

**AGENDA
BENBROOK CITY COUNCIL
THURSDAY, OCTOBER 20, 2016
911 WINSOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:00 P.M.
CENTRAL CONFERENCE ROOM**

1. Review and discuss agenda items for regular meeting

**REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL CONSIDERATION**

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation To Be Given By Pastor Todd Pylant Of First Baptist Church Of Benbrook

III. MINUTES

1. Approve Minutes Of The Special Meeting Held October 3, 2016

Documents:

[CC MINUTES-10-03-16.PDF](#)

IV. PROCLAMATIONS/AWARDS/RECOGNITION

1. Receive 2016 Planning Excellence Certificate From Texas Chapter Of The American Planning Association - Wendy Shabay, National APA Board Member

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2266 Approve Resolution Authorizing Use Of Eminent Domain To Acquire Various Easements On Lot 2, Block 1, Marshall T. Robinson Addition

Documents:

[G-2266 ADOPT RESOLUTION EMINENT DOMAIN.PDF](#)
[G-2266 RESOLUTION MARSHALL T. ROBINSON ADDITION.PDF](#)

VI. INFORMAL CITIZEN COMMENTS

– State Law Prohibits Any Deliberation Of Or Decisions Regarding Items Presented In Informal Citizen Comments. City Council May Only Make A Statement Of Specific Factual Information Given In Response To The Inquiry; Recite An Existing Policy; Or Request Staff Place The Item On An Agenda For A Subsequent Meeting. The Exception To Informal Comments Is That Once An Election Date Has Been Set By City Council Comments

Relative To Elections Will Not Be Broadcast On The City's Cable Channel. However, A Copy Of The Tape Containing Citizens' Comments Will Be Available At City Hall For Review Or Purchase By Interested Citizens.

VII. COUNCIL MEMBER AND STAFF COMMENTS

Announcements From City Councilmembers And City Staff May Be Made For Items To Include: Expression Of Thanks; Congratulations; Condolence; Recognition Of Public Officials, Employees Or Citizens; Information Regarding Holiday Schedules; Reminders Of Community Events Or Announcements Involving An Imminent Threat To The Public Health And Safety Of The Municipality That Has Arisen After The Posing Of The Agenda. No Discussion Or Formal Action May Be Taken On These Items At This Meeting.

VIII. ADJOURNMENT



**MINUTES
OF THE
SPECIAL MEETING OF THE
BENBROOK CITY COUNCIL
MONDAY, OCTOBER 3, 2016**

The special meeting of the Benbrook City Council was held on Monday October 3, 2016 at 7:30 p. m. in the Council Chambers at 911 Winscott Road with the following Council members present:

Jerry Dittrich
Renee Franklin
Larry Marshall
Rickie Allison
Jim Wilson
Mark Washburn
Ron Sauma

Also Present:

Andy Wayman, City Manager
Dave Gattis, Deputy City Manager
Joanna King, City Secretary

Others Present:

Denise Huneycutt, Benbrook News
Nancy Oneal
and one other citizen

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Dittrich.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Invocation given by Councilmember Renee Franklin.
The Pledge of Allegiance was recited.

III. MINUTES

1. Approve Minutes of the Regular Meeting held September 15, 2016

Motion by Dr. Marshall, seconded by Mr. Allison to approve the minutes of the regular meeting held September 15, 2016.

Vote on the Motion:

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Sauma

Noes: None

Abstain: Mr. Washburn

Motion carries 6-0-1.

IV. CITIZEN PRESENTATION

1. Nancy Oneal – Concern regarding property use in Single Family District

Nancy Oneal expressed her concerns with a Single Family home in her neighborhood renting rooms in the home on a short-term basis. She advised that for the past six months with this use traffic has increased as well as concerns of local property owners of the types of people renting the rooms. It is unknown if the renters have a criminal history and with children along the street they are concerned with their safety. Ms. Oneal stated since the home was being used as a business, they believe regulations should be in place for the property owner to register as a business and pay taxes for that use. She advised that there are now 18-wheel vehicles being parked along the residential streets in the neighborhood. Ms. Oneal expressed her appreciation to come before City Council on the issue and requested any assistance possible.

V. PROCLAMATION/AWARDS/RECOGNITION

1. Proclamation – Community Planning Month

Mayor Dittrich presented the Proclamation designating October 2016 as Community Planning Month to Deputy City Manager Dave Gattis in conjunction with the celebration of National Community Planning Month.

VI. PRESENTATION BY MAYOR AND MEMBERS OF CITY COUNCIL

CC-2016-07 Receive resignation from Place 3, Benbrook Economic Development Corporation Board of Directors and determine method to fill vacancy.

Motion by Mr. Allison, seconded by Ms. Franklin to accept the resignation from Ronald Heine, Place 3 on the Benbrook Economic Development Corporation Board of Directors and delay the appointment to the unexpired term until December 2016 appointments

Vote on the Motion

Ayes: Ms. Franklin, Dr. Marshall, Mr. Allison, Mayor Dittrich, Mr. Wilson, Mr. Washburn, Mr. Sauma

Noes: None

Motion carries unanimously

VII. INFORMAL CITIZEN COMMENTS

VIII. COUNCIL MEMBER AND STAFF COMMENTS

Councilmember Renee Franklin reminded citizens of the following upcoming events:

National Night Out – Tuesday October 4, 2016

4PAWS Treasure Sale – October 8, 2016

Heritage Fest – October 15, 2016

Chamber of Commerce Bar-B-Que Cook-Off – October 15, 2016

IX. ADJOURNMENT

Meeting adjourned at 7:52 p.m.

APPROVED:

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 10-20-16	REFERENCE NUMBER: G-2266	SUBJECT: Adopt Resolution authoring use of eminent domain to acquire various easements on Lot 2, Block 1, Marshall T. Robinson Addition	PAGE: 1 of 1
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Over the past year, numerous attempts have been made by Staff to negotiate the acquisition of public access easements, public utility easements, and temporary construction easements from the property owner, DPM Benbrook Self Storage LLC (CubeSmart), on Lot 2, Block 1 of Marshall T. Robinson Addition, City of Benbrook, Tarrant County, Texas, more commonly known as 8510 Benbrook Boulevard, Benbrook Texas 76126. The easements are necessary to facilitate access and to accommodate utility improvements related to the Benbrook Boulevard (US 377) project.

Proposed Easements

The easements include an access easement to provide access from the common driveway to the 7-Eleven property, access from the proposed access drive from the proposed Benbrook Field Drive to the existing access easement on the property, various utility easements to provide for the relocation of electrical service, and various temporary construction easements. The easements are necessary for the public's use and purpose of constructing roadway and electrical utility improvements to serve existing and new development in the City. The improvements associated with these easements provide safety for access associated with the street improvements of Benbrook Boulevard, provide access to and from a signalized intersection associated with the Benbrook Field Drive construction, and are associated with the utility beautification improvements of Benbrook Boulevard.

Staff will continue to negotiate for the voluntary acquisition of these easements, but needs to begin eminent domain proceedings so that the project is not delayed if voluntary acquisition cannot be achieved. Staff had previously reached a tentative verbal agreement on the necessary easements but the property changed ownership, negating these efforts. No progress has been made with the new owner of the property (a.k.a. CubeSmart).

RECOMMENDATION

Staff recommends the City Council authorize the use of the power of eminent domain to acquire an approximate 0.135 acre public access easement, an approximate 0.024 acre public access easement, an approximate 99.77 square foot public utility easement, an approximate 1,359.63 square foot public utility easement, an approximate 0.065 acre temporary construction easement, an approximate 0.010 acre temporary construction easement, and an approximate 0.009 acre temporary construction easement out of Lot 2, Block 1 of Marshall T. Robinson Addition, City of Benbrook, Tarrant County, Texas, owned by DPM Benbrook Self Storage, LLC, such easements being acquired for the public use of the construction of roadway and electric utility improvements for the Benbrook Boulevard Expansion Project and to adopt Resolution Number 2016-11 as presented.

SUBMITTED BY:	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY
CITY MANAGER		DATE:

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF BENBROOK, TEXAS
AUTHORIZING THE CITY ATTORNEY TO BRING A
CONDEMNATION ACTION FOR THE PURPOSE OF OBTAINING
PUBLIC ACCESS EASEMENTS, PUBLIC UTILITY EASEMENTS, AND
TEMPORARY CONSTRUCTION EASEMENTS FOR THE
CONSTRUCTION OF ROADWAY AND ELECTRICAL UTILITY
IMPROVEMENTS AND FOR OTHER PUBLIC PURPOSES PERMITTED
BY LAW.**

WHEREAS, the City of Benbrook (the “City”) finds it necessary to acquire public access easements, public utility easements, and temporary construction easements for the public use and purpose of constructing roadway improvements and electrical utility improvements related to the Benbrook Boulevard Expansion Project (the “Project”), which will serve existing and future development in the City; and

WHEREAS, the City and the owner of the following property have been unable to reach an agreement on the acquisition of the necessary public access easements, public utility easements, and temporary construction easements for the Project (the “Easements”):

- Property Owner:** DPM Benbrook Self Storage, LLC
- Property Location:** Lot 2, Block 1 of Marshall T. Robinson Addition, City of Benbrook, Tarrant County, Texas, more commonly known as 8510 Benbrook Boulevard, Benbrook, Tarrant County, Texas 76126
- Property Description:**
- An approximate 0.135 acre public access easement, as more particularly described in Exhibit A;
 - An approximate 0.024 acre public access easement, as more particularly described in Exhibit B;
 - An approximate 99.77 sq. foot public utility easement, as more particularly described on pages 1 and 3 in Exhibit C;
 - An approximate 1,359.63 sq. foot public utility easement, as more particularly described on pages 2 and 3 in Exhibit C;
 - An approximate 0.065 acre temporary construction easement, as more particularly described in Exhibit D;
 - An approximate 0.010 acre temporary construction easement, as more particularly described in Exhibit E; and
 - An approximate 0.009 acre temporary construction easement, as more particularly described in Exhibit F.

WHEREAS, the City Council finds and determines that the acquisition of the Easements are necessary for the Project and the use of the Easements for the Project constitutes a public use for a public purpose; and

WHEREAS, in the event that the City's initial offer and final offer to the property owners are not accepted within the prescribed time periods and the City is otherwise unable to agree with the property owner on the value of the Easements, the City Council deems it necessary to authorize the City Attorney to initiate condemnation proceedings in order to acquire title to the Easements for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS, THAT:

SECTION 1

The City Council of the City of Benbrook, Texas, hereby finds and determines that the recitals made in the preamble of this Resolution are true and correct, and incorporates such recitals herein.

SECTION 2

The City Council of the City of Benbrook, Texas, hereby finds and determines that a public use and necessity exists for the City of Benbrook, Texas, to acquire the Easements, as more particularly described on the attached Exhibits A, B, C, D, E, and F, which are incorporated herein by reference, from the owners of the property for the purpose of the above described Project.

SECTION 3

In the event that the City's initial offer and final offer to the property owner are not accepted within the prescribed time periods, the City Attorney is hereby authorized to comply with the necessary legal prerequisites relating to the exercise of eminent domain to acquire the Easements and to bring a condemnation lawsuit against the owner of the property, and any and all other parties having an interest in the property, for the purpose of acquiring the Easements through the exercise of the City's power of eminent domain.

SECTION 4

The City Council hereby finds and determines that the Easements are necessary for the City to construct the Project, which is a public use and is necessary to serve the public health, safety and welfare.

SECTION 5

This Resolution shall take effect from and after the date of its passage.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
BENBROOK, TEXAS, ON THIS THE _____ DAY OF _____, 2016.**

MAYOR

ATTEST:

CITY SECRETARY

EXHIBIT A

METES AND BOUNDS DESCRIPTION

BEING a 0.135 acre tract of land situated in the John Stephens Survey, Abstract Number 1494, Tarrant County, Texas, in the City of Benbrook. Being a portion of the tract of land described in the instrument to DPM Benbrook Self Storage, LLC recorded in Document Number D215130085, Deed Records of Tarrant County, Texas, and a portion of Lot 2, Block 1, Marshall T. Robinson Addition according to the plat recorded in Cabinet A, Slide 3067, Plat Records of Tarrant County, Texas, said 0.135 acre tract of land being more particularly described as follows:

COMMENCING at a point in the westerly right-of-way line of U.S. Highway 377/Benbrook Boulevard (a variable width right-of-way) for the most southerly corner of a tract of land a tract of land described in instrument to Bedford C-Store Investors, LP recorded in Document Number D211091544, Deed Records of Tarrant County, Texas;

THENCE with the westerly right-of-way line of U.S. Highway 377/Benbrook Boulevard the following:

South 36° 56' 04" West (Cabinet A, Slide 3067=S37°31'40"W) a distance of 44.19 feet to a 5/8" iron rod with cap stamped "Dunaway Assoc LP" set for the POINT OF BEGINNING;

South 36° 56' 04" West a distance of 50.00 feet to a point;

THENCE departing the westerly right-of-way line of U.S. Highway 377/Benbrook Boulevard North 52° 54' 21" West a distance of 75.32 feet to a 5/8 inch iron rod with cap stamped "Dunaway Assoc LP" set for corner;

THENCE North 36° 56' 04" East a distance of 94.19 feet to a point in the southwesterly line of said Bedford C-Store Investors, LP tract;

THENCE with the southwesterly line of said Bedford C-Store Investors, LP tract South 52° 54' 21" East (Cabinet A, Slide 3067=S52°18'45"E) a distance of 48.00 feet to a point;

THENCE departing the southwesterly line of said Bedford C-Store Investors, LP tract South 36° 56' 04" West a distance of 44.19 feet to a point;

THENCE South 52° 54' 21" West a distance of 27.32 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 0.135 acres (5,887 square feet) of land.



B002013.001

PAGE 1 OF 2

A drawing of even date accompanies this metes and bounds description.

SEPTEMBER 27, 2016



550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
FIRM REGISTRATION 10098100

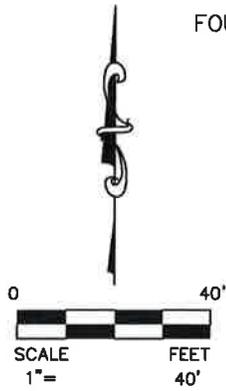
ACCESS EASEMENT

JOHN STEPHENS SURVEY
ABSTRACT NO. 1494

CITY OF BENBROOK
TARRANT COUNTY, TEXAS

PLOTTED BY: Shaw, Adam ON: Wednesday, September 28, 2016 AT: 2:18 PM FILEPATH: G:\Production\500\002000\2013\001\Survey\Drawings\B002013.001 Access Easement 7-11.dwg

PLOTTED BY: Shaw, Adam ON: Wednesday, September 28, 2016 AT: 2:19 PM FILEPATH: C:\Production\500\0020000\2013\001\Survey\Drawings\B002013.001 Access Easement 7-11.dwg



● = 5/8" IRON ROD WITH CAP STAMPED "DUNAWAY ASSOC LP" SET UNLESS OTHERWISE NOTED.

**JOHN STEPHENS SURVEY
ABSTRACT NO. 1494**

**INTERSTATE
HIGHWAY NO. 20**
(VARIABLE WIDTH RIGHT-OF-WAY)

FOUND 1/2" IRON ROD
WITH YELLOW CAP
(ILLEGIBLE)

S37°25'37"W
212.42'

FOUND 1/2" IRON ROD
WITH RED CAP (ILLEGIBLE)
(CONTROL MONUMENT)

(CABINET A, SLIDE 3067=
VOLUME 388-215, PAGE 72=
S52°54'21"E
136.87'

BEDFORD C-STORE
INVESTORS, LP
DOCUMENT NUMBER
D211091544

LOT 1, BLOCK 1
MARSHALL T. ROBINSON
ADDITION
VOLUME 388-215, PAGE 72

5' UTILITY EASEMENT
CABINET A, SLIDE 3067

DPM BENBROOK
SELF STORAGE, LLC
DOCUMENT NUMBER
D215130085

UTILITY
EASEMENT
VOLUME 4155
PAGE 293

LOT 2, BLOCK 1
MARSHALL T. ROBINSON
ADDITION
CABINET A, SLIDE 3067

5' UTILITY
EASEMENT
VOLUME 388-215
PAGE 72

**ACCESS
EASEMENT
0.135 ACRES
(5,887 SQUARE FEET)**

**POINT OF
BEGINNING**
SET 5/8" IRON ROD WITH CAP
STAMPED "DUNAWAY ASSOC LP"

**U.S. HIGHWAY 377
BENBROOK BOULEVARD**
(VARIABLE WIDTH RIGHT-OF-WAY)

5' UTILITY
EASEMENT
VOLUME 388-126
PAGE 25

LOT 3, BLOCK 1
MARSHALL T. ROBINSON
ADDITION
CABINET A, SLIDE 3067

5' UTILITY EASEMENT
CABINET A, SLIDE 3067

B002013.001

PAGE 2 OF 2

EXHIBIT A

A metes and bounds description of even date accompanies this drawing.

SEPTEMBER 27, 2016



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Tel: 817.335.1121
FIRM REGISTRATION 10098100

ACCESS EASEMENT

JOHN STEPHENS SURVEY
ABSTRACT NO. 1494

CITY OF BENBROOK
TARRANT COUNTY, TEXAS

EXHIBIT B
METES AND BOUNDS DESCRIPTION

BEING a 0.024 acre tract of land situated in the John Stephens Survey, Abstract Number 1494, Tarrant County, Texas, in the City of Benbrook. Being a portion of the tract of land described in the instrument to DPM Benbrook Self Storage, LLC recorded in Document Number D215130085, Deed Records of Tarrant County, Texas, and a portion of Lot 2, Block 1, Marshall T. Robinson Addition according to the plat recorded in Cabinet A, Slide 3067, Plat Records of Tarrant County, Texas, said 0.024 acre tract of land being more particularly described as follows:

COMMENCING at a point in the southwesterly line of said DPM Benbrook Self Storage, LLC for the most northerly corner of Lot 3, Block 1, 377 Square Addition an addition to the City of Benbrook according to the plat recorded in Volume 388-161, Page 31, Plat Records of Tarrant County, Texas also being the tract of land described in the instrument to McDonald's Real Estate Company recorded in Document Number D210296659, Deed Records of Tarrant County, Texas;

THENCE with the southwesterly line of said Lot 2, Block 1 the following:

North 43° 19' 20" West (Cabinet A, Slide 3067 = North 42° 46' 13" West) a distance of 5.07 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for the POINT OF BEGINNING;

North 43° 19' 20" West (Cabinet A, Slide 3067 = North 42° 46' 13" West) a distance of 24.34 feet to a point;

THENCE departing the southwesterly line of said DPM Benbrook Self Storage, LLC tract, North 37° 04' 35" East a distance of 41.65 feet to a point in the southwesterly line of a fire lane, access and utility easement shown on the plat recorded in Cabinet A, Slide 3067, Plat Records of Tarrant County, Texas;

THENCE with the southwesterly line of said fire lane, access and utility easement South 49° 06' 16" East a distance of 24.05 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for corner;

THENCE departing the southwesterly line of said fire lane, access and utility easement South 37° 04' 35" West a distance of 44.11 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 0.024 acres (1,029 square feet) of land.



B002013.001

PAGE 1 OF 2

A drawing of even date accompanies
this metes and bounds description.

SEPTEMBER 22, 2016



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Tel: 817.335.1121
FIRM REGISTRATION 10098100

ACCESS EASEMENT

JOHN STEPHENS SURVEY
ABSTRACT NO. 1494

CITY OF BENBROOK
TARRANT COUNTY, TEXAS

PLOTTED BY: Shaw, Adam ON: Thursday, September 22, 2016 AT: 1:37 PM FILEPATH: G:\Production\500\002000\2013\001\Survey\Drawings\B002013.001 Driveway Easement.dwg

DPM BENBROOK
SELF STORAGE, LLC
DOCUMENT NUMBER
D215130085

**JOHN STEPHENS SURVEY
ABSTRACT NO. 1494**

LOT 2, BLOCK 1
MARSHALL T. ROBINSON ADDITION
CABINET A, SLIDE 3067

FOUND 1/2" IRON ROD
(CONTROL MONUMENT)

FIRE LANE, ACCESS &
UTILITY EASEMENT
CABINET A, SLIDE 3067

ACCESS EASEMENT
0.024 ACRES
(1,029 SQUARE FEET)

BFIP PARTNERS, LTD.
TRACT 1
DOCUMENT NUMBER
D209222616

N43°19'20"W
24.34'
(CABINET A, SLIDE
3067=S42°46'15"E)

S49°06'16"E
24.05'

SET 5/8" IRON ROD
WITH CAP STAMPED
"DUNAWAY ASSOC LP"

S37°04'35"W
44.11'

T.E.S.CO. EASEMENT
VOLUME 6713, PAGE 321

**POINT OF
BEGINNING**
SET 5/8" IRON ROD
WITH CAP STAMPED
"DUNAWAY ASSOC LP"

5.07'

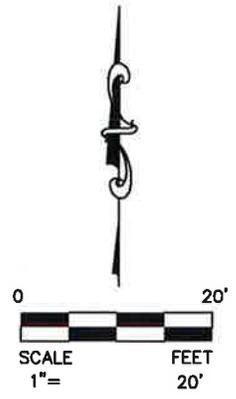
15' ELECTRIC AND
UTILITY EASEMENT
CABINET A, SLIDE 3067

**POINT OF
COMMENCING**

MCDONALD'S REAL
ESTATE COMPANY
DOCUMENT NUMBER
D210296659

7.5' T.E.S.CO.
EASEMENT
VOLUME 9184,
PAGE 657

LOT 3, BLOCK 1
377 SQUARE ADDITION
VOLUME 388-161, PAGE 31



B002013.001

PAGE 2 OF 2

A metes and bounds description of even
date accompanies this drawing.

EXHIBIT B

ACCESS EASEMENT

SEPTEMBER 22, 2016

**JOHN STEPHENS SURVEY
ABSTRACT NO. 1494**



**CITY OF BENBROOK
TARRANT COUNTY, TEXAS**

550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
FIRM REGISTRATION 10098100

EXHIBIT C

Lying and situated in the City of Benbrook, Tarrant County, Texas, and being a part of Lot 2, Block 1 of Marshall T. Robinson Addition, an addition to the City of Benbrook, according to the map or plat thereof, recorded in Cabinet A, Slide 3067, Plat Records of Tarrant County, Texas, and conveyed to DPM Self Storage, LLC, a Delaware limited liability company, by a Special Warranty Deed, recorded in Tarrant County Clerk Instrument No. D215130085, and being more particularly described in TWO PARTS as follows:

PART ONE:

COMMENCING at a Mag Nail stamped "JPH Surveying" found for the westerly southwest corner of the above mentioned Lot 2; Thence N 37° 31' 40" E, along the southeast line of said lot, a distance of 75.00 feet to a 1/2" iron rod with a red "WAI" cap found; Thence S 43° 16' 20" E, along the southerly southwest line of said lot. A distance of 74.56 feet to the POINT OF BEGINNING;

THENCE N 46° 43' 40" E, departing said southwest line, a distance of 9.57 feet to a point on the southwest line of a 40 feet wide Firelane, Access, and Utility easement (by plat);

THENCE S 47° 54' 37" E, along said easement line, distance of 10.03 feet;

THENCE S 46° 43' 40" W, departing said easement line, a distance of 10.38 feet to a point on the said southwest lot line;

THENCE N 43° 16' 20" W, along said southwest line, a 10.00 feet to the POINT OF BEGINNING and containing 99.77 square feet of land more or less.

EXHIBIT C

PART TWO:

COMMENCING at a 1/2" iron rod found for the most westerly corner of Lot 1, Block 1 of Marshall T. Robinson Addition, an addition to the City of Benbrook, recorded in Volume 388-275, page 72, Plat Records of Tarrant County, Texas, and being 212.42 feet, S 38° 01' 13" W, along the northwest line of said Lot 1 from a 5/8" iron rod with a yellow cap found in the southeast right of way line of Interstate Highway 20; Thence S 52° 18' 45" E, along the southwest line of said lot, 20.29 feet to the POINT OF BEGINNING;

THENCE S 52° 18' 45" E, along said southwest line, a distance of 20.00 feet;

THENCE S 37° 41' 15" W, departing said southwest line, a distance of 7.50 feet;

THENCE S 52° 18' 45" E, a distance of 151.92 feet;

THENCE N 37° 31' 40" E, a distance of 7.50 feet to a point on the southwest line of said Lot 1;

THENCE S 52° 18' 45" E, along said southwest line, a distance of 10.00 feet;

THENCE S 37° 31' 40" W, departing said southwest line and along the northwest line of a 10 feet wide utility easement (per plat), a distance of 20.00 feet;

THENCE N 52° 18' 45" W, departing said easement line, a distance of 10.00 feet;

THENCE N 37° 31' 40" E, a distance of 7.50 feet;

THENCE N 52° 18' 45" W, a distance of 151.93 feet;

THENCE S 37° 41' 15" W, a distance of 7.50 feet;

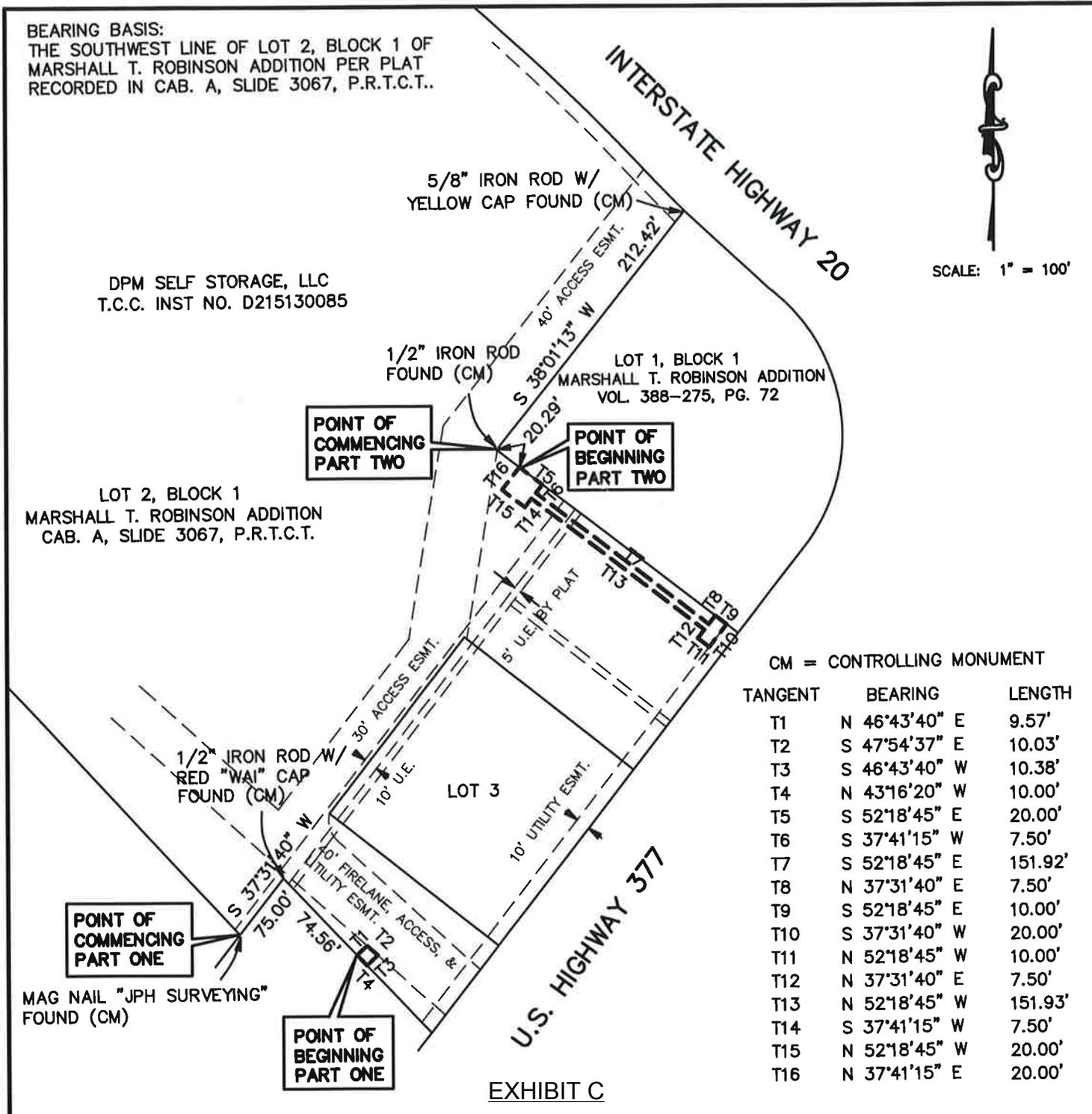
THENCE N 52° 18' 45" W, a distance of 20.00 feet;

THENCE N 37° 41' 15" E, 20.00 feet to the POINT OF BEGINNING and containing 1,359.63 square feet of land more or less.

BEARING BASIS:
 THE SOUTHWEST LINE OF LOT 2, BLOCK 1 OF
 MARSHALL T. ROBINSON ADDITION PER PLAT
 RECORDED IN CAB. A, SLIDE 3067, P.R.T.C.T..



SCALE: 1" = 100'



CM = CONTROLLING MONUMENT

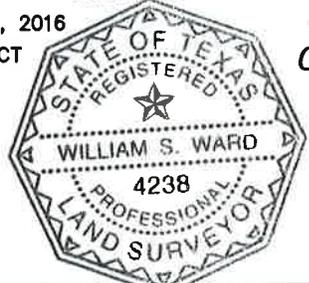
TANGENT	BEARING	LENGTH
T1	N 46°43'40" E	9.57'
T2	S 47°54'37" E	10.03'
T3	S 46°43'40" W	10.38'
T4	N 43°16'20" W	10.00'
T5	S 52°18'45" E	20.00'
T6	S 37°41'15" W	7.50'
T7	S 52°18'45" E	151.92'
T8	N 37°31'40" E	7.50'
T9	S 52°18'45" E	10.00'
T10	S 37°31'40" W	20.00'
T11	N 52°18'45" W	10.00'
T12	N 37°31'40" E	7.50'
T13	N 52°18'45" W	151.93'
T14	S 37°41'15" W	7.50'
T15	N 52°18'45" W	20.00'
T16	N 37°41'15" E	20.00'

EXHIBIT C

KNOW ALL MEN BY THESE PRESENTS:

THAT I WILLIAM S. WARD, REGISTERED PROFESSIONAL LAND SURVEYOR DO HEREBY DECLARE THAT THIS PLAT IS THE RESULT OF A SURVEY MADE ON THE GROUND UNDER MY PERSONAL SUPERVISION ON FEBRUARY 9, 2016 AND ALL DIMENSIONS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

William S. Ward
 WILLIAM S. WARD, R.P.L.S. NO. 4238



**UTILITY EASEMENT
 IN THE CITY OF BENBROOK
 TARRANT COUNTY, TEXAS**

CORNERSTONE SURVEYING, INC

200 WEST MARSHALL
 P.O BOX 699 , PALMER, TEXAS 75152
 TEL. (972) 845-2505 ~ FAX. (972) 845-2455
 FIRM NO. 100215-00

EXHIBIT D
METES AND BOUNDS DESCRIPTION

BEING a 0.065 acre tract of land situated in the John Stephens Survey, Abstract Number 1494, Tarrant County, Texas, in the City of Benbrook. Being a portion of the tract of land described in the instrument to DPM Benbrook Self Storage, LLC recorded in Document Number D215130085, Deed Records of Tarrant County, Texas, and a portion of Lot 2, Block 1, Marshall T. Robinson Addition according to the plat recorded in Cabinet A, Slide 3067, Plat Records of Tarrant County, Texas, said 0.065 acre tract of land being more particularly described as follows:

COMMENCING at a point in the westerly right-of-way line of U.S. Highway 377/Benbrook Boulevard (a variable width right-of-way) for the most southerly corner of a tract of land a tract of land described in instrument to Bedford C-Store Investors, LP recorded in Document Number D211091544, Deed Records of Tarrant County, Texas;

THENCE with the westerly right-of-way line of U.S. Highway 377/Benbrook Boulevard the following:

South 36° 56' 04" West (Cabinet A, Slide 3067=S57°31'40"W) a distance of 94.19 feet to a 5/8" iron rod with cap stamped "Dunaway Assoc LP" set for the POINT OF BEGINNING;

South 36° 56' 04" West a distance of 10.00 feet to a point;

THENCE departing the westerly right-of-way line of U.S. Highway 377/Benbrook Boulevard North 52° 54' 21" West a distance of 85.32 feet to a point;

THENCE North 36° 56' 04" East a distance of 81.69 feet to a point;

THENCE North 52° 54' 21" West a distance of 76.64 feet to a point;

THENCE South 37° 05' 39" West a distance of 7.50 feet to a point

THENCE North 52° 54' 21" West a distance of 30.00 feet to a point;

THENCE North 37° 04' 59" East a distance of 10.00 feet to a point;

THENCE South 52° 54' 21" East a distance of 20.00 feet to a point;

THENCE North 37° 05' 39" East a distance of 7.50 feet to a point;

THENCE South 52° 54' 21" East a distance of 96.61 feet to a point;

THENCE South 36° 56' 04" West a distance of 81.69 feet to a 5/8 inch iron rod with cap stamped "Dunaway Assoc LP" set for corner;

THENCE South 52° 54' 21" East a distance of 75.32 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 0.065 acres (2,811 square feet) of land.



B002013.001

PAGE 1 OF 2

A drawing of even date accompanies this metes and bounds description.

SEPTEMBER 28, 2016



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 Tel: 817.335.1121
 FIRM REGISTRATION 10098100

**TEMPORARY CONSTRUCTION
 EASEMENT**

**JOHN STEPHENS SURVEY
 ABSTRACT NO. 1494**

**CITY OF BENBROOK
 TARRANT COUNTY, TEXAS**

PLOTTED BY: Shaw, Adam ON: Wednesday, September 28, 2016 AT: 2:39 PM FILEPATH: G:\Production\500\002000\2013\001\Survey\Drawings\B002013.001 Temporary Construction Easement 7-1.dwg

EXHIBIT E
METES AND BOUNDS DESCRIPTION

BEING a 0.010 acre tract of land situated in the John Stephens Survey, Abstract Number 1494, Tarrant County, Texas, in the City of Benbrook. Being a portion of the tract of land described in the instrument to DPM Benbrook Self Storage, LLC recorded in Document Number D215130085, Deed Records of Tarrant County, Texas, and a portion of Lot 2, Block 1, Marshall T. Robinson Addition according to the plat recorded in Cabinet A, Slide 3067, Plat Records of Tarrant County, Texas, said 0.010 acre tract of land being more particularly described as follows:

COMMENCING at a point in the southwesterly line of said DPM Benbrook Self Storage, LLC for the most northerly corner of Lot 3, Block 1, 377 Square Addition an addition to the City of Benbrook according to the plat recorded in Volume 388-161, Page 31, Plat Records of Tarrant County, Texas also being the tract of land described in the instrument to McDonald's Real Estate Company recorded in Document Number D210296659, Deed Records of Tarrant County, Texas;

THENCE with the southwesterly line of said Lot 2, Block 1 the following:

North 43° 19' 20" West (Cabinet A, Slide 3067 = North 42° 46' 13" West) a distance of 29.41 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for the POINT OF BEGINNING;

North 43° 19' 20" West a distance of 10.12 feet to a point;

THENCE departing the southwesterly line of said DPM Benbrook Self Storage, LLC tract, North 37° 04' 35" East a distance of 40.63 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for in the southwesterly line of a fire lane, access and utility easement shown on the plat recorded in Cabinet A, Slide 3067, Plat Records of Tarrant County, Texas;

THENCE with the southwesterly line of said fire lane, access and utility easement South 49° 06' 16" East a distance of 10.00 feet to a point;

THENCE departing the southwesterly line of said fire lane, access and utility easement South 37° 04' 35" West a distance of 41.65 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 0.010 acres (445 square feet) of land.



B002013.001

PAGE 1 OF 2

A drawing of even date accompanies this metes and bounds description.

SEPTEMBER 28, 2016



**TEMPORARY CONSTRUCTION
 EASEMENT**

**JOHN STEPHENS SURVEY
 ABSTRACT NO. 1494**

**CITY OF BENBROOK
 TARRANT COUNTY, TEXAS**

PLOTTED BY: Shaw, Adam ON: Wednesday, September 28, 2016 AT: 2:22 PM FILEPATH: G:\Production\500\002000\2013\001\Survey\Drawings\B002013.001 Temporary Const Easement Tracts 1 & 2.dwg

PLOTTED BY: Shaw, Adam ON: Wednesday, September 28, 2016 AT: 2:22 PM FILEPATH: G:\Production\500\0020000\2013\001\Survey\Drawings\B002013.001 Temporary Const Easement Tracts 1 & 2.dwg

DPM BENBROOK
SELF STORAGE, LLC
DOCUMENT NUMBER
D215130085

**JOHN STEPHENS SURVEY
ABSTRACT NO. 1494**

LOT 2, BLOCK 1
MARSHALL T. ROBINSON ADDITION
CABINET A, SLIDE 3067

TEMPORARY
CONSTRUCTION
EASEMENT
0.010 ACRES
(445 SQUARE FEET)

BFIP PARTNERS, LTD.
TRACT 1
DOCUMENT NUMBER
D209222616

(CABINET A, SLIDE
3067=N42:46:15"W)

**POINT OF
BEGINNING**
SET 5/8" IRON ROD
WITH CAP STAMPED
"DUNAWAY ASSOC LP."

29.41'

**POINT OF
COMMENCING**

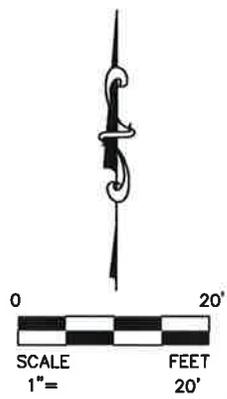
MCDONALD'S REAL
ESTATE COMPANY
DOCUMENT NUMBER
D210296659

LOT 3, BLOCK 1
377 SQUARE ADDITION
VOLUME 388-161, PAGE 31

T.E.S.CO. EASEMENT
VOLUME 6713, PAGE 321

15' ELECTRIC AND
UTILITY EASEMENT
CABINET A, SLIDE 3067

7.5' T.E.S.CO
EASEMENT
VOLUME 9184,
PAGE 657



B002013.001

PAGE 2 OF 2

EXHIBIT E

A metes and bounds description of even date accompanies this drawing.

SEPTEMBER 28, 2016



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FIRM REGISTRATION 10098100

**TEMPORARY CONSTRUCTION
EASEMENT**

JOHN STEPHENS SURVEY
ABSTRACT NO. 1494

CITY OF BENBROOK
TARRANT COUNTY, TEXAS

EXHIBIT F
METES AND BOUNDS DESCRIPTION

BEING a 0.009 acre tract of land situated in the John Stephens Survey, Abstract Number 1494, Tarrant County, Texas, in the City of Benbrook. Being a portion of the tract of land described in the instrument to DPM Benbrook Self Storage, LLC recorded in Document Number D215130085, Deed Records of Tarrant County, Texas, and a portion of Lot 2, Block 1, Marshall T. Robinson Addition according to the plat recorded in Cabinet A, Slide 3067, Plat Records of Tarrant County, Texas, said 0.009 acre tract of land being more particularly described as follows:

BEGINNING at a point in the southwesterly line of said DPM Benbrook Self Storage, LLC for the most northerly corner of Lot 3, Block 1, 377 Square Addition an addition to the City of Benbrook according to the plat recorded in Volume 388-161, Page 31, Plat Records of Tarrant County, Texas also being the tract of land described in the instrument to McDonald's Real Estate Company recorded in Document Number D210296659, Deed Records of Tarrant County, Texas;

THENCE with the southwesterly line of said Lot 2, Block 1 North 43° 19' 20" West (Cabinet A, Slide 3067 = North 42° 46' 13" West) a distance of 5.07 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for corner;

THENCE departing the southwesterly line of said DPM Benbrook Self Storage, LLC tract, North 37° 04' 35" East a distance of 44.11 feet to a point in the southwesterly line of a fire lane, access and utility easement shown on the plat recorded in Cabinet A, Slide 3067, Plat Records of Tarrant County, Texas;

THENCE with the southwesterly line of said fire lane, access and utility easement South 49° 06' 16" East a distance of 10.00 feet to a 5/8 inch iron rod with a cap stamped "Dunaway Assoc LP" set for corner;

THENCE departing the southwesterly line of said fire lane, access and utility easement South 37° 04' 35" West a distance of 45.13 feet to a point in the northeasterly line of said Lot 3, Block 1;

THENCE with the northeasterly line of said Lot 3, Block 1 North 43° 19' 20" West (Cabinet A, Slide 3067 = North 42° 46' 13" West) a distance of 5.05 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 0.009 acres (410 square feet) of land.



B002013.001

PAGE 1 OF 2

A drawing of even date accompanies this metes and bounds description.

SEPTEMBER 28, 2016



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TEMPORARY CONSTRUCTION
 EASEMENT

JOHN STEPHENS SURVEY
 ABSTRACT NO. 1494

CITY OF BENBROOK
 TARRANT COUNTY, TEXAS

PLOTTED BY: Shaw, Adam ON: Wednesday, September 28, 2016 AT: 2:21 PM FILEPATH: G:\Production\500\002000\2013\001\Survey\Drawings\8002013.001 Temporary Const Easement Tracts 1 & 2.dwg

DPM BENBROOK
SELF STORAGE, LLC
DOCUMENT NUMBER
D215130085

**JOHN STEPHENS SURVEY
ABSTRACT NO. 1494**

LOT 2, BLOCK 1
MARSHALL T. ROBINSON ADDITION
CABINET A, SLIDE 3067

TEMPORARY
CONSTRUCTION
EASEMENT
0.009 ACRES
(410 SQUARE FEET)

S49°06'16"E
10.00'

SET 5/8" IRON ROD
WITH CAP STAMPED
"DUNAWAY ASSOC LP"

15' ELECTRIC AND
UTILITY EASEMENT
CABINET A, SLIDE 3067

N37°04'35"E
44.11'

S37°04'35"W
45.13'

N43°19'20"W
10.12'
(CABINET A, SLIDE
3067=S42°46'15"E)

POINT OF
BEGINNING

MCDONALD'S REAL
ESTATE COMPANY
DOCUMENT NUMBER
D210296659

LOT 3, BLOCK 1
377 SQUARE ADDITION
VOLUME 388-161, PAGE 31

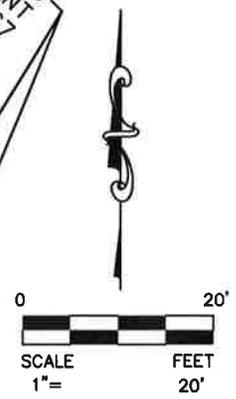
T.E.S.CO. EASEMENT
VOLUME 6713, PAGE 321

SET 5/8" IRON ROD
WITH CAP STAMPED
"DUNAWAY ASSOC LP"

FOUND 1/2" IRON ROD
(CONTROL MONUMENT)

BFIP PARTNERS, LTD.
TRACT 1
DOCUMENT NUMBER
D209222616

7.5' T.E.S.CO
EASEMENT
VOLUME 9184,
PAGE 657



B002013.001

PAGE 2 OF 2

A metes and bounds description of even date accompanies this drawing.

SEPTEMBER 28, 2016



550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
FIRM REGISTRATION 10098100

EXHIBIT F

**TEMPORARY CONSTRUCTION
EASEMENT**

JOHN STEPHENS SURVEY
ABSTRACT NO. 1494

CITY OF BENBROOK
TARRANT COUNTY, TEXAS