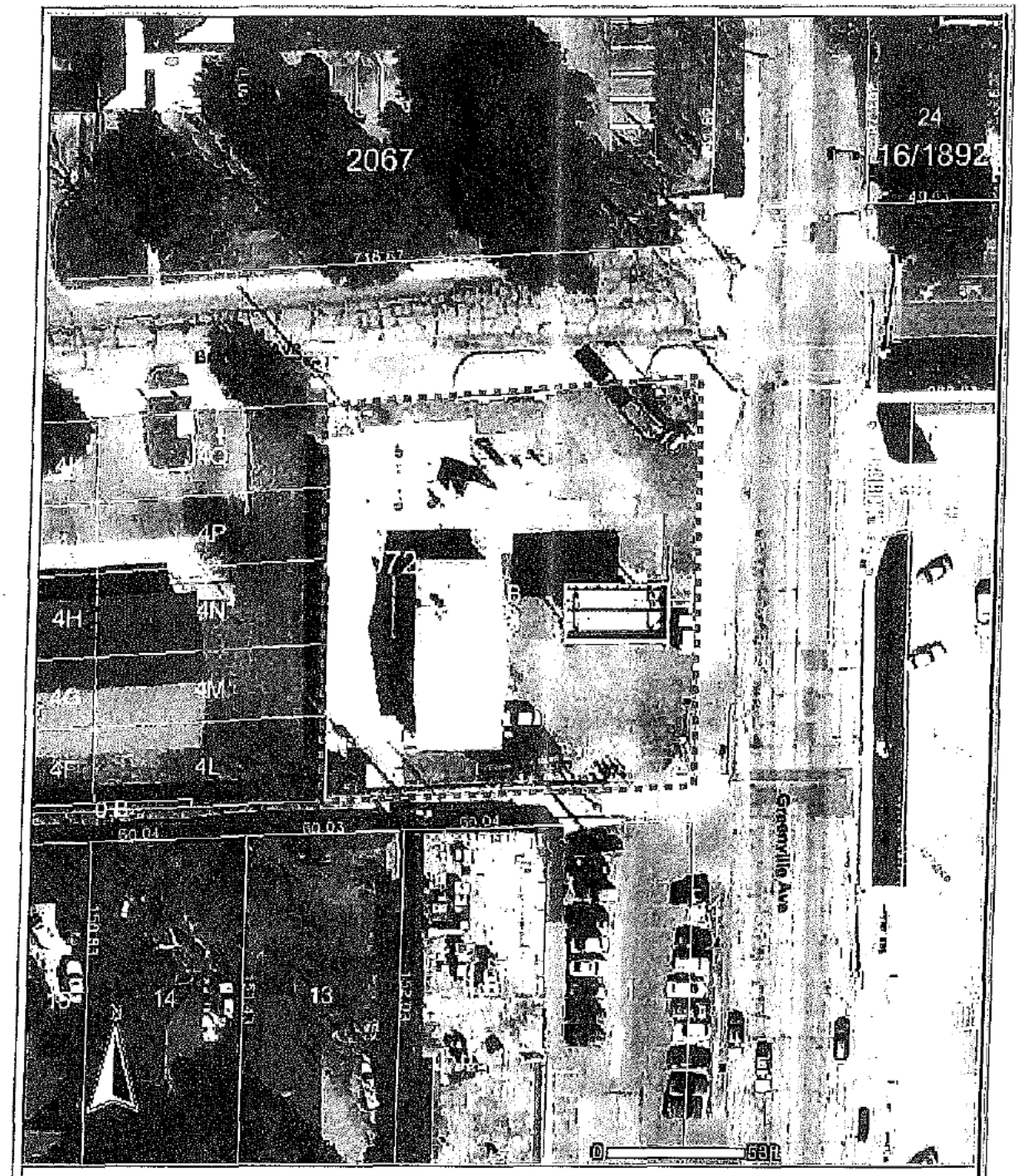


Grantor/Lessor:	Quik Way Retail As II, Ltd.	Grantee/Lessee:	CCP Green Belmont, LP		
Date: 9/17/2014	Recording Information:	201400237765	Key Map:	D36-S	
Address:	SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas		Zip Code:	75206	
Legal Description:	Lot B, Block 2072, Caruth Place, Dallas				
Confirmed Price:	$1,541,960	Verified with:	Broker		
Terms and Conditions of Sale:	Cash to the Seller				
Rental Data:	N/A				
Land Size:	22,184 SF or 0.509 Acres	Unit Price as Vacant:	$ 69.51	SF	
Type Street:	Primary thoroughfare	Utilities:	All Available		
Improvement(s) Description:	None				
Improvement(s) Size:	N/A (GBA) N/A (NRA)	Unit Price as Improved:	N/A		
Condition and Functional Design:	N/A				
Current Use:	Vacant Land	Highest & Best Use:	Commercial/retail		
Date of Inspection:	July 7, 2015	Zoning:	PD-842, MD-1	Flood Plain:	None

Attach Additional Information:

The tract is located on the southwest corner of Greenville Avenue and Belmont Avenue. The tract was improved with a closed gas station/convenience store and will be razed. The site will reportedly be ground leased to a restaurant. The improvements will be razed at an estimated cost of $100,000, which has been added to the $1,441,960 sale price. The adjusted price is $1,541,960.

Appraiser: Michael W. Massey, MAI Date: July 13, 2015



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COMPARABLE DATA SUPPLEMENT – SALE 3

Land Sale ☒ Improved Sale ☐ Rental Data ☐

Grantor/Lessor: Rosebriar Caruth Haven, LP Grantee/Lessee: In N Out Burger

Date: 09/30/2014 Recording Information: 201400250782 Key Map: D26-X

Address: E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas Zip Code: 75206

Legal Description: Lot 4D, Block A/5191, North Central 2 Addition, Dallas

Confirmed Price: $4,000,000 Verified with: Seller

Terms and Conditions of Sale: Cash to the Seller

Rental Data: N/A

Land Size: 50,464 SF or 1.158 Acres Unit Price as Vacant: $ 79.26 SF

Type Street: Primary thoroughfare Utilities: All Available

Improvement(s) Description: None

Improvement(s) Size: N/A (GBA) N/A (NRA) Unit Price as Improved: N/A

Condition and Functional Design: N/A

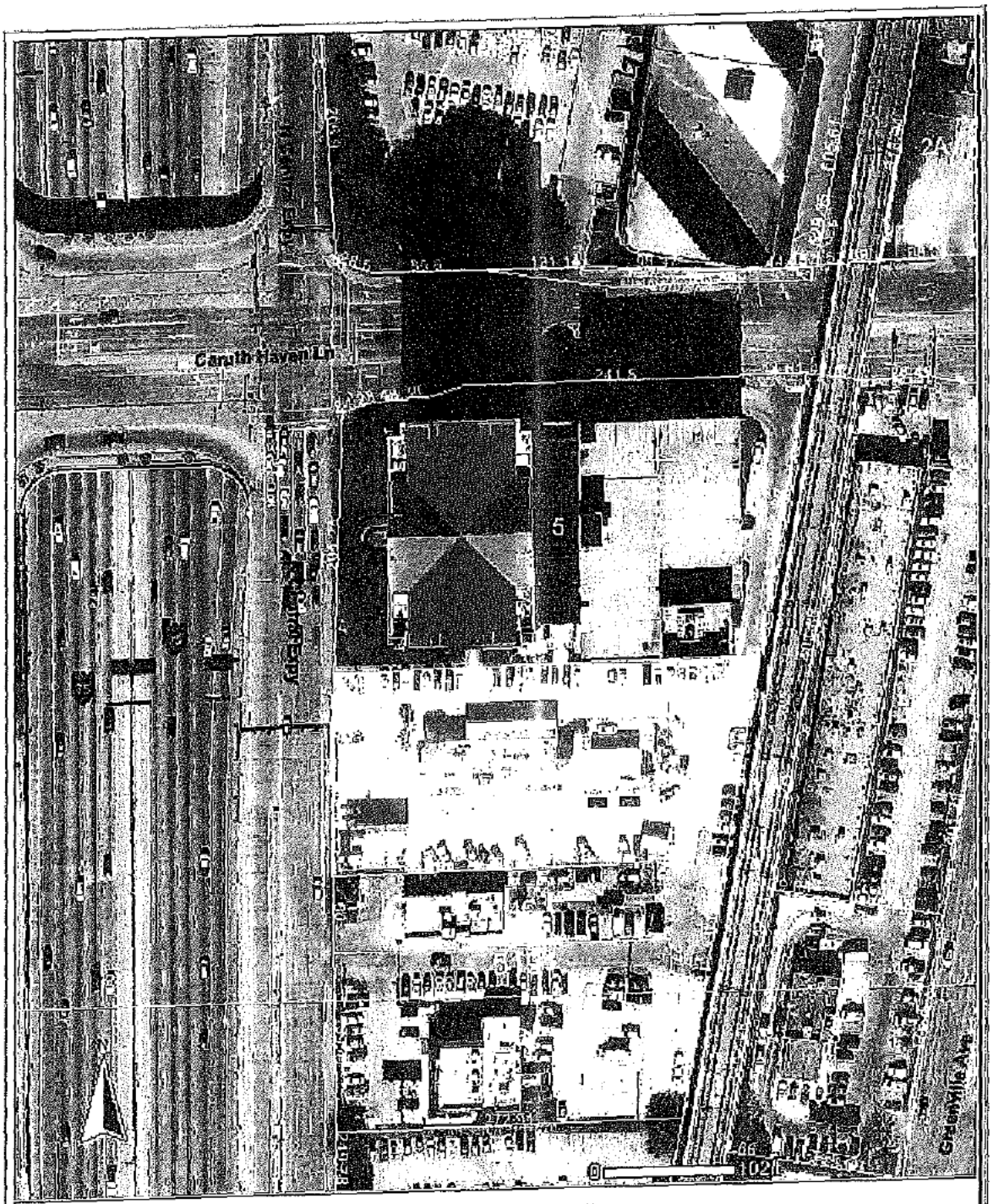
Current Use: Vacant Land Highest & Best Use: Commercial/Retail

Date of Inspection: July 7, 2015 Zoning: MU-3 Flood Plain: None

Attach Additional Information:

The tract is located along the east side of the Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane. The DART rail line abuts the east side of the tract. The tract is improved with an In N Out Burger restaurant.

Appraiser: Michael W. Massey, MAI Date: July 13, 2015



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PART TO BE ACQUIRED

Highest and Best Use: See page 24

Contributory Value of Improvements (Itemized)								

Total Contributory Value of Improvements								$ -
Taking - Fee (100%)	3,123	sf	@	$ 104.90	/sf	$	327,603	$ 327,603

Total Land								$ 327,603
TOTAL VALUE AS A UNIT								$ 327,603

REMAINDER BEFORE THE ACQUISTION

Contributory Value of Improvements (Itemized)								

Total Contributory Value of Improvements								$ -
Fee - Remainder (100%)	36,368	sf	@	$ 104.90	/sf	$	3,815,003	$ 3,815,003
Total Land					(SAY)			$ 3,815,003
TOTAL VALUE AS A UNIT								$ 3,815,003

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, 6101 Mockingbird, LLC, a Texas limited liability company are the owner of two tracts of land situated in the William P. Corder Survey, Abstract No. 282, in the City of Dallas, Dallas County, Texas, being part of City of Dallas Block No. F/2953, and being that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400046378, Official Public Records, Dallas County, Texas, and that same tract of land conveyed to 6101 Mockingbird, LLC by Special Warranty Deed recorded in Instrument No. 201400161160, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "X" found for corner in the North line of E. Mockingbird Lane (a variable width right-of-way), said point being the Southwest corner of a tract of land conveyed to James Wehner and Patricia Wehner by Special Warranty Deed recorded in Instrument No. 200600144038, Official Public Records, Dallas County, Texas;

Thence South 89 degrees 18 minutes 08 seconds West along the North line of said E. Mockingbird Land, a distance of 277.31 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 41 degrees 42 minutes 59 seconds West, a distance of 17.26 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the East line of Skillman Street (a variable width right-of-way);

Thence North 04 degrees 49 minutes 15 seconds East along the East line of said Skillman Street, a distance of 87.00 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner;

Thence North 00 degrees 59 minutes 55 seconds East continuing along the East line of said Skillman Street, a distance of 40.35 feet to a 2 1/4 inch disc with mag nail stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being in the South line of a 15 foot alley right-of-way;

Thence North 89 degrees 21 minutes 01 seconds East along the South line of said alley, a distance of 278.02 feet to a 3 inch disc stamped "S.M.S. & RPLS 5299 TXHS" set for corner, said point being the Northwest corner of aforementioned Wehner tract;

Thence South 01 degrees 07 minutes 52 seconds East along the West line of said Wehner tract, a distance of 139.72 feet to the Point of Beginning and containing 39,491 square feet or 0.9066 of an acre of land.

OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, 6101 Mockingbird, LLC, acting by and through it's duly authorized agent Robert I. Parks III, does hereby adopt this plat, designating the herein described property as **SKILL-MOCK SUBDIVISION**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by the utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Dallas, Texas.

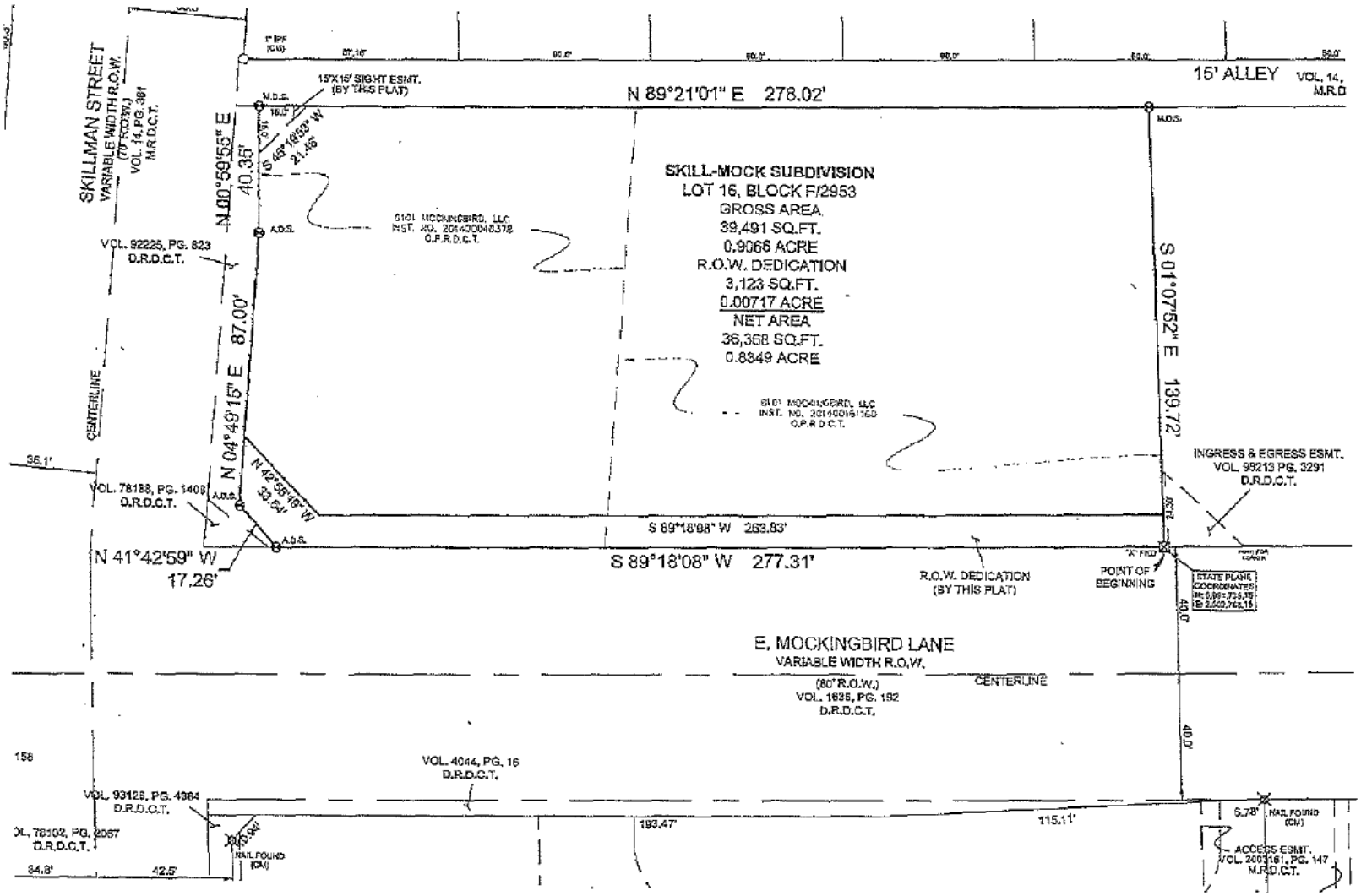
WITNESS MY HAND THIS _____ DAY OF _____, 2015.

_____

Robert I. Parks III, manager

SURVEY WITH PART-TO-BE-ACQUIRED

37



DESCRIPTION OF THE PART-TO-BE-ACQUIRED (PTA)

The part-to-be-acquired (PTA) involves the fee taking of one land tract for street right-of-way (ROW).

The part-to-be-acquired (PTA) involves the fee taking of one land tract for street right-of-way (ROW). The PTA contains 0.0717 acres, or 3,123 SF of land located is located along the south side of the tract along Mockingbird Lane and along the east side of Skillman Road. Only vacant land is located within the taking.

The PTA is irregular in shape, with a level topography. The tract has ± 277.31' of frontage along the north side of Mockingbird Lane, ± 17.26' along the Mockingbird Land/Skillman Road corner clip and ± 22' along the east side of Skillman Road. The width ranges from ± 10' along the south portion and ± 22' along the southwest portion of the acquisition.

Due to the small size and narrow shape of the taking, the part-to-be-acquired tract is not considered to be self-sustaining economic unit and will be valued as part of the whole.

VALUE OF THE PART-TO-BE-ACQUIRED

Given the location and configuration of the parts to be acquired, the tract could not be developed on its own therefore it is valued as a pro-rata share of the Whole Property.

HIGHEST AND BEST USE OF THE PART-TO-BE-ACQUIRED

As part of the Whole Property.

PROPERTY VALUATION SUMMARY

Whole: ☐ Part to be Acquired: ☐ Remainder After: ☒

HIGHEST AND BEST USE ANALYSIS: See next page.

VALUATION APPROACHES
Insert value estimate, then describe, analyze, and support each approach as required.

Cost Approach	NA
Sales Comparison Approach	$ 3,815,003 (Land Only)
Income Approach	NA
Reconciliation of Approaches to Value	$ 3,815,003

	Contributory Value of Improvements (Itemized)	
Easement Value		
Land Value	Total Contributory Value of Improvements	$ -

Reconciled Final Value	-	acres/sq. ft. @	$ -	=	$ -			
	36,368	sf/sq. ft. @	$ 104.90	=	$ 3,815,003		$	3,815,003
						Say,	$	3,815,003

Each approach developed follows this page and is sequenced as shown below.

Land Value,	Cost Approach,	Sales Comparison Approach,	Income Approach,
Pg: 45	Pg: NA	Pg: NA	Pg: NA

DESCRIPTION OF THE REMAINDER AFTER ACQUISITION

The remainder tract will contain 0.8349 acres, or 36,368 SF of unencumbered land. There will be no significant changes to the tract as a result of this Taking. Access will be similar to what exists prior to the Taking. It will remain very similar to the Whole Property. Thus, the remaining tract is not damaged.

HIGHEST AND BEST USE OF THE REMAINDER AFTER ACQUISITION

Same as Whole Property vacant land analysis on Page 28.

SALES COMPARISON APPROACH Whole: ☐ Land: ☒ Part to be Acquired: ☐ Improved: ☐ Remainder After: ☒

REMAINDER - VALUATION GRID **Representative Comparable Sales**

	Subject	Comp. No 1	Comp. No 2	Comp. No 3
Grantor		Colonial Bank	Quik Way Retail As II, Ltd.	Rosebriar Caruth Haven,
Grantee		MC Preston, LP	CCP Green Belmont, LP	In N Out Burger
Date of Sale		10/5/2011	9/17/2014	09/30/2014
Unit Price		$ 161.11	$ 69.51	$ 79.26
Relative Location	NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas	SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas	E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas
Distance from Subject		± 3.2 Miles Northwest	± 1.4 Miles Southwest	± 1.7 Miles Northwest
Financing		Cash to Seller 0%	Cash to Seller 0%	Cash to Seller 0%
Conditions of Sale		Market 15%	Market 0%	Market 0%
Market Conditions		0%	0%	0%
Adjusted Price		$185.28	$69.51	$79.26
Location/Access/Visibility		Superior -50%	Inferior 20%	Inferior 15%
Size SF	36,368	9,000 20%	22,184 15%	50,464 0%
Zoning		Similar 0%	Similar 0%	Similar 0%
Shape/Topography		Similar 0%	Similar 0%	Similar 0%
Utilities		Similar 0%	Similar 0%	Similar 0%
Flood Plain		Similar 0%	Similar 0%	Similar 0%
Loss of Utility		Similar 0%	Similar 0%	Similar 0%
Total Adjustment		-30%	35%	15%
	Indicated Unit Value	SF $ 129.70	SF $ 93.84	SF $ 91.15
Estimated Unit Value				$ 104.90
		36,368 SF @ $ 104.90		$3,815,003
Estimated Value by Sales Comparison Approach				$3,815,003

See next Page for explanation of adjustments.

EXPLANATION OF ADJUSTMENTS – REMAINDER AFTER TAKING

Property Rights Conveyed – All of the sales were purchased in Fee Simple and no adjustment is necessary.

Financing – All of the sales comparables were purchased with cash to the Sellers and no adjustment is necessary.

Conditions of Sale – The sales comparables did not require adjustments for conditions of sale.

Market Conditions – Sale 1 occurred in October 2011, while Sales 2 and 3 occurred in September 2014. Overall market conditions have improved significantly since 2011 and an upward adjustment will be applied to Sale 1. No adjustment will be applied to Sales 2 and 3.

Location/Access/Visibility – The subject is located on the northeast corner of Mockingbird Lane and Skillman Road. Both frontage roads are primary thoroughfares that provide good access and visibility.

Sale 1 is located on the southwest corner of Northwest Highway and Preston Road, approximately 3.2 miles northwest of the Subject. Both frontage roads are primary thoroughfares that provide good access and visibility in an area heavily developed with office and retail uses. The overall location is considered to be superior to the subject and a downward adjustment will be made.

Sale 2 is located on the southwest corner of Greenville Avenue and Belmont Avenue, approximately 1.4 miles southwest of the Subject. Greenville Avenue is a primary thoroughfare, while Belmont Avenue is a secondary roadway. The overall location, access and visibility are inferior to the Subject and an upward adjustment will be applied.

Sale 3 is located along the east side of the Central Expressway (US-75) service road, just south of Caruth Haven Lane, approximately 1.7 miles northwest of the Subject. Central Expressway is a major freeway; however Sale 3's interior location is deemed inferior to the Subject corner location and an upward adjustment will be applied.

Size – The remainder subject property contains 0.8349 acres, or 36,368 SF of land. In built-up areas similar to the Subject a premium is paid for larger more developable tracts than smaller tracts that require assemblage. Sale 1 contains only 9,000 SF, which is detrimental to its development utility and an upward adjustment will be applied. Sale 2 contains 22,184 SF and will be adjusted upward. Sale 3 contains 50,464 SF, which is similar to the Subject and no adjustment will be made.

Shape/Topography – The subject property is rectangular in shape with a level to slightly sloping topography. The overall shape and topography of the subject and comparable sales are similar and no adjustment is warranted.

Flood Plain – No portion of the subject property or comparable sales are located in the flood plain. No adjustments will be made.

Zoning – The subject's zoning and zoning of the comparable sales allow for similar uses and no adjustment is necessary.

Utilities – The subject and comparable sales have access to all utilities. No adjustments are necessary.

Final Reconciliation – The adjusted sales range from $91.15/SF to $129.70/SF, with an average of $104.90/SF. Each is a tract with the same highest and best use as the subject. After adjustments, these sales indicated a narrow range of unit values for the subject property. An equal emphasis will be given to all the sales. For our analysis, a price per square of $104.90/SF is reasonable and will be utilized. The value of the subject remainder property is calculated as follows.

Remainder Land Value

36,368	SF	@	$	104.90	=	$ 3,815,003

COMPENSATION SUMMARY

WHOLE PROPERTY:				
The market value of the whole property is	$	**4,142,606**		
PART TO BE ACQUIRED:				
Considered as severed land, the fee simple title to the part being acquired is			$	**327,603**
REMAINING PROPERTY:				
The value of the remainder immediately before the taking is	$	**3,815,003**		
Considering the uses to which the part taken is to be subjected to, the market value of the remainder immediately after the acquisition is	$	**3,815,003**		
NET DAMAGES OR ENHANCEMENTS, if any			$	-
Cost to Cure Items			$	-
TOTAL COMPENSATION			$	**327,603**

COMPENSATION SUMMARY

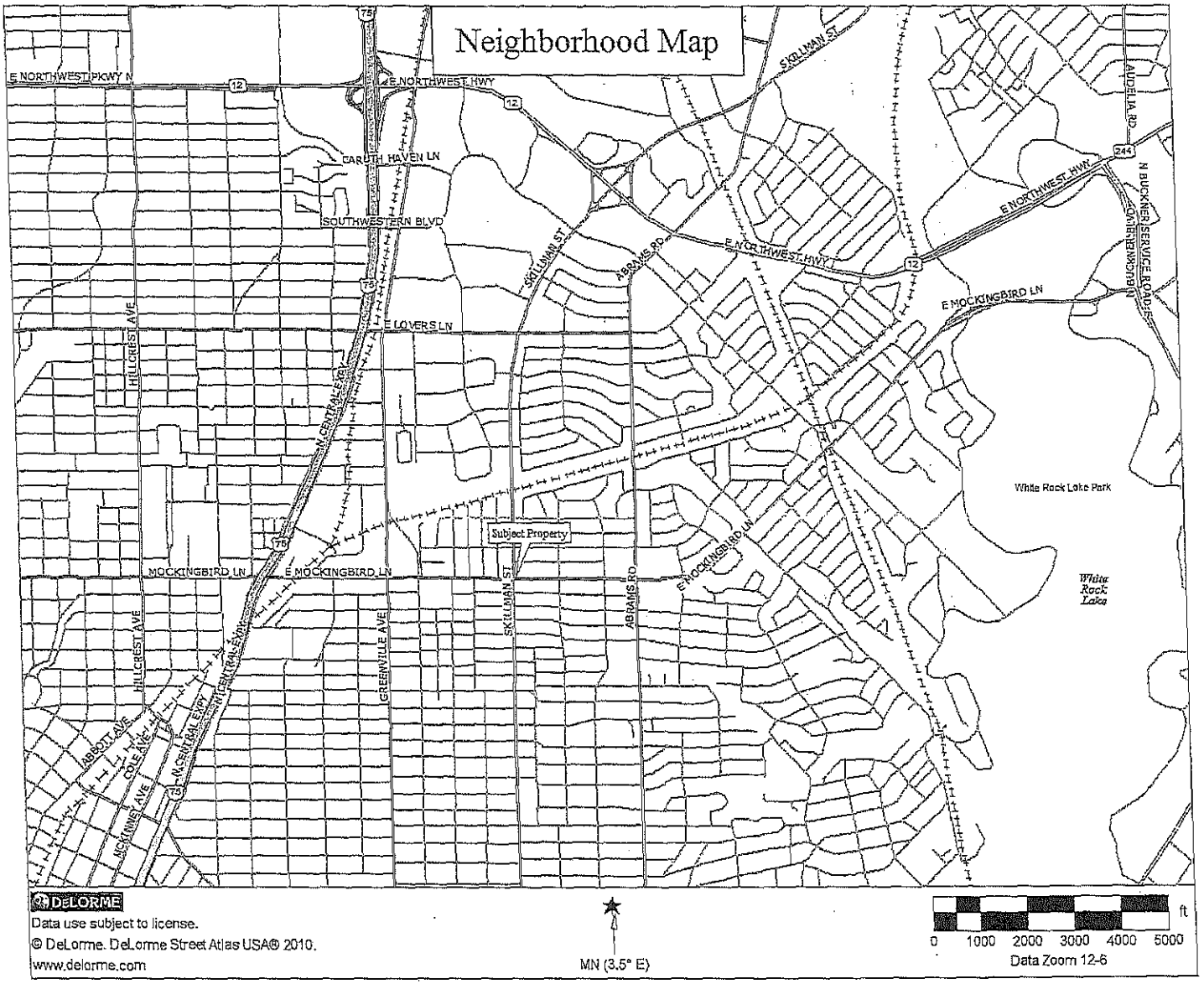
WHOLE PROPERTY:				
The market value of the whole property is	$	4,142,606		
PART TO BE ACQUIRED:				
Considered as severed land, the fee simple title to the part being acquired for flood improvement purposes (less oil, gas and sulphur and subject to existing easements, if any, which are not to be extinguished) is			$	327,603
REMAINING PROPERTY:				
The value of the remainder immediately before the taking is	$	3,815,003		
Considering the uses to which the part taken is to be subjected to, the market value of the remainder immediately after the acquisition is	$	3,815,003		
NET DAMAGES OR ENHANCEMENTS, if any			$	-
Value of Temporary Easement				
Cost to Cure Items				
TOTAL COMPENSATION			$	327,603

NEIGHBORHOOD ANALYSIS

The subject is located on the northeast corner of Mockingbird Lane and Skillman Road in the City of Dallas. Primary access to the neighborhood is provided by Central Expressway (US-75), Northwest Highway, Greenville Avenue, Skillman Road and Abrams Road. The overall access to and within the Neighborhood is considered to be good.

Commercial, retail and office development is located along the primary thoroughfares such as Central Expressway, Northwest Highway and Mockingbird Lane. Single family development is the dominate use within the Neighborhood, while a significant amount of multi-family development is located in the west portion of the Neighborhood. Single family, multi-family and commercial development is actively being constructed within the Neighborhood. The neighborhood is considered to be in the stable to growth stage of the life cycle.

The use surrounding the subject include single family development to the north, multi-family development to the east, commercial/retail development to the south across Mockingbird Lane and a car service center followed by single family development to the west across Skillman Road.


Neighborhood Map
E NORTHWEST PKWY N
E NORTHWEST HWY
SKILLMAN ST
LAUDELIA RD
CARUTH HAVEN LN
SOUTHWESTERN BLVD
ABRAMS RD
N BUCKNER SERVICE ROAD SB
E MOCKINGBIRD LN
E LOVERS LN
HILLCREST AVE
N CENTRAL EXPY
White Rock Lake Park
Subject Property
MOCKINGBIRD LN
GREENVILLE AVE
ABBOTT AVE
COLE AVE
MCKINNEY AVE
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Data use subject to license.
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ASSUMPTIONS AND LIMITING CONDITIONS

It is assumed that title to the property herein appraised is good and merchantable, and in fee simple. The value is reported without regard to questions of title, boundaries, encroachments, environmental regulations, licenses, or other matters of a legal nature unless noncompliance has been stated, defined, and considered in the appraisal report.

The value is estimated under the assumption that there will be no international or domestic political, economic, or military actions that will seriously affect real estate values throughout the country.

Certain information concerning market and operating data was obtained from others. This information is verified and checked, where possible, and is used in this appraisal only if it is believed to be accurate and correct. However, such information is not guaranteed. Dimensions and areas of the Subject Property and of the comparables were obtained by various means and are not guaranteed to be exact.

Real estate values are influenced by a number of external factors. The information contained herein is all of the data we consider necessary to support the value estimate. We have not knowingly withheld any pertinent facts, but we do not guarantee that we have knowledge of all factors, which might influence the value of the Subject Property. Due to rapid changes in external factors, the value estimate is considered to be reliable only as of the date of the appraisal.

Opinions of value contained herein are estimates. This is the definition of an appraisal. There is no guarantee, written or implied, that the Subject Property will sell for the estimated value. The estimated value assumes that the property is under responsible ownership and has competent and prudent management.

The appraiser will not be required to provide testimony or attendance in court or before other legal authority by reason of this appraisal without prior agreement and arrangement between the employer and the appraiser.

Disclosure of the contents of this appraisal report is governed by the By-Laws and Regulations of the Appraisal Institute. Neither all nor any part of the contents of this report (especially any opinions, analyses, or conclusions concerning value, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or the M.A.I. or SRA Designation) shall be disseminated to the public through advertising media, public relations media, news media, sales media, prospectus for securities, or any other public means of communication without prior written consent and approval of the undersigned.

It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures, which would render it more or less valuable, except as stated in this report. No responsibility is assumed for such conditions or for engineering, which may be required to discover them. It is assumed that a prudent owner/buyer would allow inspection of the property by a qualified soils or structure engineer if conditions so required.

The distribution of the total valuation in this report between land and improvements applies only under the reported highest and best use of the land. The allocation of value for land and improvements, if presented, must not be used in conjunction with any other appraisal and are invalid if so used.

Estimates of costs to cure deferred maintenance are difficult at best. Contractors approach such problems in various ways. The estimates, if any, provided within this report are probable costs given current market conditions, available information, and the appraiser's expertise.

No environmental impact studies were requested or made in conjunction with this appraisal, and the appraiser hereby reserves the right to alter, amend, revise, and/or rescind the value opinions based upon any subsequent environmental impact studies, research, or investigation.

This appraisal was prepared by Michael W. Massey & Associates and consists of trade secrets and commercial or financial information, which is privileged and confidential and is, exempted from disclosure under 5 U.S.C. 552 (b) (4). Please notify Michael W. Massey & Associates of any request of reproduction of this appraisal.

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl, petroleum leakage, or agricultural chemicals, which may or may not be present on the property or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

Anyone acting in reliance upon the opinions, judgments, conclusions, or data contained herein, who has the potential for monetary loss due to the reliance thereon, is advised to secure an independent review and verification of all such conclusions and/or facts.

The user agrees to notify the appraiser prior to any irrevocable loan or investment decision of any error, which would reasonably be determined from a thorough and knowledgeable review.

By acceptance and use of this report, the user agrees that any liability for errors, omissions or judgment of the appraiser is limited to the amount of the fee charged.

The limiting condition relating to the ADA is as follows:

This appraisal has not considered the effects of the enactment of the Americans with Disabilities Act of 1990 (ADA), which initially became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. Standards of this act are designed to provide access to all public facilities to all persons, regardless of mobility limitations. The act provides forceful encouragement for commercial establishments to enhance their accessibility and requires that renovations after this date fully comply with the access standards established by the Architectural and Transportation Barriers Compliance Board. Enhancements to buildings must be readily achievable and able to be carried out without much difficulty or expense. The act recognizes that "readily achievable" is different for companies depending on their resources. The first priority is to provide access from sidewalks, parking and transportation areas, with the second priority being to provide access to areas where goods and services are available to the public. Finally, access to restroom facilities must accommodate all persons. The modifications and costs that may be necessary for the property to conform to ADA can be ascertained only by a qualified architect. Should such a study be undertaken, and should the retrofit costs, if any, become known, then the appraisers reserve the right to re-evaluate the Subject Property.

- According to the information provided by the client, the Subject contains 0.9066 acres, or 39,491 SF of land. The part-to-be-acquired is 0.0717 acres, or 3,123 SF of land. These are assumed to be correct and will be used.

APPRAISAL PROCEDURE

The procedures followed in this appraisal revolve around an analysis of various factors, which affect the value of the Subject Property. Included in this analysis was an investigation into such matters as the physical attributes of the Subject Property, area and neighborhood market trends, and general social, economic, political, and environmental considerations. The valuation process, which serves as a basis for estimating the value of the Subject Property, employs as many separate appraisal techniques as are appropriate. The value of the Subject Property is estimated by applying specific appraisal procedures that reflect the following methods for mathematically analyzing data:

COST APPROACH - An estimate of the present reproduction cost of the improvements, less accrued depreciation, plus the land value. Depreciation includes a deduction from reproduction cost of the improvements due to physical, functional, and economic causes.

INCOME CAPITALIZATION APPROACH - Capitalization of the net income that the property is capable of producing. This approach, of course, is applicable only in income-producing properties.

SALES COMPARISON APPROACH - Comparison with similar properties that have sold in the market. This approach can be applied to land alone or to improved properties.

The subject is vacant land, thus only the Sales Comparison Approach will be used to value the site.

SUMMARY OF QUALIFICATIONS

Michael W. Massey, MAI, MRICS
Currently: President, Michael W. Massey & Associates, Inc.

Over forty years experience in the appraisal of real properties, including commercial, office, retail, industrial, special purpose and mineral interests, for mortgage bankers, savings and loan associations, insurance companies, attorneys, private individuals and governmental agencies. Areas of expertise include West, Southwest and Southeast United States, Republic of Mexico, Puerto Rico and U.S. Virgin Islands.

- Graduated from Texas Technological University in 1966: B.B.A. - Marketing
- Completed University and Appraisal Institute Courses in Real Estate Appraisal and Consulting.
- Awarded MAI Designation in November 1977 (5769)
- Member of Royal Institution of Chartered Surveyors (RICS) No. 6545715
- Recognized as "Expert" in Real Estate Valuation in Federal, State and County Courts in several states.
- Collin County Regional Airport Board 2000-2007; Four years as chairman
- Collin County Facilities Bond Committee – 2007
- Collin County Special Commissioners Court – Panel Member
- McKinney ISD – Bond Committee Board

PROFESSIONAL DESIGNATIONS AND AFFILIATIONS

MAI	Member, Appraisal Institute (#5769)
MRICS	Royal Institution of Chartered Surveyors #6545715
GAA	National Association of Realtors #440 General Accredited Appraiser National Board of Realtors
	Licensed Broker #188093 – Texas Real Estate Commissions
	Licensed Appraiser State of Texas Expires March 31, 2015
	State of Texas - #132016-G
	State of Louisiana - #0369 TP
	State of New Mexico - #TP-015
	State of Arizona - #AZ-201
	State of California - #AGO14189
	State of Colorado - #CGO 1319505
	State of Oklahoma - #11680CGA
	State of Arkansas - #CG1444N
	State New Jersey - #42RG00225100
	State of Florida - #TP 1790

As of this date, Michael W. Massey, MAI, MRICS, has completed the requirements under the continuing education program of the Appraisal Institute through December 31, 2015.

You may wish to laminate the pocket identification card to preserve it.

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

Texas Appraiser Licensing and Certification Board
P.O. Box 12188
Austin, Tx 78711-2188
www.talch.texas.gov
(512) 936-3001
Fax:(512) 936-3899

MICHAEL WARREN MASSEY

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number#: TX 1320163 G

Issued: 03/03/2015 Expires: 03/31/2017

Appraiser: MICHAEL WARREN MASSEY

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number: TX 1320163 G

Issued: 03/03/2015 Expires: 03/31/2017

Appraiser: MICHAEL WARREN MASSEY

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

SUMMARY OF QUALIFICATIONS

GREGORY M. CONNELLY

Currently: Senior Appraiser with Michael W. Massey & Associates

PROFESSIONAL EXPERIENCE:

Independent real estate fee appraiser: 1990 - Present. Over twenty years experience in the appraisal and valuation of real properties. Commercial appraisal experience includes: apartment complexes, subdivisions, industrial properties, office buildings, medical facilities, shopping centers, restaurants, hotel/motels, ranches, special purpose properties and various commercial land tracts for mortgage bankers, banks, savings and loan associations, insurance companies, attorneys, private individuals, public utilities, and governmental agencies.

Completed appraisals in the Dallas/Fort Worth area and other parts of Texas as well as Alabama, Arkansas, California, Colorado, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Mississippi, Missouri, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Tennessee and Wisconsin.

Graduated from Southwest Texas State University: B.B.A. (Finance)

Completed college and Appraisal Institute courses in real estate appraisal.

- Standards of Professional Practice A & B
- Principles of Real Estate Appraisal 1A-1
- Basic Valuation 1A-2
- Capitalization Theory & Techniques, Part A
- Capitalization Theory & Techniques, Part B
- Advanced Income Capitalization (510)
- Advanced Sales Comparison and Cost Approach (530)
- Report Writing & Valuation Analysis (540)
- Highest and Best Use and Market Analysis (520)

PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS:

APPRAISER - Certified Appraiser (TX-1324452-G), State of Texas

APPRAISER - Candidate for the MAI designation from the Appraisal Institute, (#79941)

GREGORY MICHAEL CONNELLY

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

Texas Appraiser Licensing and Certification Board
P.O. Box 12188
Austin, Tx 78711-2188
www.talcb.texas.gov
(512) 936-3001
Fax:(512) 936-3888

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number# TX 1324452 G

Issued: 08/04/2014 Expires: 07/31/2016

Appraiser: GREGORY MICHAEL CONNELLY

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser

Number: TX 1324452 G

Issued: 08/04/2014 Expires: 07/31/2016

Appraiser: GREGORY MICHAEL CONNELLY

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.

Douglas E. Oldmixon
Commissioner

	Subject	Comp. No 1		Comp. No 2		Comp. No 3		
Grantor		Colonial Bank		Quik Way Retail As II, Ltd.		Rosebriar Caruth Haven, LP		
Grantee		MC SWPR, LP		CCP Green Belmont, LP		In N Out Burger		
Date of Sale		08/29/2011		9/17/2014		09/30/2014		
Unit Price		$ 161.11		$ 69.51		$ 79.26		
Relative Location	NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas		SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas		E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas		
Distance from Subject		± 3.2 Miles Northwest		± 1.4 Miles Southwest		± 1.7 Miles Northwest		
Property Rights Conveyed		Fee Simple	0%	Fee Simple	0%	Fee Simple	0%	
Financing		Cash to Seller	0%	Cash to	0%	Cash to	0%	
Conditions of Sale		Market	0%	Market	0%	Market	0%	
Market Conditions			0%		0%		0%	
Adjusted Price			$161.11		$69.51		$79.26	
Location/Access/Visibility		Superior	-40%	Inferior	20%	Inferior	15%	
Size SF	39,627	9,000	20%	22,184	15%	50,464	0%	
Zoning		Similar	0%	Similar	0%	Similar	0%	
Shape/Topography		Similar	0%	Similar	0%	Similar	0%	
Utilities		Similar	0%	Similar	0%	Similar	0%	
Flood Plain		Similar	0%	Similar	0%	Similar	0%	
Total Adjustment			-20%		35%		15%	Average
	Indicated Unit Value	SF	$ 128.89	SF	$ 93.84	SF	$ 91.15	$ 104.63
Estimated Unit Value							$ 104.63	
Fee Land @ 100%		39,627 SF @		$ 104.63			$ 4,146,173	

Estimated Value by Sales Comparison Approach ..... $ 4,146,173

	Subject	Comp. No 1		Comp. No 2		Comp. No 3		
Grantor		Colonial Bank		Quik Way Retail As II, Ltd.		Rosebriar Caruth Haven, LP		
Grantee		MC SWPR, LP		CCP Green Belmont, LP		In N Out Burger		
Date of Sale		08/29/2011		9/17/2014		09/30/2014		
Unit Price		$	161.11	$	69.51	$	79.26	
Relative Location	NEC Mockingbird Land and Skillman Road, Dallas, Dallas County, Texas	SWC Northwest Highway and Preston Road, Dallas, Dallas County, Texas		SWC Greenville Avenue and Belmont Avenue, Dallas, Dallas County, Texas		E/S Central Expressway (US-75) service road, ± 200' south of Caruth Haven Lane, Dallas, Dallas County, Texas		
Distance from Subject		± 3.2 Miles Northwest		± 1.4 Miles Southwest		± 1.7 Miles Northwest		
Property Rights Conveyed		Fee Simple	0%	Fee Simple	0%	Fee Simple	0%	
Financing		Cash to Seller	0%	Cash to	0%	Cash to	0%	
Conditions of Sale		Market	0%	Market	0%	Market	0%	
Market Conditions			0%		0%		0%	
Adjusted Price			$161.11		$69.51		$79.26	
Location/Access/Visibility		Superior	-40%	Inferior	20%	Inferior	15%	
Size SF	39,627	9,000	20%	22,184	15%	50,464	0%	
Zoning		Similar	0%	Similar	0%	Similar	0%	
Shape/Topography		Similar	0%	Similar	0%	Similar	0%	
Utilities		Similar	0%	Similar	0%	Similar	0%	
Flood Plain		Similar	0%	Similar	0%	Similar	0%	
Total Adjustment			-20%		35%		15%	Average
	Indicated Unit Value	SF	$ 128.89	SF	$ 93.84	SF	$ 91.15	$ 104.63
Estimated Unit Value							$ 104.63	
Fee Land @ 100%		39,627 SF @		$ 104.63			$ 4,146,173	

Estimated Value by Sales Comparison Approach ..... $ 4,146,173

AFFIDAVIT OF BRAD JACKSON

STATE OF TEXAS §
§
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Brad Jackson, who is personally known to me, and who, after first being duly sworn under oath, deposes and states as follows:

1. "My name is Brad Jackson, I am more than 21 years of age; I am of sound mind; and I am competent to make this Affidavit and to testify to the matters stated herein.

2. The statements contained herein are true and correct and within my personal knowledge as an attorney licensed to practice law in the State of Texas and admitted to practice law in Texas. I am also lead counsel for 6101 Mockingbird, LLC. ("Developer") Developer retained me to represent it in this proceeding against the City of Dallas.

3. My experience, reputation and abilities are set forth herein. I have been an attorney licensed to practice law in the State of Texas since May 1990. I am Board Certified in Civil Trial Law by the Texas Board of Legal Specialization. I am AV rated by Martindale-Hubbell. I have handled a case involving a rough proportionality determination against the City of San Antonio previously. I have completed legal seminars where the topic discussed was attorneys' fees. I have set over a hundred fee agreements for legal services. I continually review and analyze fees as well as discuss them with other counsel. Cheryl Mann, the lawyer in my office who assisted me in this matter, has been licensed to practice law in Texas since 1995. She assisted me with the case involving a rough proportionality determination against the City of San Antonio previously. She and I have successfully represented clients in

numerous business litigation matters. I am familiar with the fees charged by other lawyers in the Dallas County area with similar skills and abilities to those of Cheryl Mann.

4. Based upon my experience, knowledge and training, the factors contained in TEXAS DISCIPLINARY RULE OF PROFESSIONAL CONDUCT 1.04, with which I am familiar, and the work performed in this case, it is my opinion that $25,650.00 in attorneys' fees is reasonable for the prosecution of this cause through September 30, 2015 as set forth in the attached billing statements. It is my opinion that the reasonable attorney fees from October 1 through the determination of this appeal to the Dallas City Council include an additional 10 hours each for myself and Cheryl Mann. This time will be incurred in reviewing and analyzing the City's briefing and preparing for and attending the City Council appeal. Those fees equal $2,500.00 for Cheryl Mann and $3,750.00 for me for a total of $6,250.00. Thus, it is my opinion that a reasonable fee, as set forth above, from the inception of our engagment through the City Council appeal totals $31,900.00.

5. The fee customarily charged in this locality for similar legal services ranges from $250.00-$450.00 per hour. I billed $375.00 an hour and billed Cheryl Mann at $250.00 per hour for the work performed on this case. I believe those rates to be reasonable for representation in this matter in this locale based on the information set forth in this affidavit.

6. The time and labor required through September 30, 2015 is reflected by the tasks and hours billed on my invoices, which are attached hereto as Exhibit A.

Further affiant sayeth not.

BRAD JACKSON

SUBSCRIBED AND SWORN TO BEFORE ME, an officer authorized to administer oaths, on this 21st day of October, 2015.

Notary Public, in and for the State of Texas

My Commission Expires:
06/28/2018

Printed Name of Notary Public

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955

Brad Jackson†
Cheryl L. Mann‡

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

‡Of Counsel

May 31, 2015

6101 Mockingbird, LLC
c/o Moran Capital
Robb Parks
Doug MacMahon

Re: ***Skill-Mock Subdivision, Lots 1 & 2, Block F/2953***

STATEMENT

For services rendered through May 31, 2015:

Professional Services (see attached detail):

Brad Jackson - 11.30 hours @ $375.00/hr.	$ 4,237.50
Cheryl L. Mann - 9.80 hours @ $250.00/hr.	$ 2,450.00
Professional Fees this Statement	$ 6,687.50
Discount - Professional Fees	$ 1,187.50 <
Professional Fees Due this Statement	**$ 5,000.00**

Out of Pocket Expenses:

Special Delivery	$ 63.40
Special Delivery	$ 19.94
USPS	$ 41.97
Copies (42 @ .20)	$ 8.40
Total Expense this Statement	**$ 133.71**

Summary:

Professional Fees	$ 5,000.00
Out of Pocket Expense	$ 133.71
Balance this Statement:	**$ 5,133.71**

Billing List

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UN-INVOICED TIME ONLY

Date	Client Name	Project	LEDES Task	LEDES Activity	Description	Hours	Rate	Amount
2/4/2015	Moran Capital - 6101 Mockingbird	Brad			Brief research, prepare demand letter to City of Dallas and email exchange with Robb re: same.	1.80	$375.00	$675.00
2/5/2015	Moran Capital - 6101 Mockingbird	Brad			Finalize and send demand letter and email with Doug and Robb re: same.	0.50	$375.00	$187.50
2/5/2015	Moran Capital - 6101 Mockingbird	Cheryl			Review demand letter and related emails.	0.40	$250.00	$100.00
2/10/2015	Moran Capital - 6101 Mockingbird	Cheryl			Receive and review email correspondence.	0.10	$250.00	$25.00
2/10/2015	Moran Capital - 6101 Mockingbird	Brad			Telephone conference with with Burt Vanderburk and email Robb and Doug re: same.	0.20	$375.00	$75.00
2/13/2015	Moran Capital - 6101 Mockingbird	Brad			Telephone conference with Bert Venderberg.	0.20	$375.00	$75.00
2/13/2015	Moran Capital - 6101 Mockingbird	Brad			Review City Code and email Robb and Doug re: same.	0.20	$375.00	$75.00
2/13/2015	Moran Capital - 6101 Mockingbird	Cheryl			Receive and review email correspondence.	0.10	$250.00	$25.00
2/17/2015	Moran Capital - 6101 Mockingbird	Cheryl			Review emails with client.	0.00	$250.00	$0.00

2/19/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of letter from City Engineer and email to Robb and Doug re: same.	0.30	$375.00	$112.50
2/19/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg.	0.10	$375.00	$37.50
2/20/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg.	0.10	$375.00	$37.50
2/20/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Doug.	0.10	$375.00	$37.50
2/20/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug.	0.10	$375.00	$37.50
2/23/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug.	0.10	$375.00	$37.50
2/24/2015	Moran Capital - 6101 Mockingbird	Brad	Review email from Doug and telephone conference with Robb and Doug.	0.20	$375.00	$75.00
2/25/2015	Moran Capital - 6101 Mockingbird	Brad	Review letter from city engineer, email exchange with Doug and prepare correspondence to Bert Vandenberg.	0.50	$375.00	$187.50
3/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg.	0.30	$375.00	$112.50
3/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.10	$375.00	$37.50
3/5/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conferences with Robb and Doug.	0.20	$375.00	$75.00
3/5/2015	Moran Capital - 6101	Brad	Receipt and review of email chain and city code re: thoroughfare	0.20	$375.00	$75.00

	Mockingbird		plan requirements.			
3/5/2015	Moran Capital - 6101 Mockingbird	Brad	Draft email to Bert Vandenberg and forward same to Robb and Doug for comment.	0.30	$375.00	$112.50
3/6/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug and forward email to Bert Vandenberg.	0.10	$375.00	$37.50
3/10/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Bert Vandenberg and email to Robb and Doug re: same.	0.40	$375.00	$150.00
3/11/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Reid Wilson.	0.10	$375.00	$37.50
3/11/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Doug.	0.10	$375.00	$37.50
3/11/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Reid Wilson and Doug.	0.10	$375.00	$37.50
3/19/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare for and attend meeting with Robb and Doug and city attorney and planning personnel.	1.70	$375.00	$637.50
4/1/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conferences with Robb and Doug.	0.20	$375.00	$75.00
4/1/2015	Moran Capital - 6101 Mockingbird	Brad	Research [redacted] and office conference re: Cheryl re: same.	0.70	$375.00	$262.50
4/1/2015	Moran Capital - 6101 Mockingbird	Cheryl	Research [redacted] and office conference with Brad re: same (.70); further review of [redacted] issue, local statute and facts (2.10).	2.80	$250.00	$700.00
4/2/2015	Moran Capital - 6101	Cheryl	Continue research of issue and office conference regarding	3.10	$250.00	$775.00

	Mockingbird		facts and law.			
4/3/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding facts and draft letter (.30); additional research (.70); prepare draft (1.90).	2.90	$250.00	$725.00
4/3/2015	Moran Capital - 6101 Mockingbird	Brad	Review and revise letter to City and email Robb and Doug re: same.	0.70	$375.00	$262.50
4/6/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Doug and Robb.	0.10	$375.00	$37.50
4/6/2015	Moran Capital - 6101 Mockingbird	Brad	Finalize letter to City and email to Bert Vandenberg.	0.30	$375.00	$112.50
4/6/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review correspondence regarding letter to City.	0.10	$250.00	$25.00
4/10/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of email from Lloyd Denman and forward same to Robb and Doug.	0.10	$375.00	$37.50
4/14/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Doug.	0.20	$375.00	$75.00
4/27/2015	Moran Capital - 6101 Mockingbird	Brad	Review email from Doug Stewart with attachments and respond to same to Doug and Robb.	0.20	$375.00	$75.00
4/27/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare revised city letter and send to Doug and Robb.	0.20	$375.00	$75.00
5/14/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of City's rough proportionality determination and forward same to Robb and Doug.	0.30	$375.00	$112.50
5/14/2015	Moran Capital - 6101	Cheryl	Research [redacted]	0.30	$250.00	$75.00

	Mockingbird					
5/27/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Robb and Doug.	0.10	$375.00	$37.50
5/28/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Robb and Doug.	0.10	$375.00	$37.50
5/28/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.10	$375.00	$37.50
TOTALS				**21.10**		**$6,687.50**

LAW OFFICES OF BRAD JACKSON

3701 TURTLE CREEK BOULEVARD
SUITE 12G
DALLAS, TEXAS 75219

TELEPHONE (214) 526-7800
TELECOPIER (214) 526-1955

Brad Jackson†
Cheryl L. Mann‡

Legal Assistants:
Lisa M. Crook
Dawnie Jackson

†Board Certified - Civil Trial Law
Texas Board of Legal Specialization

‡Of Counsel

September 30, 2015

6101 Mockingbird, LLC
c/o Moran Capital
Robb Parks -
Doug MacMahon -

Re: ***Skill-Mock Subdivision, Lots 1 & 2, Block F/2953***

STATEMENT

For services rendered June 1, 2015 through September 30, 2015:

Professional Services (see attached detail):

Brad Jackson - 32.10 hours @ $375.00/hr.	$ 12,037.50
Cheryl L. Mann - 55.10 hours @ $250.00/hr.	$ 13,775.00
Professional Fees this Statement	$ 25,812.50
Discount (20%)	$ 5,162.50 <
Professional Fees Due this Statement	**$ 20,650.00**

Out of Pocket Expenses:

Special Delivery	$ 125.90
USPS	$ 106.20
B&W Copies (531 @ .20)	$ 16.20
Color Copies (39 @ .50)	$ 19.50
Total Expense this Statement	**$ 332.90**

Summary:

Professional Fees	$ 20,650.00
Out of Pocket Expense	$ 332.90
Balance this Statement:	**$ 20,982.90**

Account Summary:

Prior Statement (05/31/15)	$ 5,133.71
Payment (07/07/15)	$ 5,133.71<
Current Statement (09/30/15)	$ 20,982.90
Balance Now Due:	**$ 20,982.90**

Billing List

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UN-INVOICED TIME ONLY

Date	Client Name	Project	Description	Hours	Rate	Amount
6/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Barry Knight.	0.10	$375.00	$37.50
6/2/2015	Moran Capital - 6101 Mockingbird	Brad	Office conference regarding appeal (.10).	0.10	$375.00	$37.50
6/2/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding appeal (.10); research [redacted] (.70).	0.80	$250.00	$200.00
6/3/2015	Moran Capital - 6101 Mockingbird	Cheryl	Finalize appeal of rough proportionality determination (.90); telephone call with City and research to determine proper recipient. (.40); Serve appeal (.40).	1.70	$250.00	$425.00
6/3/2015	Moran Capital - 6101 Mockingbird	Brad	Review Dallas City Code provisions regarding appeal of rough proportionality determination and review and revise notice of appeal to City. Email to Bert Vandenberg. Email to Doug and Robb.	0.70	$375.00	$262.50
6/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges and telephone conference with with clients.	0.50	$375.00	$187.50
6/15/2015	Moran Capital - 6101 Mockingbird	Brad	Office conference re: [redacted]	0.10	$375.00	$37.50
6/15/2015	Moran Capital - 6101 Mockingbird	Cheryl	Telephone conference with Bert Vandenburg regarding procedures and hearing (.20); Email exchange regarding same (.10); Office conference regarding same. (.10).	0.40	$250.00	$100.00
6/16/2015	Moran Capital - 6101 Mockingbird	Cheryl	Travel to and take photos of property in question (.50); Begin preparing for appeal (2.40).	2.90	$250.00	$725.00

6/17/2015	Moran Capital - 6101 Mockingbird	Cheryl	Brief review of [redacted] and office conference re: same.	0.50	$250.00	$125.00
6/17/2015	Moran Capital - 6101 Mockingbird	Brad	Brief review of [redacted] and office conference re: same.	0.50	$375.00	$187.50
6/18/2015	Moran Capital - 6101 Mockingbird	Cheryl	Continue research and review of [redacted] for hearing.	2.20	$250.00	$550.00
6/19/2015	Moran Capital - 6101 Mockingbird	Cheryl	Continue review of cases and office conference regarding letter interpretation.	0.70	$250.00	$175.00
6/19/2015	Moran Capital - 6101 Mockingbird	Brad	Office conference with Cheryl.	0.20	$375.00	$75.00
6/20/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receive and review emails regarding experts.	0.10	$250.00	$25.00
6/22/2015	Moran Capital - 6101 Mockingbird	Cheryl	Telephone conference with B. Vandenburg (.20); Prepare and forward email update regarding same (.10); Review materials from the City regarding procedures and deadlines (1.00).	1.30	$250.00	$325.00
6/22/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Bert Vandenberg and review appeal procedures. Email Robb and Doug and office conference re: appeal procedures.	0.50	$375.00	$187.50
6/23/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.20	$375.00	$75.00
6/23/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of email from Bert Vandenberg.	0.10	$375.00	$37.50
6/23/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare email to Reid Wilson with questions re: issues with City procedures and follow up emails with Reid.	0.50	$375.00	$187.50
6/23/2015	Moran Capital - 6101	Cheryl	Review revised procedures (.20); prepare objection (1.90); Continue preparing general outline for argument (2.00); Review email exchange with R.	4.30	$250.00	$1,075.00

	Mockingbird		Wilson regarding procedural issues (.20).			
6/24/2015	Moran Capital - 6101 Mockingbird	Cheryl	Additional research regarding [redacted] (3.80); Multiple office conferences regarding appeal, strategy and experts (1.00).	4.80	$250.00	$1,200.00
6/24/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Greg Conelley.	0.30	$375.00	$112.50
6/24/2015	Moran Capital - 6101 Mockingbird	Brad	Research and office conferences re: [redacted] and lengthy email to Reid Wilson.	1.50	$375.00	$562.50
6/25/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review [redacted] and update objections.	0.60	$250.00	$150.00
6/28/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email from client.	0.00	$250.00	$0.00
6/29/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding [redacted] (.10); Email exchanges with client and others regarding same and review emails regarding expert (.40).	0.50	$250.00	$125.00
6/29/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb re: [redacted]	0.10	$375.00	$37.50
6/29/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with [redacted]	0.30	$375.00	$112.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Mike Massey.	0.10	$375.00	$37.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with [redacted]	0.10	$375.00	$37.50
7/1/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb. Office conference re: experts.	0.30	$375.00	$112.50
7/1/2015	Moran Capital -	Brad	Follow up conversation with Mike	0.20	$375.00	$75.00

	6101 Mockingbird		Massey.			
7/1/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email exchanges with Robb. Office conference re: [redacted]	0.30	$250.00	$75.00
7/2/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email from client.	0.00	$250.00	$0.00
7/2/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and [redacted]	0.80	$375.00	$300.00
7/6/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with [redacted]	0.20	$375.00	$75.00
7/6/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Mike Massey.	0.10	$375.00	$37.50
7/6/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding experts.	0.20	$250.00	$50.00
7/7/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding [redacted]	0.60	$250.00	$150.00
7/7/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb re: [redacted]	0.20	$375.00	$75.00
7/7/2015	Moran Capital - 6101 Mockingbird	Brad	Attempts to locate engineering expert and email to potential expert.	0.50	$375.00	$187.50
7/8/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with engineer and with Robb re: engineer.	0.30	$375.00	$112.50
7/8/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review email exchanges regarding [redacted]	0.20	$250.00	$50.00
7/9/2015	Moran Capital - 6101	Cheryl	Review email exchange regarding expert and office conference regarding same.	0.20	$250.00	$50.00

	Mockingbird					
7/9/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conferences and emails with Robb re: engineer and appraiser.	0.40	$375.00	$150.00
7/9/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Mike Massey.	0.10	$375.00	$37.50
7/10/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Greg Connelly.	0.10	$375.00	$37.50
7/13/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb.	0.10	$375.00	$37.50
7/13/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of appraisal.	0.50	$375.00	$187.50
7/13/2015	Moran Capital - 6101 Mockingbird	Brad	Transmit documents to Secretary for Plan Commission.	0.10	$375.00	$37.50
7/13/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receipt and review of appraisal (.40); Telephone conference with client (.10); Review [redacted]	0.80	$250.00	$200.00
7/14/2015	Moran Capital - 6101 Mockingbird	Cheryl	Update objection (.20); Review email regarding expert (.10).	0.30	$250.00	$75.00
7/15/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding expert.	0.20	$250.00	$50.00
7/15/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Jerry Monk.	0.10	$375.00	$37.50
7/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Jerry Monk.	0.20	$375.00	$75.00
7/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb and Doug.	0.10	$375.00	$37.50

7/16/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conferences regarding [redacted] (.40); Review emails regarding expert (.10).	0.50	$250.00	$125.00
7/17/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding expert and office conference regarding [redacted]	0.90	$250.00	$225.00
7/17/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb and Doug and work on issues for hearing at City of Dallas.	1.50	$375.00	$562.50
7/20/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb.	0.30	$375.00	$112.50
7/20/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Jerry Monk.	0.20	$375.00	$75.00
7/20/2015	Moran Capital - 6101 Mockingbird	Brad	Preparation for planning committee hearing.	0.50	$375.00	$187.50
7/20/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding [redacted] and office conference regarding same (.20); Office conference regarding [redacted] (.10).	0.30	$250.00	$75.00
7/21/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of report from Jerry Monk.	0.30	$375.00	$112.50
7/21/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Jerry Monk.	0.20	$375.00	$75.00
7/21/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb.	0.10	$375.00	$37.50
7/22/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare for hearing presentation.	2.00	$375.00	$750.00
7/22/2015	Moran Capital - 6101 Mockingbird	Cheryl	Prepare notebook for hearing (.50); review [redacted] (.30).	0.80	$250.00	$200.00

7/22/2015	Moran Capital - 6101 Mockingbird	Cheryl	Prepare for hearing presentation.	2.00	$250.00	$500.00
7/23/2015	Moran Capital - 6101 Mockingbird	Cheryl	Attend City Planning Commission briefing session and CPC hearing.	4.20	$250.00	$1,050.00
7/23/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare additional objections to procedures and prepare for and attend appeal at City Plan Commission.	2.80	$375.00	$1,050.00
7/27/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb and Doug; Review [redacted]; Draft [redacted] [redacted]	0.40	$375.00	$150.00
7/27/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding [redacted] and office conferences regarding brief for City Planning Commission.	0.50	$250.00	$125.00
7/28/2015	Moran Capital - 6101 Mockingbird	Cheryl	Begin preparing letter brief and office conference and research regarding same.	3.50	$250.00	$875.00
7/29/2015	Moran Capital - 6101 Mockingbird	Brad	Review and revise letter to Plan Commission and exhibits.	1.00	$375.00	$375.00
7/29/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Robb and Doug.	0.30	$375.00	$112.50
7/29/2015	Moran Capital - 6101 Mockingbird	Brad	Research re: issues regarding [redacted]	0.50	$375.00	$187.50
7/29/2015	Moran Capital - 6101 Mockingbird	Cheryl	Finalize draft of letter brief and office conferences regarding same (.80); Review and revise draft (.80).	1.60	$250.00	$400.00
7/30/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding revisions (.20); Prepare exhibits and finalize draft (1.30).	1.50	$250.00	$375.00
7/30/2015	Moran Capital - 6101 Mockingbird	Brad	Final revisions to letter to Plan Commission and exhibits.	0.50	$375.00	$187.50
	Moran		Review appeal brief from City and begin			

7/31/2015	Capital - 6101 Mockingbird	Cheryl	outlining issues (1.30); Review email exchange with Reid Wilson regarding response issues (.10).	1.40	$250.00	$350.00
8/5/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receive and review email exchange regarding hearing (.20); prepare for same (.80); research [redacted] (.30).	1.30	$250.00	$325.00
8/6/2015	Moran Capital - 6101 Mockingbird	Cheryl	Attend Plan Commission briefing and hearing; Review email exchanges with City Attorney; Review email exchanges with Robb, Doug and Reid.	5.00	$250.00	$1,250.00
8/6/2015	Moran Capital - 6101 Mockingbird	Brad	Prepare for and attend Plan Commission hearing; Email exchanges with City Attorney; Email exchanges with Robb, Doug and Reid.	4.00	$375.00	$1,500.00
8/10/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with Robb and Ron Salamie and revise protest letter. Voicemail exchange with Robb and review email exchange with Robb and Charles Pullman.	0.50	$375.00	$187.50
8/10/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receive and review email exchange.	0.20	$250.00	$50.00
8/12/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receive and review emails regarding status and call and calendar deadline.	0.30	$250.00	$75.00
8/12/2015	Moran Capital - 6101 Mockingbird	Brad	Review deadline for appealing to city council and email to Reid Wilson.	0.10	$375.00	$37.50
8/12/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug.	0.40	$375.00	$150.00
8/14/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of emails from Robb.	0.10	$375.00	$37.50
8/14/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Reid re: documents to review and conference call.	0.20	$375.00	$75.00
8/14/2015	Moran Capital - 6101 Mockingbird	Cheryl	Receive and review emails.	0.20	$250.00	$50.00
			Outline issues for call (.80); Telephone			

8/19/2015	Moran Capital - 6101 Mockingbird	Cheryl	conference and review email exchange with Reid Wilson re: [redacted] (1.70).	2.50	$250.00	$625.00
8/19/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference and email exchange with Reid Wilson re: [redacted]	1.70	$375.00	$637.50
8/21/2015	Moran Capital - 6101 Mockingbird	Cheryl	Begin preparing appeals.	0.20	$250.00	$50.00
8/24/2015	Moran Capital - 6101 Mockingbird	Cheryl	Prepare appeals.	1.30	$250.00	$325.00
8/25/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding appeal.	0.10	$250.00	$25.00
8/25/2015	Moran Capital - 6101 Mockingbird	Brad	Telephone conference with Robb and Doug re: platting issue and communication with City staff.	0.10	$375.00	$37.50
8/25/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Katherine Kasten re: platting issue and communication with City staff.	0.20	$375.00	$75.00
8/26/2015	Moran Capital - 6101 Mockingbird	Brad	Follow-up emails to Katherine Kasten and email exchange with Robb and Doug.	0.30	$375.00	$112.50
8/27/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchanges with City Attorneys, Charles Pullman and clients re: platting issues.	0.20	$375.00	$75.00
8/27/2015	Moran Capital - 6101 Mockingbird	Brad	Receipt and review of transcript from Planning Commission hearing.	0.30	$375.00	$112.50
8/27/2015	Moran Capital - 6101 Mockingbird	Cheryl	Brief review of City Plan Commission hearing transcript.	0.20	$250.00	$50.00
8/28/2015	Moran Capital - 6101 Mockingbird	Cheryl	Finalize appeals.	0.50	$250.00	$125.00

8/28/2015	Moran Capital - 6101 Mockingbird	Brad	Revise appeal letters and email to Reid re: same.	1.00	$375.00	$375.00
8/31/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review revisions to appeal letter and email exchanges with Reid Wilson, and office conference re: same.	0.80	$250.00	$200.00
8/31/2015	Moran Capital - 6101 Mockingbird	Brad	Revisions to appeal letter, email exchanges with Reid Wilson, research re: [redacted] office conference re: same.	2.00	$375.00	$750.00
9/1/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review and revise letter re: appeal to city council.	0.30	$250.00	$75.00
9/2/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding plat.	0.00	$250.00	$0.00
9/3/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails regarding plat.	0.00	$250.00	$0.00
9/4/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review emails with client.	0.00	$250.00	$0.00
9/14/2015	Moran Capital - 6101 Mockingbird	Brad	Email exchange with Katherine Kasten.	0.10	$375.00	$37.50
9/14/2015	Moran Capital - 6101 Mockingbird	Cheryl	Review council agendas.	1.20	$250.00	$300.00
9/15/2015	Moran Capital - 6101 Mockingbird	Brad	Email to Robb, Doug and Reid.	0.10	$375.00	$37.50
9/29/2015	Moran Capital - 6101 Mockingbird	Cheryl	Office conference regarding council hearing.	0.20	$250.00	$50.00
TOTALS				**87.20**		**$25,812.50**

Monk Consulting Engineers, Inc.
Gerald E. Monk, P.E.

1200 W. State Street
Garland, TX 75040

Office: 972-272-1763
Fax: 972-272-8761

Invoice

Invoice Date 7/30/2015

Invoice # 3747

Invoicing

Robert Parks

Project: Skill Mock Subdivision	Due: Upon Receipt
Professional Services	900.00
Development Letter	
Please remit to above address. Thank you for your business!	**Total** $900.00
	Balance Due $900.00

Michael W. Massey & Associates
Real Estate Consultants & Brokers
3104 St. Germain Drive (972) 562-2829
McKinney, Texas 75070 (972) 562-4428 (Fax)

INVOICE

Client:
Mr. Robb Parks
Moran Capital, LLC

Invoice Number	M15-1092
Invoice Date	July 13, 2015
Location	Mockingbird/Skillman

Shipped To:
Same

Quantity	Description	Unit Price	Amount
1	Appraisal Report NEC Mockingbird Lane and Skillman Road Dallas, Dallas County, Texas 214-520-9200	$3,500	$3,500
		Sub-Total	$3,500
GMC			
			$3,500 Pay This Amount

Questions concerning this invoice?
Call: (972-562-2829)
Fax: (972-562-4428)

MAKE ALL CHECKS PAYABLE TO :
Michael W. Massey & Associates

THANK YOU FOR YOUR BUSINESS!

Moran Capital (GMC)