

YOUR NAME

8800 Kirk Lane NRH, Tx - 817-808-5224

cabotimenow@gmail.com

Date

June 8, 2023

Recipient

Dear Council Members,

I am writing this letter to provide updated information on the status of our development plans and to request approval to move forward with some of the formal processes while we are waiting on Smurfit Kappa's ownership and legal team to clean up the ownership conveyance to them of the existing 15' drainage easement between both properties I own (6428 and 6440 Davis Blvd.)

I listened to what the city council members said and swiftly connected and made plans with a urban plan designer that has in depth knowledge of the T.O.D. Area. This plan was then reviewed with both Clayton Comstock, and Clayton Husband and found to be in general alignment with the T.O.D. Vision, with some slight modifications to the street-scaping needed. I had also connected with the current landowner behind me and to the East. We have both agreed to the location of thoroughfare connection. Both Clayton's agreed as well.

In an effort to keep the process moving and help prevent Keyworth Brewery and other tenants from failing because of parking constraints as timing is of the essence. I am proposing is the following:

1. Provide a letter or email from Smurfit Kappas management/CEO stating that when they complete their legal ownership conveyances, that they will agree to the easement crossings and will officially grant permission for the easement crossings.

2. Allow the agenda to be reintroduced to City Council for approval of the overall site design and the phase 1 cross access shared parking construction, as well as temporary parking for 6428 Davis during construction of the 96 permanent phase 1 parking spots.

3. Allow submittals / approval / and start of the phase 1 parking, and not the crossing connection portion at the drainage easement until Smurfit Kappa acknowledges and finalizes their legal conveyance of the easement to their ownership. This would hopefully happen well before we would even begin the construction, as we have already been communicating with Smurfit Kappas management for over 60 days. It took them quite a while to realize that they should have had the drainage easement conveyed to them at the time of their original purchase from the Bates Family/Trust.

Sincerely

Rick Figueroa

Rick,

As we discussed, below is the email with the information pertaining to the easement. Hope you have a great rest of the week.

Best Regards,

Jeff Kutac

General Manager – North Texas

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From: McDonnell, Brian

Sent: Wednesday, June 7, 2023 10:33 AM

To: Kutac, Jeff

Subject: RE: Rick Figueroa Jeff,

We have not heard anything back recently from Bates Realty's attorney on getting that strip of land assigned over to SKNA ownership. Based on our earlier discussions with our attorneys (Baker Botts) and theirs, we believe this land should have conveyed to SKNA as part of the transaction last year when we bought the land/production site.

At this point, we believe the process to transfer ownership to SKNA is relatively straightforward and are expecting Bates Realty to complete the exercise. Certainly, when SKNA gets ownership, we are okay providing Mr. Figueroa with the requested crossing easement. In fact, our intention is to sign over the ownership of that plot of land (in exchange for confirming our existing easement rights already in place elsewhere nearby).

We will continue to chase Bates Realty through their lawyer to get their actions completed. Best regards,
Brian

Brian McDonnell

CFO

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