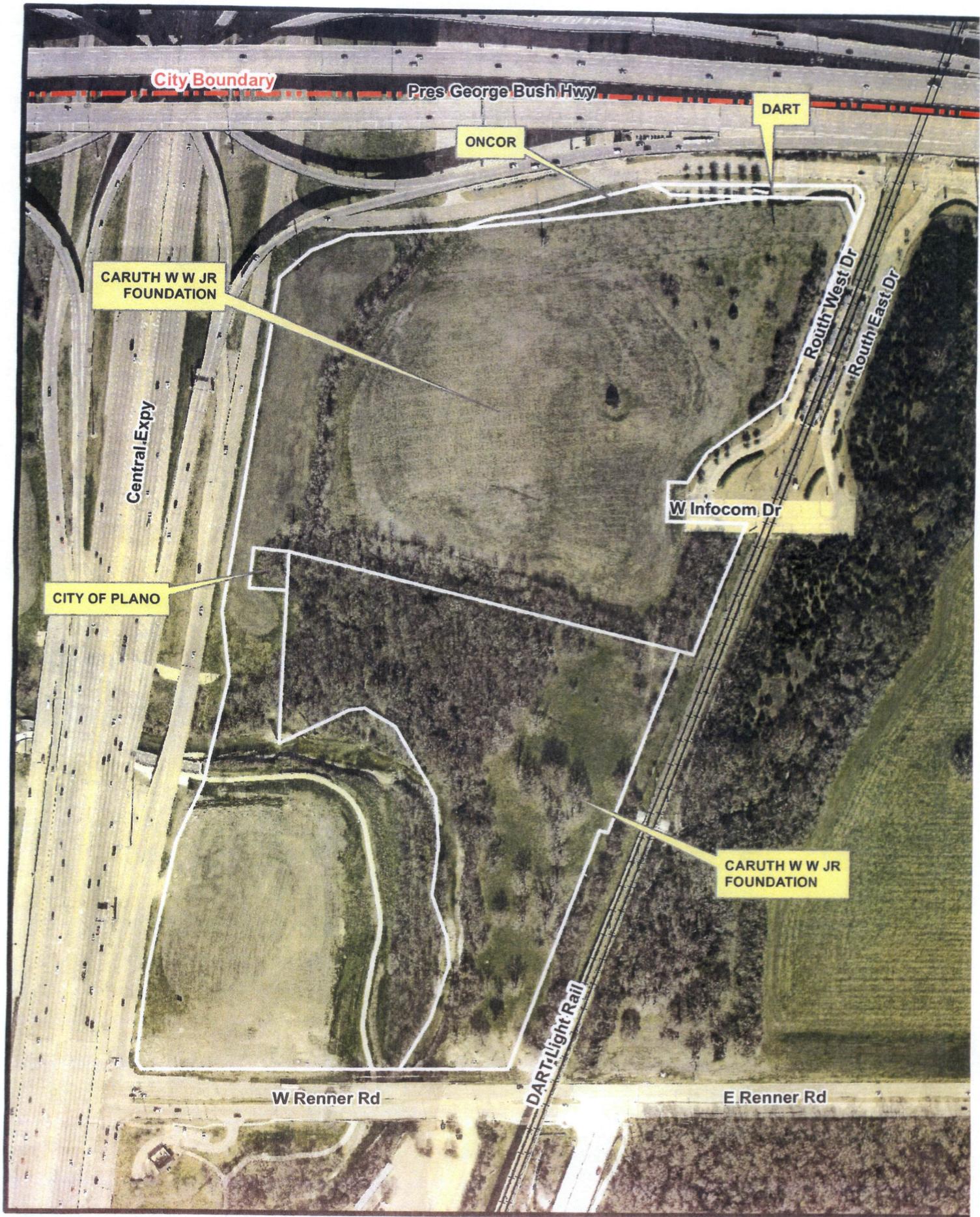




CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	1/13/14			
Department:	Engineering			
Department Head	Jack Carr			
Project	Plano Lift Station			
Agenda Coordinator (include phone #): Kathleen Schonne X-7198				
CAPTION				
<p>An Ordinance of the City Council of the City of Plano, Texas, abandoning all right, title, and interest of the City in: (1) a certain 30' access easement, recorded in Vol. 578, Page 435 of the Deed Records of Collin County, Texas; (2) a certain 15' sewer easement, recorded in Vol. 578, Page 437 of the Deed Records of Collin County, Texas, and (3) a certain 20' easement and right-of-way, described in the condemnation proceedings in <i>City of Plano v. W.W. Caruth, Jr.</i>, Cause No. 71-134-199 in the 199th District Court of Collin County, Texas, and located in the John G. Vance Survey, Abstract Number 938, which is located within the city limits of the City of Richardson, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, Bank of America, N.A. (as trustee of the W.W. Caruth Foundation), to the extent of its interest; authorizing the City Manager or his authorized designee to execute any necessary documents, and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-14	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Abandoning all right, title and interest to the City to these easements relates to the City's Goal of Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>This old sanitary sewer lift station located in the City of Richardson has not been in use for decades, and there is no anticipated future use for the site. The access and utility easements associated with the former lift station are no longer needed. https://maps.google.com/?ll=33.000206,-96.703677&spn=0.00817,0.014913&t=h&z=16</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map			N/A	
Ordinance				
Petition for Abandonment				



NE Corner US-75 & Renner Ownership Aerial

LOCATION MAP

Updated By shacklett, Update Date: September 12, 2013
File: DS\Mapping\Staff\CMO\Cli\ff\NEC 75 & Renner Owner ortho.mxd



An Ordinance of the City Council of the City of Plano, Texas, abandoning all right, title, and interest of the City in: (1) a certain 30' access easement, recorded in Vol. 578, Page 435 of the Deed Records of Collin County, Texas; (2) a certain 15' sewer easement, recorded in Vol. 578, Page 437 of the Deed Records of Collin County, Texas, and (3) a certain 20' easement and right-of-way, described in the condemnation proceedings in *City of Plano v. W.W. Caruth, Jr.*, Cause No. 71-134-199 in the 199th District Court of Collin County, Texas, and located in the John G. Vance Survey, Abstract Number 938, which is located within the city limits of the City of Richardson, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, Bank of America, N.A. (as trustee of the W.W. Caruth Foundation), to the extent of its interest; authorizing the City Manager or his authorized designee to execute any necessary documents, 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: (1) a certain 30' access easement, recorded in Vol. 578, Page 435 of the Deed Records of Collin County, Texas; (2) a certain 15' sewer easement, recorded in Vol. 578, Page 437 of the Deed Records of Collin County, Texas, and (3) a certain 20' easement and right-of-way, described in the condemnation proceedings in *City of Plano v. W.W. Caruth, Jr.*, Cause No. 71-134-199 in the 199th District Court of Collin County, Texas, and located in the John G. Vance Survey, Abstract Number 938, which is located within the city limits of the City of Richardson, Collin County, Texas, and which is more particularly described in Exhibit "A" 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 "B" 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 Easements are abandoned and quitclaimed to the abutting Property Owner; and has advised that the Easements 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 Easements is hereby abandoned, and all right, title and interest of the City in and to the Easements is hereby quitclaimed to the abutting Property Owner in accordance with its respective interests. 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 Easements 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 Easements. 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 Easements.

Section III. The City Council hereby finds and determines that the abandonment of the Easements 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 13th day of January, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "B"

PETITION FOR ABANDONMENT [For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting _____ (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:**

The old sanitary sewer lift station has not been in use for decades, and there is no anticipated future use for the site. Further, the presence of abandoned equipment represents an attractive nuisance and potential liability for the City of Plano. Abandoning the site to the adjacent property owner will allow that owner to mitigate this potential liability, include the property into adjacent developments, and return the property to the tax rolls. Further, the access and utility easements associated with the former lift station are no longer needed.

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

A potential public liability risk will be transferred from the City of Plano to a private entity and mitigated.

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-1".** N/A
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:

W.W. Caruth, Jr. Foundation – 100%

Bank of America, N.A. as Trustee of the W.W. Caruth Foundation

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-1"**.
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-1"**.

[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.

Bank of America, N.A. as Trustee
of the W.W. Caruth Foundation

Typed Name of Owner

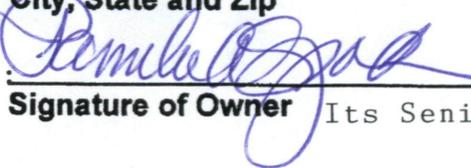
901 Main Street, 16th Flr, Dallas, TX

Address

Dallas, Texas 75202

City, State and Zip

Dated: 10/30/13 By:


Signature of Owner

Its Senior Vice President

Contact Person for Property Owners:

Name:

Pamela Spadaro

Phone No:

214-209-1681

EASEMENTTemporary Spring Creek Lift Station Access Road

THE STATE OF TEXAS)
 COUNTY OF DALLAS) KNOW ALL MEN BY THESE PRESENTS,

That W. W. CARUTH, JR.

in consideration of the sum of One Dollar cash to said Grantor in hand paid by the City of Plano, the receipt of which is acknowledged, and the further consideration of the benefits to be derived by grantor on account of the construction, reconstruction and maintainance by the City of Plano of the proposed sanitary sewer system to serve the area do hereby give and grant to the City of Plano, a municipal corporation of Collin County, Texas, a temporary easement and right to construct, reconstruct and maintain an access road to the sanitary sewer lift station site owned by the City of Plano, Texas, said access road right-of-way being upon, over and across the following described property:

BEING a strip of land thirty (30) feet in width, located in the James C. Vance Survey, Abstract No. 938, in Collin County, Texas and being over and across the tract of land conveyed to W. W. Caruth, Jr. by a Deed now on record in Volume 462, page 121 of the Deed Records of Collin County, Texas; said thirty (30) foot easement having a center-line more particularly described as follows:

BEGINNING at a point on the westerly boundary line of a tract of land to be conveyed to the City of Plano for a sanitary sewer lift station site, said point being located S 1 deg 04' 30" W a distance of 32 feet, more or less, from the northwest corner of said tract of land;

THENCE N 85 deg 56' 30" W a distance of 155 feet, more or less, to a point in the east right-of-way line of U. S. Highway No. 75.

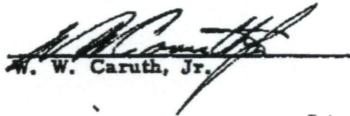
Provided that the easement right-of-way herein granted is intended to be temporary only, and is subject to cancellation by grantor whenever he, his successors or assigns simultaneously provides an alternate all weather route

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from the highway to the lift station.

TO HAVE AND TO HOLD the same unto the City of Plano and its successors, together with the right and privilege at all times of free ingress and egress upon said right-of-way or any future alternate access route.

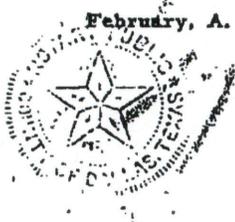
WITNESS my hand this 20TH day of February, 1961.

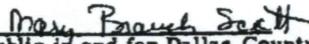

W. W. Caruth, Jr.

THE STATE OF TEXAS)
COUNTY OF DALLAS)

BEFORE ME, the undersigned, a Notary Public, _____, in and for said County, Texas, on this day personally appeared W. W. Caruth, Jr. 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 consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20TH day of February, A. D. 1961.




Notary Public in and for Dallas County, Texas

FILED FOR RECORD 9 DAY OF March A.D. 1961 at 4:18 P.M.
RECORDED 14 DAY OF March A.D. 1961. File # 1188
JAMES E. GIBB, CLERK COUNTY COURT, COLLIN COUNTY, TEXAS.
BY: Ann Bridges DEPUTY.

E A S E M E N TSanitary Sewer Line

THE STATE OF TEXAS)
 COUNTY OF COLLIN) KNOW ALL MEN BY THESE PRESENTS,

That W. W. CARUTH JR.

in consideration of the sum of One Dollar cash to said Grantors in hand paid by the City of Plano, the receipt of which is acknowledged, and the further consideration of the benefits to be derived by grantors on account of the construction, reconstruction and maintenance by the City of Plano of the sanitary sewer line in and through the hereinafter described premises, do hereby give and grant to the City of Plano, a municipal corporation of Collin County, Texas, the easement and right to construct, reconstruct and perpetually maintain a sanitary sewer line together with all necessary laterals in, upon and across the following described property:

BEING a strip of land fifteen (15) feet in width, located in the James C. Vance Survey, Abstract No. 938, in Collin County, Texas and being over, under and across the tract of land conveyed to W. W. Caruth by a deed now of record in Volume 462, Page 121 of the Deed Records of Collin County, Texas; said fifteen (15) foot easement having a centerline description more particularly described as follows:

TRACT NO. 1

BEGINNING at a point on the southerly boundary line of a tract of land to be conveyed to the City of Plano for a lift station site, said point being located N 88° 55' 30" W a distance of 7.5 feet from the southeast corner of said tract of land;

THENCE S 1° 04' 30" W, 7.5 feet from and parallel to an easterly boundary line of said Caruth tract of land, a distance of 243 feet, more or less, to a point;

THENCE S 80° 40' 30" W a distance of 276.8 feet more or less to a point in the east right-of-way line of U. S. Highway No. 75.

TRACT NO. 2

BEGINNING at a point on the west right-of-way line of U. S. Highway No. 75, said point being located in a northerly direction a distance of 1025 feet, more or less, from the intersection of the south boundary line of said Caruth Tract of land and the west right-of-way line of U. S. Highway No. 75;

THENCE S $35^{\circ} 42'$ W a distance of 35.6 feet, more or less, to a point;

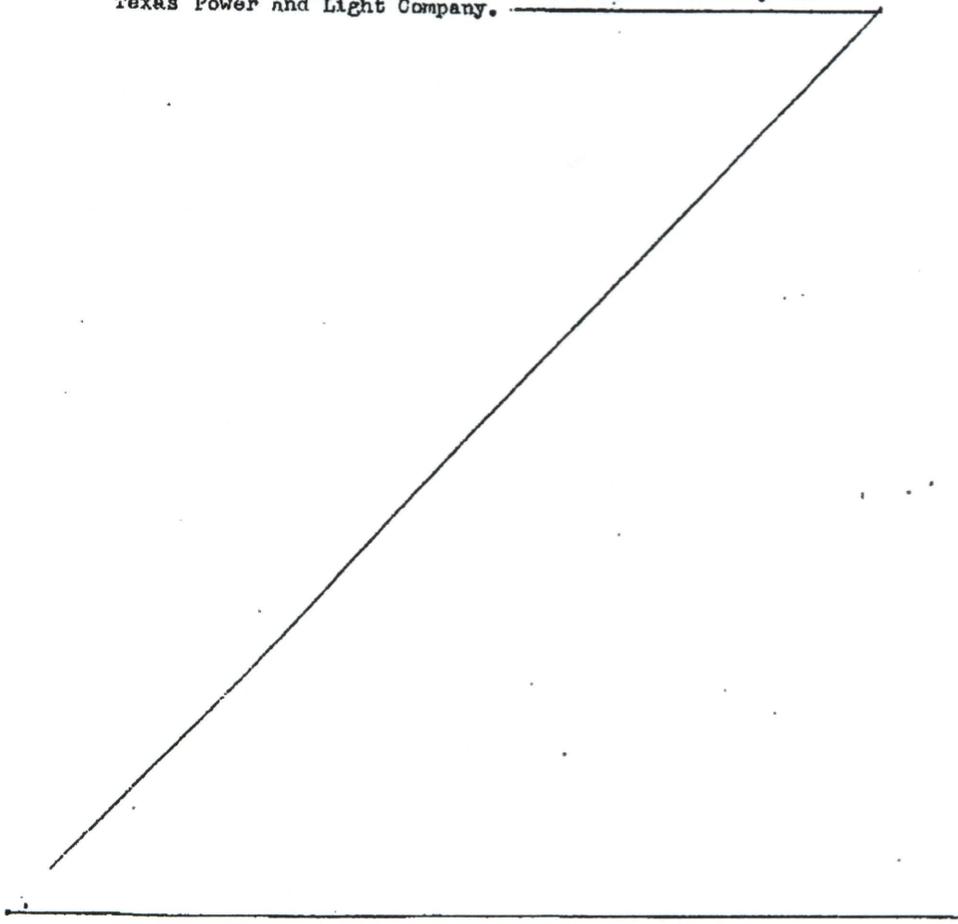
THENCE N $55^{\circ} 53'$ W a distance of 207.5 feet, more or less, to a point;

THENCE N $43^{\circ} 03'$ W a distance of 230.8 feet, more or less, to a point;

THENCE N $9^{\circ} 19'$ W a distance of 490 feet to a point;

THENCE N $12^{\circ} 23' 30''$ W a distance of 268 feet to a point;

THENCE N $26^{\circ} 55'$ W a distance of 72 feet, more or less, to a point in the north boundary line of said Caruth Tract and the south boundary line of a tract now owned by the Texas Power and Light Company.



TO HAVE AND TO HOLD the same perpetually unto the City of Plano and its successors, together with the right and privilege at all times to enter said premises, or any part thereof, for the purpose of constructing, reconstructing, and maintaining said sewer, and for making connections therewith. And the grantee shall have the right to construct reconstruct and perpetually maintain additional sewer lines at all times in the future, within the above described boundaries;

In consideration of the foregoing, grantors give to the City of Plano and its successors a temporary construction easement 100 feet in width, being 10 feet on the left and 90 feet on the right of the above described line; said temporary construction easement to terminate on date of each completion of said sewer line construction or reconstruction,

All upon the conditions that the City of Plano will at all times, after doing any work in connection with the construction, reconstruction or repair of said sewer, or any lateral thereof, restore said premises to the condition in which they were found before such work was undertaken, and that in the use of the rights and privileges herein granted, the City of Plano will not create a nuisance or do any act that will be detrimental to said premises.

WITNESS my hand this 9th day of February, 1961

W. W. Caruth Jr.

W. W. CARUTH JR.

THE STATE OF TEXAS
COUNTY OF DALLAS

BEFORE me, the undersigned authority, a Notary Public in and for said County, State of Texas, on this day personally appeared W. W. CARUTH, JR. 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 consideration therein expressed.

GIVEN under my hand and seal of office this 9th day of February, 1961.

Betty Taylor

Notary Public
State of Texas



FILED FOR RECORD 7 DAY OF March A.D. 1961 at 4:19 P.M.
RECORDED 14 DAY OF March A.D. 1961. File # 1187
JAG. E. WEBB, CLERK, COUNTY COURT, COLLIN COUNTY, TEXAS.
BY: Ann Bridges DEPUTY.

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UTILITY EASEMENT

THE STATE OF TEXAS:

KNOW ALL MEN BY THESE PRESENTS,

COUNTY OF COLLIN:

That the undersigned, Mrs. Emma Zehl Howey
(Mrs. EMMA ZEHL HOWEY), a feme sole

in consideration of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, do hereby Give and Grant unto the City of Plano, a municipal corporation of Collin County, Texas, and its assigns, an easement to construct, reconstruct and perpetually maintain public streets, sidewalks and all public utilities, together with all necessary connecting lines, poles and laterals thereto, upon, over, under and across a five (5) foot strip of land situated in the following described property:

BEING a tract of land in the Sanford Beck Survey, Abstract No. 73, Collin County, Texas, and being a part of a tract of land described in a deed dated November 29, 1881, from D. M. Oglesby to John Zehl and recorded in Volume 14, Page 550 of the Deed Records of Collin County, Texas, the tract to be conveyed for street, sidewalk and utility purposes being described as follows:

A strip of land 5 feet wide off the entire north side (209-1/2 feet) of said John Zehl tract, as shown on the attached plat. The existing south right-of-way line of 14th Street is 25 feet from the centerline along the above mentioned property.

TO HAVE AND TO HOLD the same perpetually to the City of Plano, Texas, its successors and assigns, together with the right and privilege at all times to enter said premises for the purposes of constructing, reconstructing and maintaining said streets, sidewalks and public utilities, and to make connections therewith;

THE CITY OF PLANO

VS.

W. W. CARUTH, JR.

CONDEMNATION PROCEEDINGS

IN THE 199TH JUDICIAL DISTRICT

COURT OF COLLIN COUNTY, TEXAS

JUDGMENT

On this the 25th day of February, 1972, came on to be considered the above styled and numbered cause in which the City of Plano, Texas, is Plaintiff and W. W. Caruth, Jr. is Defendant, and both parties appearing by their attorneys announced ready for trial;

and, it appearing to the Court that in pursuance of Plaintiff's statement filed in the County Court of Collin County, Texas, on the 22nd day of June, 1970, wherein it prayed for the acquisition through proceedings in eminent domain of an easement and right-of-way in and to the hereinafter described land, and that the judge of said Court appointed three disinterested free-holders of Collin County, Texas, as Special Commissioners, who subsequently met, took their oath of office, set a date for the Hearing Before Commissioners, and caused notice thereof to be duly served as prescribed by law; and that at said hearing, all parties appeared, either in person or by their attorneys; and that after such hearing, the said Special Commissioners rendered their decision in writing, awarding the Defendant the sum of Two Thousand Eight Hundred Dollars (\$2,800.00) as damages for the taking of said easement and right-of-way, in and to the hereinafter described land and their Written Award Of Commissioners was filed with the judge of said Court, of which, all recitations and findings stated therein are in and by this judgment found to be correct and true.

And it further appearing to the Court that W. W. Caruth, Jr. filed objections to such Award Of Commissioners within the time prescribed by law and caused the City of Plano, Texas, to be cited accordingly; and that Plaintiff deposited on the 14th day of July, 1970, in the registry of the Court, subject to the order of Defendant herein, the sum of said award, to wit: Two Thousand Eight Hundred Dollars (\$2,800.00), said award having heretofore been withdrawn by

Defendant.

Whereupon, on this date, after a jury composed of twelve good and lawful jurors heard the pleadings and a portion of the evidence, the parties hereto, both Plaintiff and Defendant, announced to the Court that they had reached a mutually agreeable settlement in this cause.

And it further appearing to the Court from the evidence that the City Council of the City of Plano, Texas, has heretofore duly determined the public necessity for the taking of an easement and right-of-way in and to the hereinafter described land as evidenced by an order entered in its minutes and that all legal prerequisites for the trial of this cause have been duly complied with;

It is, therefore, ORDERED, ADJUDGED AND DECREED that the City of Plano, Texas, Plaintiff, do have and recover from the Defendant, W. W. Caruth, Jr., an easement and right-of-way in and to the following described land, situated in the City of Plano, Collin County, Texas, to wit:

BEING a 0.67 acre tract of land in the James G. Vance Survey, Abstract No. 938, a part of a tract conveyed by deed to W. W. Caruth as recorded in Volume 426, Page 121, Deed Records of Collin County, Texas, said tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the North right-of-way line of Renner Road, said point being located 436 feet Easterly from a right-of-way marker at the intersection of Renner Road and U. S. Highway 75 service road;

THENCE N. $0^{\circ}22'30''$ E. 45.04 feet;

THENCE S. $89^{\circ}37'30''$ E. 10.0 feet to a point of curve to the left, said curve having a central angle of $72^{\circ}30'$ and a radius of 140 feet;

THENCE Northeasterly 177.15 feet to end of said curve;

THENCE N. $17^{\circ}52'30''$ E. 158.52 feet to a point of curve to the left, said curve having a central angle of $18^{\circ}00'$ and a radius of 190 feet;

THENCE Northerly 59.69 feet to end of said curve;

THENCE N. $0^{\circ}07'30''$ W. 293.82 feet to a point of curve to the left, said curve having a central angle of $70^{\circ}00'$ and a radius of 140 feet;

THENCE Northwesterly 171.04 feet to end of said curve;

THENCE N. $70^{\circ}07'30''$ W. 155.12 feet;

THENCE $33^{\circ}07'30''$ W. 135.6 feet;

THENCE N. $2^{\circ}52'30''$ E. 141.21 feet to a point of curve to the left, said curve having a central angle of $38^{\circ}24'29''$ and a radius of 190 feet;

THENCE Northwesterly 127.37 feet around said curve to a point in the South boundary of an existing lift station site, said point being located 8.6 feet East of the Southwest corner of said site;

THENCE S. $88^{\circ} 55' 30''$ E. 24.29 feet along said South boundary;

THENCE Southeasterly 134.16 feet around a curve to the right, said curve having a central angle of $34^{\circ} 27' 09''$ and a radius of 210 feet;

THENCE S. $2^{\circ} 52' 30''$ W. 134.71 feet;

THENCE S. $33^{\circ} 07' 30''$ E. 122.4 feet;

THENCE S. $70^{\circ} 07' 30''$ E. 148.42 feet to a point of curve to the right, said curve having a central angle of $70^{\circ} 00'$ and a radius of 160 feet;

THENCE Southeasterly 195.48 feet around said curve;

THENCE S. $0^{\circ} 07' 30''$ E. 293.82 feet to a point of curve to the right, said curve having a central angle of $18^{\circ} 00'$ and a radius of 210 feet;

THENCE Southerly 65.97 feet to end of said curve;

THENCE S. $17^{\circ} 52' 30''$ W. 158.52 feet to a point of curve to the right, said curve having a central angle of $68^{\circ} 55'$ and a radius of 160 feet;

THENCE Southwesterly 192.45 feet around said curve;

THENCE S. $0^{\circ} 22' 30''$ W. 25.15 feet to the North right-of-way line of Renner Road;

THENCE N. $89^{\circ} 00'$ W. 20 feet along said North line to the Point of Beginning and CONTAINING 0.67 acres of land.

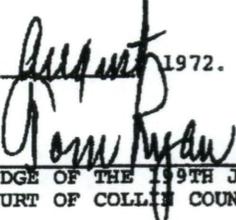
And that the same be, and is hereby vested in the City of Plano, Texas.

It is further ORDERED, ADJUDGED AND DECREED that W. W. Caruth, Jr., Defendant, do have and recover of the City of Plano, Texas, Plaintiff, the sum of One Thousand Six Hundred and Eighty Dollars (\$1,680.00) as damages for the taking of the hereinabove described land, such sum of One Thousand Six Hundred and Eighty Dollars (\$1,680.00) being the amount by which the agreed settlement exceeds the sum of Two Thousand Eight Hundred Dollars (\$2,800.00) heretofore deposited into the registry of this Court; and that the Defendant shall further recover interest on the said sum of One Thousand Six Hundred and Eighty Dollars (\$1,680.00) at the rate of six (6%) percent per annum from and after the 14th day of July, 1970, and until the payment of the said One Thousand Six Hundred and Eighty Dollars (\$1,680.00), to the clerk of this Court, as hereinafter provided.

It is further ORDERED, ADJUDGED AND DECREED by the Court that payment of the money judgment by the City of Plano, Texas, and to the hands of the clerk of this Court shall constitute full satisfaction thereof. The court clerk is directed and ordered to pay the amount of this judgment to Defendant, W. W. Caruth, Jr..

And, it is further ORDERED, ADJUDGED AND DECREED that all costs herein are assessed against the City of Plano, Texas, for which let execution issue, and that the City of Plano, Texas, may have its Writ of Possession.

Entered this 10th day of August 1972.



JUDGE OF THE 199TH JUDICIAL DISTRICT
COURT OF COLLIN COUNTY, TEXAS

APPROVED AS TO FORM:



WM. S. ROBERTS - ATTORNEY FOR PETITIONER



ROLAND BOYD - ATTORNEY FOR DEFENDANT

No. 71-134-199

CITY OF PLANO

VS.

W. W. CARRUTH

|

|

|

IN THE 199TH JUDICIAL DISTRICT

OF

COLLIN COUNTY, TEXAS

July 31, 1972 Received of the City of Plano the sum of \$1,885.80.

Lisa Trevellio by James
District Clerk *Hupp*

August 14, 1972 Received of the District Clerk the sum of \$1,885.80.

Roland Boyd Jr.
Roland Boyd, Trustee for
W. W. Carruth

FILMED

354

FILED

1970 JUL -8 PM 4:00

No. 12073

CITY OF PLANO
VS.
W. W. CARUTH, JR.

||

CONDEMNATION PROCEEDINGS
IN THE COUNTY COURT
COLLIN COUNTY, TEXAS

Lowrey

DECISION OF SPECIAL COMMISSIONERS

On this the 8th day of July, 1970, the undersigned Special Commissioners, appointed by the Judge of the above court to assess damages in the above condemnation proceedings brought by Plaintiff CITY OF PLANO, TEXAS to condemn a certain easement for a sanitary sewer pipe line over and across the property of which the Defendant has fee simple title, which easement is described in Plaintiff's Petition filed with said Judge on the 22nd day of June, 1970, having determined that Defendant has been duly served with notice as required by law, and that all parties, Plaintiff and Defendant, appeared and announced ready for hearing, proceeded to hear said Petition and the evidence as to the damages which will be sustained by the Defendant by reason of such condemnation, and find that the amount of such damages due to Defendant is \$2800⁰⁰.

H. H. Neilson
H. H. NEILSON

Sam Hill
SAM HILL

Garvis Spain
GARVIS SPAIN

1970 JUN 23 AM 10:54

NO. 12073

CITY OF PLANO
VS.
W. W. CARUTH, JR.

CONDEMNATION PROCEEDINGS
IN THE COUNTY COURT
COLLIN COUNTY, TEXAS

APPOINTMENT OF COMMISSIONERS

WHEREAS, the foregoing Petition of City of Plano, Texas, having been filed with me this 22nd day of June, 1970, and after due consideration thereof,

IT IS ORDERED that H. H. Neilson, Sam Hill, and Garvis Spain, disinterested freeholders of the County of Collin, State of Texas, be and they are hereby appointed as Special Commissioners to assess the damages occasioned by such condemnation.

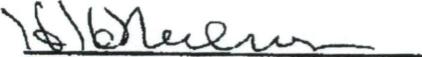
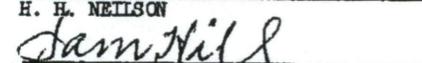
ENTERED this 22nd day of June, 1970.


Don Weaver Davis, County Judge
Collin County, Texas

OATH OF SPECIAL COMMISSIONERS

THE STATE OF TEXAS
COUNTY OF COLLIN

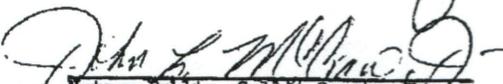
BEFORE ME, the undersigned authority, on this day personally appeared H. H. Neilson, Sam Hill, and Garvis Spain, each of whom being duly sworn, says upon oath that he will assess the damages in the case as shown by the foregoing Petition fairly and impartially and in accordance with law.


H. H. NEILSON

SAM HILL

GARVIS SPAIN

SUBSCRIBED AND SWORN TO BEFORE ME on this the 23rd day of JUNE,

1970.
(L.S.)


Notary Public, Collin County, Texas

1970 JUL -8 PM 4:18

NO. 12073

CITY OF PLANO

CONDEMNATION PROCEEDINGS

VS.

IN THE COUNTY COURT OF

W. W. CARUTH, JR

COLLIN COUNTY, TEXAS

OBJECTION TO AWARD OF SPECIAL COMMISSIONERS

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes W. W. Caruth, Jr., Defendant in the above styled proceeding in Eminent Domain, and objects to the award of the Special Commissioners, heretofore appointed by the Honorable Judge of the County Court of Collin County, Texas, to assess damages against the Defendant by the taking of land and estate described in said award in that:

I

Said sum is greatly insufficient and inadequate in that the amount does not fully compensate Defendant for the full and reasonable value of the property sought, in that the value of the land is, in itself, of a greater value than the whole sum awarded as damages, and it does not compensate him for the damage done to the remainder by reason of the taking.

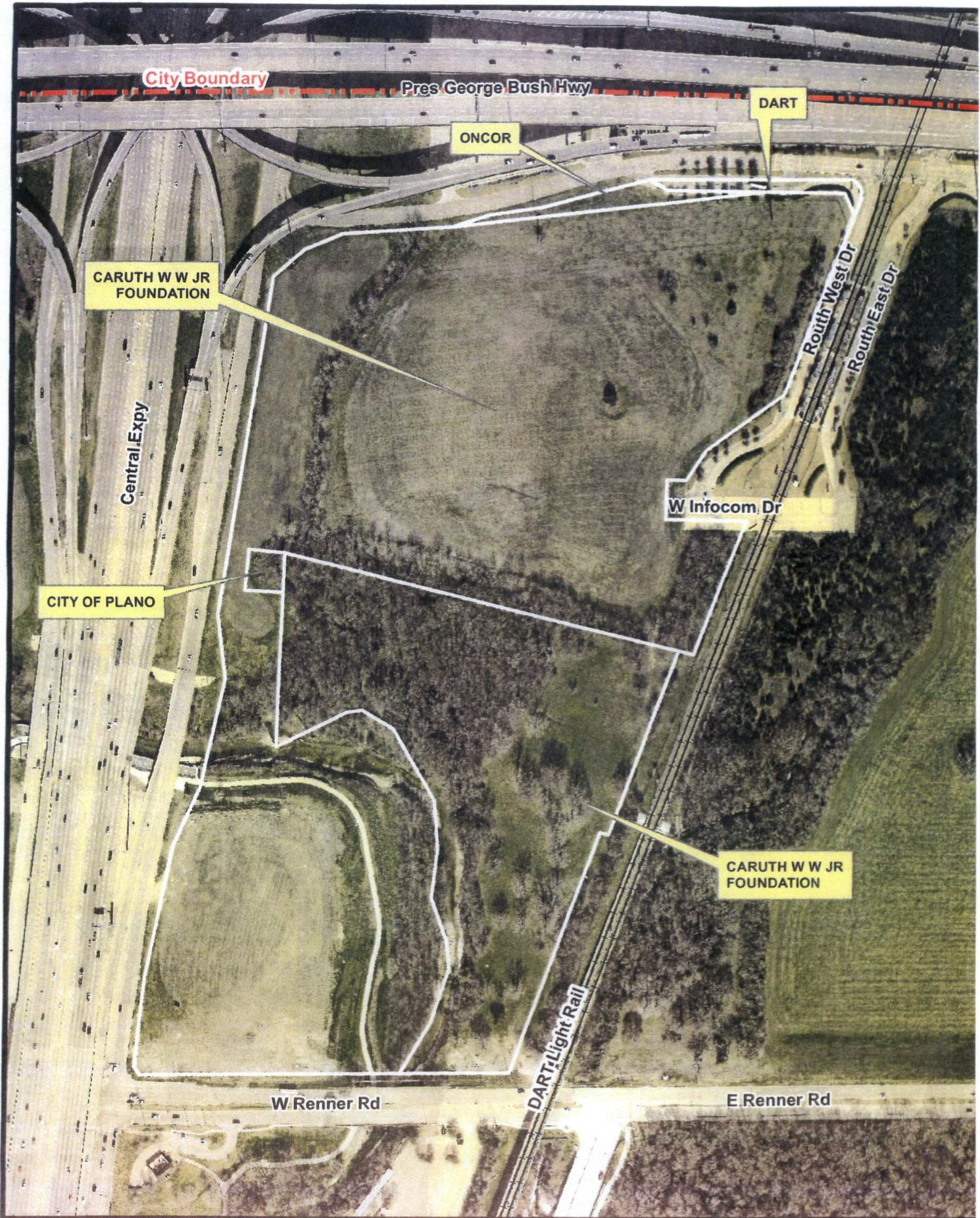
II

Said Special Commissioners did not use the proper measure of damages in arriving at said award, in that they failed to take into consideration the present value of the real estate, and the damage to the remainder of the property due to this fact of, and the ill placement, of Plaintiff's "taking line".

WHEREFORE, Defendant prays that Plaintiff be cited as required by law, and that this cause be tried and determined as other civil cases in this Court.

W. W. CARUTH, JR.

By Roland Boyd
Roland Boyd



NE Corner US-75 & Renner Ownership Aerial

Updated By: shacklett, Update Date: September 12, 2013
File: DS\Mapping\Staff\CMO\Cli\NEC 75 & Renner Owner ortho.mxd

C-1



