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JAMES W. SCHELL

October 15, 2009

Via E-mail – felix.wong@ci.mansfield.tx.us

Mr. Felix Wong
Director of Planning
City of Mansfield
1200 E. Broad St.
Mansfield, TX 76063

Via Facsimile – (817) 332-4740
& Via E-mail – ataylor@toase.com

E. Allen Taylor, Jr., Esq.
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, TX 76107-4654

Re: Planned Development for pickle processing facility at 1101 W. Debbie
Lane, Mansfield, Texas

Dear Allen and Felix:

As you both know, our client, Dalton's Best Maid Products ("Dalton's") has begun work on the screening wall to be constructed along the northern and western property lines of the Debbie Lane pickle processing facility. As you also are aware, some confusion has arisen as to the components of such wall. Dalton's believed that a precast stone masonry fence was acceptable under the zoning revision approved by the Mansfield City Council on July 28, 2009. Thank you for explaining your interpretation of this revised planned development ordinance and for your suggestions on how to reconcile the difficult situation now facing Dalton's.

I would like to explain how we have come to the present situation with the screening wall. Dalton's worked with their contractor planning to construct a mortar and stone wall. In preparing for and evaluating this construction project, Alpha Testing was engaged to do a geotechnical exploration to evaluate the physical and engineering properties of subsurface materials at the site in order to formulate appropriate geotechnical design parameters for the foundation for the screening wall. The investigation revealed that the soil was very elastic and, accordingly, the screening wall would need to be supported on a system of drilled and under-reamed piers drilled to a depth of about 12 feet below grade. Each pier shaft would need to be

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reinforced with suitable tension steel over its entire length and all grade beams connecting the piers would need to be formed rather than cast in earthen trenches. To our surprise, the cost of construction of the screening wall was estimated to be around \$500,000. The low bid that Dalton's received to construct this stone and mortar wall was \$482,782. The other bid exceeded \$550,000. These bids far exceeded the budgeted amount for constructing this screening wall. In addition, Dalton's was advised that due to the plasticity of the soils, it was likely that cracking of the wall would occur in addition to other maintenance problems.

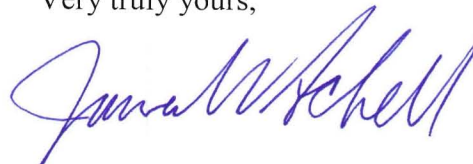
As a result, another masonry option utilizing precast panels was explored. Dalton's was advised that precast panels were stronger and would be much less likely to crack or incur other adverse maintenance problems. Also, although by no means was such alternate system cheap, the low bid for such panel system was \$297,842, almost \$185,000 less than the stone and mortar construction. This was substantially closer to Dalton's budgeted amount. The panel system Dalton's has contracted for has a stone imprint, as shown in the attachments to this letter. We believe it is quite attractive and is in keeping with other upscale commercial facilities (such as Cook's Children's Hospital) in Mansfield.

I have prepared a notebook containing copies of the geotechnical exploration report of Alpha Testing, construction contracts, and information on the precast wall. I would be pleased to share this information with you at any time, but would rather not enter it into the public record for obvious reasons of confidentiality.

We believe the construction of the screening wall using the described precast panel system, rather than "brick and mortar" or "stone and mortar" construction is not a significant revision to the Development Plan. Accordingly, if you agree, we ask that you place our request before the City Council for its determination. In addition, we would ask that due to this confusion and especially due to the inclement weather we have incurred, that the deadlines be extended by one month so that the completion of construction will be January 1, 2010, and the completion of the installation of landscaping and irrigation will be January 31, 2010.

Thank you for your assistance in this matter, and I look forward to hearing from you.

Very truly yours,



James W. Schell

JWS/st

Enclosures

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cc: Dalton's Best Maid Products, Inc.





THE VINEYARDS
OF COLORADO SPRINGS

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