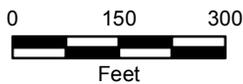
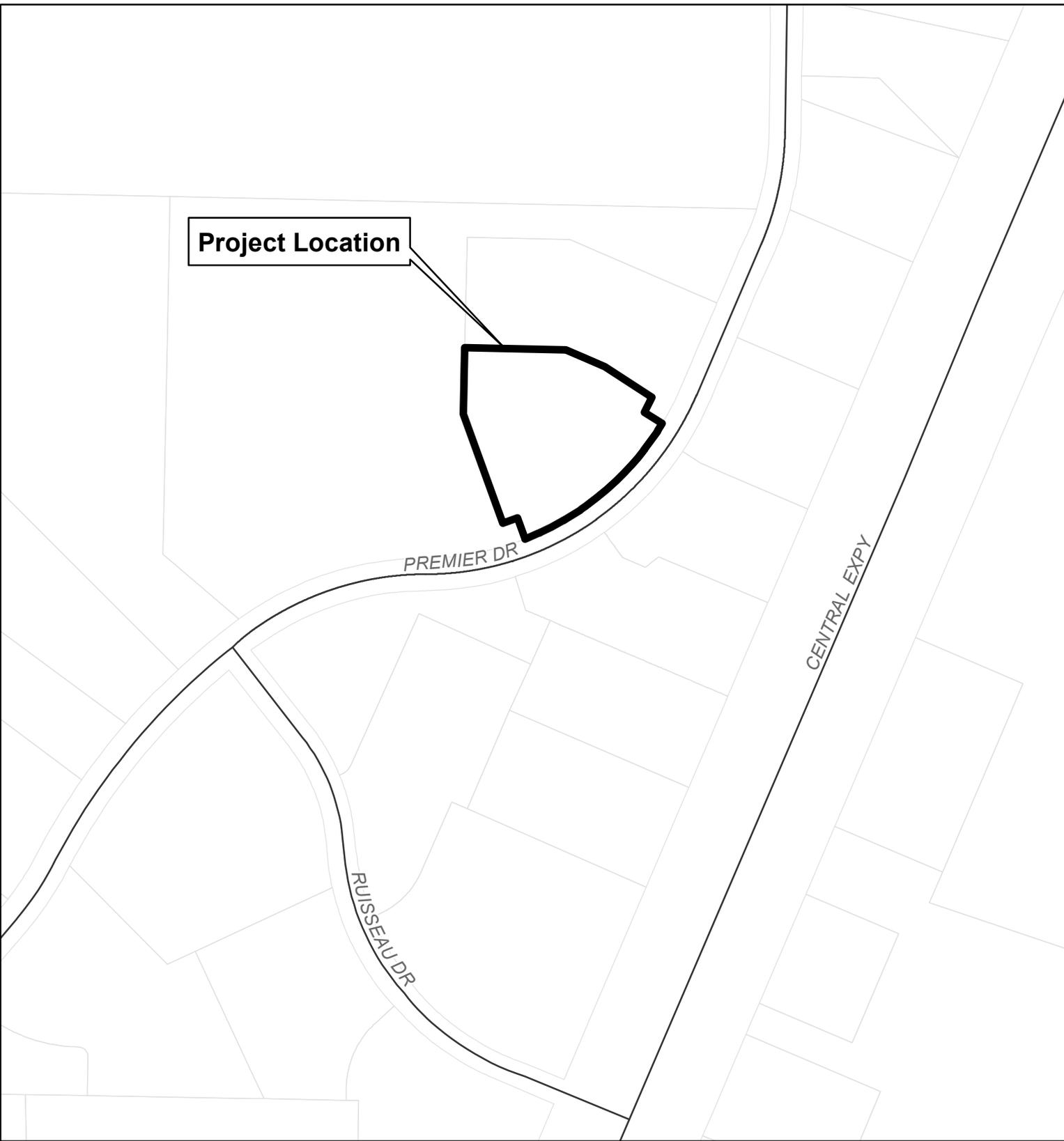




# CITY OF PLANO COUNCIL AGENDA ITEM

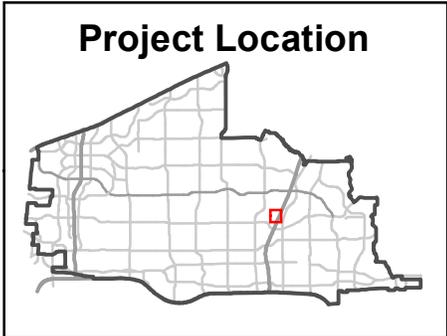
<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:	1/11/2016				
Department:	Engineering				
Department Head	B. Caleb Thornhill				
Project	Fairview Central Park Addition 5190-9 (Fairfield Inn)				
Agenda Coordinator (include phone #): <b>Kathleen Schonne X-7198</b>					
<b>CAPTION</b>					
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of a certain 15' Drainage Easement recorded in Volume 2014, Page 9, of the Official Public Records of Collin County, Texas and being situated in the Daniel Rowlett Survey, Abstract No. 738, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, <b>SAVOY PLANO HOTELS LLC</b>, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.</p>					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2015-16</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	0	0	<b>0</b>
Encumbered/Expended Amount		0	0	0	<b>0</b>
This Item		0	0	0	<b>0</b>
BALANCE		0	0	0	<b>0</b>
<b>FUND(S):    N/A</b>					
<b>COMMENTS:</b> This item has no financial impact.					
STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to this easement relates to the City's Goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
<p>The owner is requesting the abandonment of the easement because reconfiguration of the required 15' drainage easement has been included on the final plat, and the previous easement must be abandoned by separate instrument because it had been created by a separate instrument, Document No. 20140203000100040.</p> <p><a href="https://www.google.com/maps/place/3415+Premier+Dr,+Plano,+TX+75023/@33.044491,-96.7030344,17.96z/data=!4m2!3m1!1s0x864c19ad8951e0d5:0xb127ab2d5f818694">https://www.google.com/maps/place/3415+Premier+Dr,+Plano,+TX+75023/@33.044491,-96.7030344,17.96z/data=!4m2!3m1!1s0x864c19ad8951e0d5:0xb127ab2d5f818694</a></p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Location Map Ordinance Petition for Abandonment					

georgetau.c:\Projects\Engineering\Location\Maps\12-15-2015\_Project 5190-9 Fairview Central Park\Fairview Central Park Addition.mxd



City of Plano GIS Division  
December, 2015

# Fairview Central Park Addition Project No. 5190-9



**An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of a certain 15-foot Drainage Easement recorded in Volume 2014, Page 9, of the Official Public Records of Collin County, Texas and being situated in the Daniel Rowlett Survey, Abstract No. 738, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, SAVOY PLANO HOTELS LLC, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.**

**WHEREAS**, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City, in and to a portion of a certain 15-foot Drainage Easement, recorded in Volume 2014, Page 9, of the Official Public Records of Collin County, Texas (hereinafter called "Easement") being situated in the Daniel Rowlett Survey, Abstract No. 738, which is located within the city limits of Plano, Collin County, Texas, and which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference; and

**WHEREAS**, the Engineering Department has determined that there will be no detrimental effect on the City if the Easement is abandoned and quitclaimed to the owner of the property underlying the Easement; and has advised that the Easement should be abandoned.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** All the right, title and interest of the City of Plano, Texas, in and to the Easement is hereby abandoned, and all right, title and interest of the City in and to the Easement is hereby quitclaimed to the owner of the property underlying the easement, in accordance with its respective interest. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager or his authorized designee is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Easement by the City of Plano.

**Section II.** The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise, if any, which are presently located within any portion of the Easement. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in such portion of the Easement.

**Section III.** The City Council hereby finds and determines that the abandonment of the Easement is in the public interest of the City of Plano, Texas, and its citizens, and will inure to the benefit of the public generally.

**Section IV.** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 11<sup>th</sup> day of January, 2016.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY

## EXHIBIT "A"

### PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting A 15' DRAINAGE EASEMENT (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:

PORTION OF 15' DRAINAGE EASEMENT  
CREATED BY INSTRUMENT 2014 0203000100040

2. The following public interest will be served as a result of the abandonment:

RECONFIGURATION OF THE REQUIRED 15'  
DRAINAGE EASEMENT HAS BEEN INCLUDED  
ON THE FINAL PLAT (LOT 3, BLK B, FAIRVIEW CENTRAL  
PARK ADDITION)

3. Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.
4. If the Owners are providing a replacement easement for the Easement requested to be abandoned herein, ~~Owners will attach a metes and bounds description or plat identifying the replacement easement and attach same to this Petition as Exhibit "B".~~
5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.
6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable**

**and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment of the Easement by City.**

7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Easement will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:

N/A  
SAVOY PLANO HOTELS LLC IS SOLE OWNER

8. Owners shall also prepare a map or drawing showing the Easement to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as Exhibit "C".

9. Owners shall also prepare a separate field note description for each portion of the Easement to be released to each abutting property owner. This description shall be attached hereto and incorporated herein as Exhibit "D".

[Remainder of page blank]

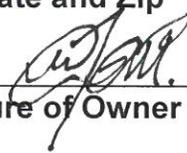
10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

SAVOY PLANO HOTELS LLC  
Typed Name of Owner

6913 TRACELAND DRIVE  
Address

PLANO, TX 75024  
City, State and Zip

Dated: 12-14-15

  
Signature of Owner

Contact Person for Property Owners:

Name: JIM DEWEY, JR. / DEBRA COX

Phone No: (472) 252-5357

JDIR ENGINEERS & CONSULTANTS, INC.  
2500 TEXAS DRIVE, SUITE 100  
IRVING, TEXAS 75062

Exhibit "A-1"

EASEMENT DESCRIPTION

BEING a 0.0102 acre tract of land situated in the Daniel Rowlett Survey, Abstract No. 738, City of Plano, Collin County, Texas, and being a portion of Lot 3, Block B, Fairview Central Park, as recorded in Volume 2014, Page 9, Official Public Records, Collin County, Texas (O.P.R.C.C.T.), and being a portion of a 15' drainage easement recorded in Inst. No. 20140203000100040, O.P.R.C.C.T., and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8" capped iron rod stamped "JDJR" found for an angle point in the north line of said Lot 3;

THENCE North 55 degrees 53 minutes 05 seconds West, along the north line of said Lot 3, a distance of 32.94 feet to a point on north line of the aforementioned 15' drainage easement;

THENCE South 60 degrees 01 minutes 06 seconds West, departing the north line of said Lot 3 and continuing along the north line of said easement, a distance of 44.95 feet to the Point of Beginning;

THENCE South 60 degrees 01 minutes 06 seconds West, continuing along the north line of said easement, a distance of 33.93 feet to a point, said point being the northwest corner of said easement;

THENCE South 29 degrees 58 minutes 54 seconds East, along the west line of said easement, a distance of 15.00 feet to a point, said point being the southwest corner of said easement;

THENCE North 60 degrees 01 minutes 06 seconds East, along the south line of said easement, a distance of 25.27 feet to a point;

THENCE North 00 degrees 01 minutes 06 seconds East, across said easement, a distance of 17.32 feet to the Point of Beginning, and containing 0.0102 Acres (444 square feet) of land.

SURVEYOR'S STATEMENT

The easement shown hereon is a true representation of the property as determined by an actual survey made on the ground by me or under my personal supervision. This survey conforms to the Texas Board of Professional Land Surveyors' Minimum Standards of Practice, as adopted by the Board effective September 1,1992 and as revised by said Board.

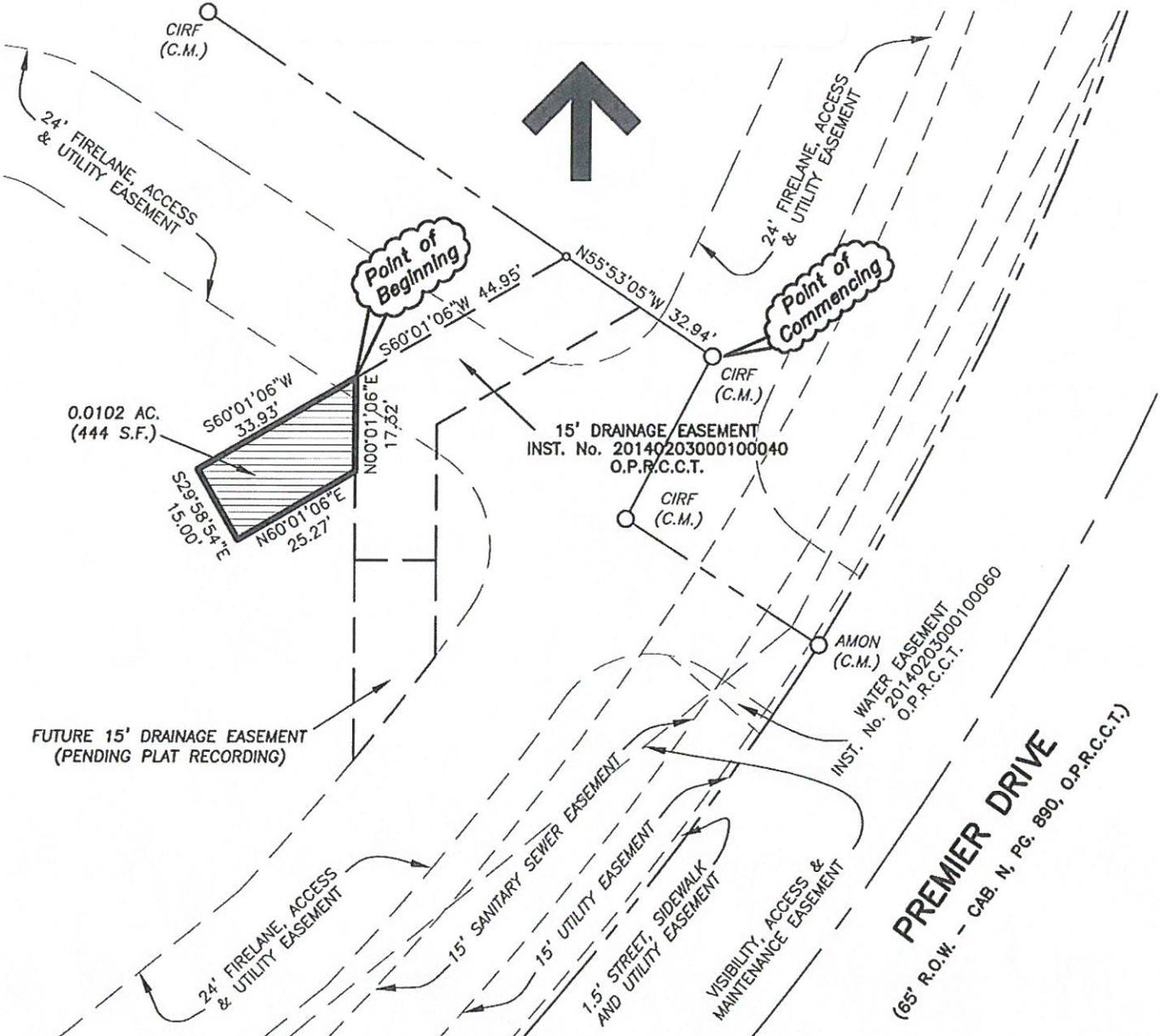


*Kerry M Hoefner* 02 MAY, 2014  
KERRY M. HOEFNER - Registered Professional Land Surveyor 4562

© COPYRIGHT 2014

JDJR	ENGINEERS & CONSULTANTS, INC.
	TBPLS FIRM NO. 000356-00
ENGINEERS • SURVEYORS • LAND PLANNERS	
2500 Texas Drive, Suite 100 Irving, Texas 75082 Tel 972-252-5357 Fax 972-252-8958	

Exhibit "A-1"



**PROPOSED 15' DRAINAGE EASEMENT ABANDONMENT  
OVER AND ACROSS A PORTION OF  
LOT 3, BLOCK B, FAIRVIEW CENTRAL PARK  
RECORDED IN VOL. 2014, PG. 9,  
OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS**

ALL EASEMENTS ARE FROM THE PLAT OF FAIRVIEW CENTRAL  
PARK, AS RECORDED IN VOL. 2014, PG. 9, O.P.R.C.C.T.  
(UNLESS OTHERWISE NOTED)

CIRF 5/8" CAPPED IRON  
ROD FOUND W/ "JDJR"  
O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS,  
COLLIN COUNTY, TEXAS  
CAB. CABINET  
PG. PAGE  
INST. INSTRUMENT

© COPYRIGHT 2014

GRAPHIC SCALE IN FEET



0 15 30  
SCALE: 1" = 30'

SHEET 2 OF 2  
JDJR No. 1121-1-14

JDJR	<b>ENGINEERS &amp; CONSULTANTS, INC.</b>
	TBPLS FIRM NO. 000356-00
<b>ENGINEERS • SURVEYORS • LAND PLANNERS</b>	
2500 Texas Drive, Suite 100 Irving, Texas 75062 Tel 972-252-5357 Fax 972-252-8858	