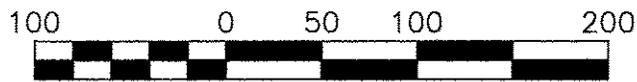
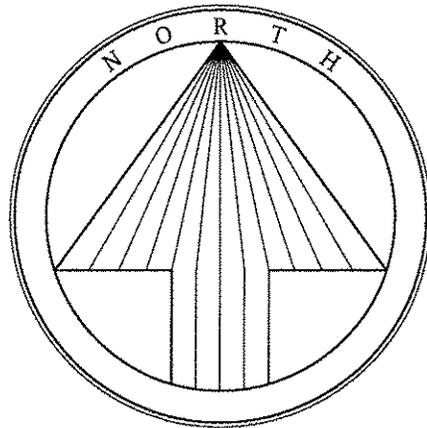


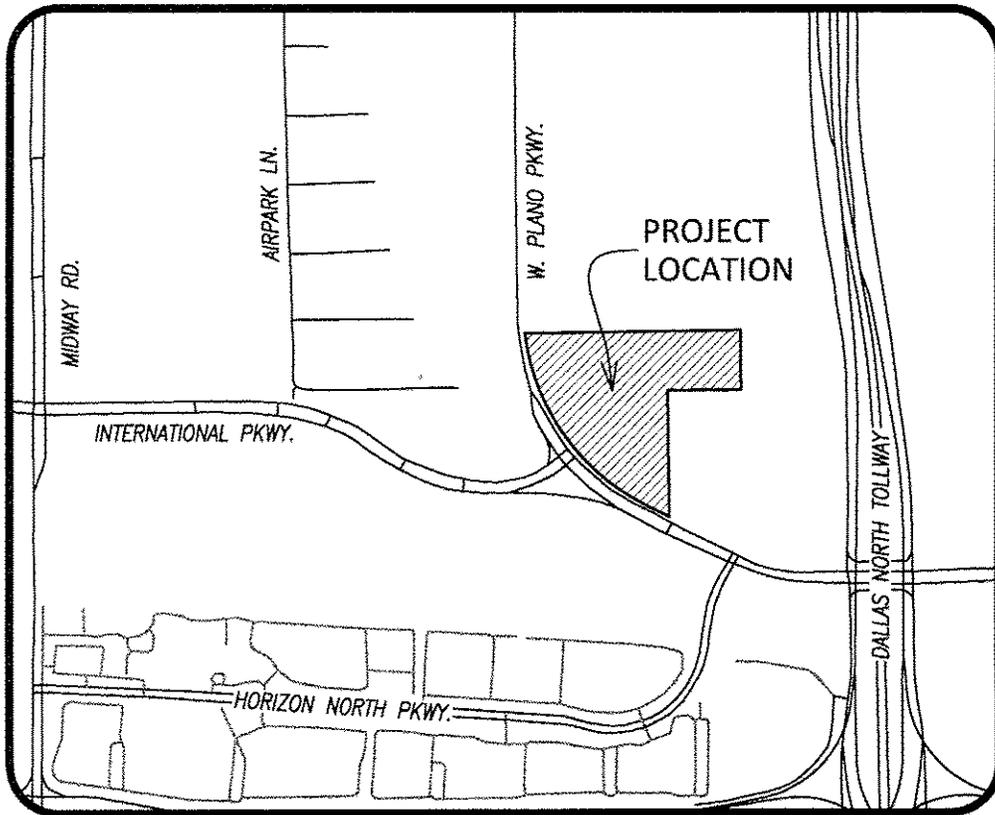


CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	1/27/14			
Department:	Engineering			
Department Head	Jack Carr			
Project	Billingsley Office Building Addition – Project #4353-4			
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 and to a portion of a certain Drainage Easement recorded in Document No. 95-0066420, and a 30' Sanitary Sewer & Water Easement recorded in Document No.96-0095464, of the Deed Records of Collin County, Texas and being situated in the M. Taylor Survey, Abstract No. 897, which are located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, IBP 16 LAND, 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.</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				
COMMENTS: COMMENTS: This item has no financial impact.				
STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to these easements relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
<p>Abandoned easements are being replaced with the Billingsley Office Building Addition plat. This is required to facilitate construction of new office building. As a result of the abandonment, land will be improved with office building adding to City tax base.</p> <p>https://maps.google.com/maps?q=6113+W+Plano+Pkwy,+Plano,+TX&hl=en&sl=33.061262,-96.736625&sspn=0.135523,0.263672&oq=6113+w.+&t=m&hnear=6113+W+Plano+Pkwy,+Plano,+Texas+75093&z=16</p>				
List of Supporting Documents: Location Map Ordinance Petition for Abandonment	Other Departments, Boards, Commissions or Agencies N/A			



1 inch = 100 ft.



LOCATION MAP

1" = 1000'

An Ordinance of the City Council of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of a certain Drainage Easement recorded in Document No. 95-0066420, and a 30' Sanitary Sewer & Water Easement recorded in Document No.96-0095464, of the Deed Records of Collin County, Texas and being situated in the M. Taylor Survey, Abstract No. 897, which are located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, IBP 16 LAND, 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 Drainage Easement recorded in Document No. 95-0066420, and a 30' Sanitary Sewer & Water Easement recorded in Document No.96-0095464, (hereinafter called "Easements") being situated in the M. Taylor Survey, Abstract No. 897, which are located within the city limits of Plano, Collin County, Texas, and which are 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 "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 owner of the property underlying the easements, 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 owner of the property underlying the easements, 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 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 27th day of January 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "B"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting a portion of Drainage Easement (Document No. 95-0066420) and 30' Sanitary Sewer & Waters Easement (Document No. 96-0095464) (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:
RELOCATION OF FACILITIES/EASEMENTS REQUIRED TO FACILITATE CONSTRUCTION OF OFFICE BUILDING
2. The following public interest will be served as a result of the abandonment:
LAND WILL BE IMPROVED WITH OFFICE BUILDING ADDING TO CITY TAX BASE. EXISTING EASEMENTS/IMPROVEMENTS ARE BEING REPLACED WITH OFFICE BUILDING DEVELOPMENT.
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:
100% IBP 16 LAND, LLC
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". N/A
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". N/A

[Remainder of page blank]

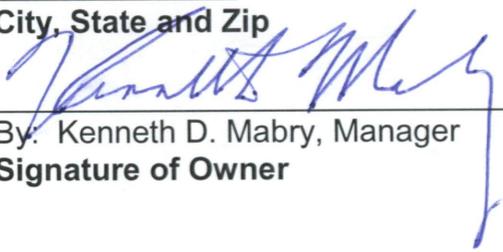
10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

IBP 16 Land, LLC,
a Texas limited liability company
Typed Name of Owner

1722 Routh Street, Suite 1313
Address

Dallas, TX 75201
City, State and Zip

Dated: 1/3/2014


By: Kenneth D. Mabry, Manager
Signature of Owner

Contact Person for Property Owners:

Name: Tom Holland – Billingsley Company

Phone No: 214-270-0986

FOR DEPARTMENTAL USE ONLY

The Easement to be abandoned is to one or more abutting property owners and is exempt from the requirement that fair market value be paid for the following reason(s):

- The Easement consists of narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development code ordinances;
- The Easement consists of streets or alleys, owned in fee or used by easement;
- The Easement consists of land or a real property interest originally acquired for streets, rights-of-way, or easements that the City of Plano has decided to exchange with Owner for other land to be dedicated and used for streets, rights of way, easements, or other public purposes, including transactions partly for cash;
- The Easement contains land that the City wants to have developed by an independent foundation;
- The Easement is located within a reinvestment zone designated by law that the City desires to have developed under a project plan adopted by the municipality for the zone.



Engineering Department
City of Plano, Texas

**SANITARY SEWER & WATER EASEMENT ABANDONMENT
IBP 16 LAND, LLC TRACT
CITY OF PLANO, COLLIN COUNTY, TEXAS**

BEING a tract of land situated in the M. Taylor Survey, Abstract No. 897, City of Plano, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to IBP 16 Land, LLC according to the deed recorded in Document No. 20130508000630900 of the Deed Records, Collin County, Texas (DRCCT), the subject tract being part of a called 30 foot wide sanitary sewer & water easement recorded in Document No. 96-0095464 DRCCT, and being more particularly described as follows:

BEGINNING at a point from which a 1/2" iron rod with plastic cap stamped "SPIARSENG" found for the northeast corner of said IBP 16 Land tract bears N 53°11'56" E, 526.45 feet;

THENCE S 00°53'19" E, 30.31 feet;

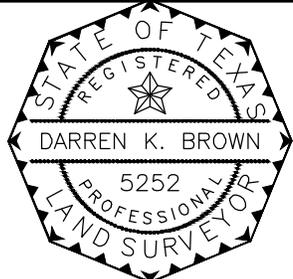
THENCE S 89°21'02" W, 363.02 feet;

THENCE N 00°53'56" W, 30.80 feet to a point from which a 1/2" iron rod with plastic cap stamped "SPIARSENG" found for the northwest corner of said IBP 16 Land tract bears N 48°42'14" W, 456.85 feet;

THENCE N 89°25'41" E, 363.03 feet to the POINT OF BEGINNING with the subject tract containing 11,091 square feet or 0.255 acres of land.

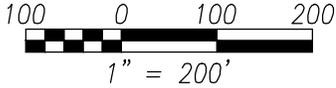
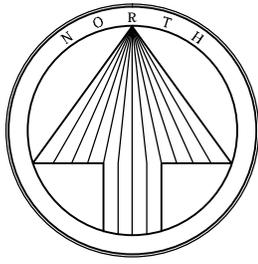
				
<small>765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121</small>				
Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		8/20/13	13-029

**EASEMENT ABANDONMENT
M. TAYLOR SURVEY, A-897
CITY OF PLANO
COLLIN COUNTY, TEXAS**



DKB

DARREN K. BROWN, R.P.L.S. 5252



THE RESIDENCES OF AUSTIN RANCH NO. 1

Doc. No. 20130205000162920

LOT 3, BLOCK 1
W. PLANO RETAIL
CENTER ADDITION
Cab. N, Pg. 324

SEWELL VILLAGE
CADILLAC
Vol. 5076, Pg. 1594

SEWELL VILLAGE
CADILLAC
Vol. 5837, Pg. 709

UH STORAGE, LP
Vol. 5669, Pg. 4336

POINT OF BEGINNING

Easement Abandonment

0.255 Ac.
(11,091 Sq. Ft.)

N 48°42'14" W, 456.85'

Sanitary & Water Easement
Doc. No. 96-0095464

N 89°25'41" E ~ 363.03'

S 89°21'02" W ~ 363.02'

Drainage Easement
Doc. No. 95-0066420

N 00°53'56" W
30.80'

N 53°11'56" E, 526.45'

1/2" IRF

1/2" IRF

S 00°53'19" E
30.31'

IBP 16 LAND, LLC.
Doc. No. 20130508000630900

**CROW-BILLINGSLEY
#17, LTD**
Vol. 1461, Pg. 554

**MARY ANN TAYLOR SUR.
ABSTRACT NO. 897**

FINAL PLAT
**Lot 1, Block A
CMS ADDITION**
Cab. M, Pg. 637

CONVEYANCE PLAT
**Lot 2, Block A
CMS ADDITION**
Cab. M, Pg. 374

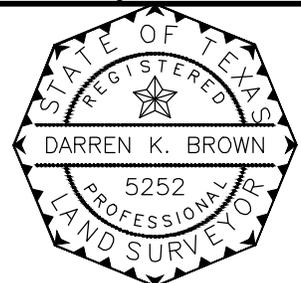
PLANO PARKWAY
(Called 110' R.O.W.)

1/2" CIRF

1/2" IRF

PAGE 2 OF 2

Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).



D.K.B.

DARREN K. BROWN, R.P.L.S. 5252

p i a r s
ENGINEERING

765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 200'	8/20/13	13-029

EASEMENT ABANDONMENT

M. TAYLOR SURVEY, A-897

CITY OF PLANO

COLLIN COUNTY, TEXAS

**DRAINAGE EASEMENT ABANDONMENT
IBP 16 LAND, LLC TRACT
CITY OF PLANO, COLLIN COUNTY, TEXAS**

BEING a tract of land situated in the M. Taylor Survey, Abstract No. 897, City of Plano, Collin County, Texas, the subject tract being a portion of a tract of land conveyed to IBP 16 Land, LLC according to the deed recorded in Document No. 20130508000630900 of the Deed Records, Collin County, Texas (DRCCT), the subject tract being a drainage easement recorded in Document No. 95-0066420 DRCCT, and being more particularly described as follows:

BEGINNING at a point from which a 1/2" iron rod with plastic cap stamped "SPIARSENG" found for the northeast corner of said IBP 16 Land tract bears N 63°07'15" E, 743.51 feet;

THENCE S 01°27'12" E, 40.00 feet;

THENCE S 88°32'48" W, 317.29 feet;

THENCE S 64°35'01" W, 38.86 feet to a point on the common line between said IBP 16 Land tract and Plano Parkway (a called 110 foot right-of-way);

THENCE along the common line thereof, around a non-tangent curve to the right having a central angle of 02°01'57", a radius of 1127.63 feet, a chord of N 25°29'19" W - 40.00 feet, an arc length of 40.00 feet;

THENCE N 64°35'01" E, 47.40 feet departing said line, to a point from which a 1/2" iron rod with plastic cap stamped "SPIARSENG" found for the northwest corner of said IBP 16 Land tract bears N 23°01'26" W, 355.21 feet;

THENCE N 88°32'48" E, 325.78 feet to the POINT OF BEGINNING with the subject tract containing 14,591 square feet or 0.335 acres of land.

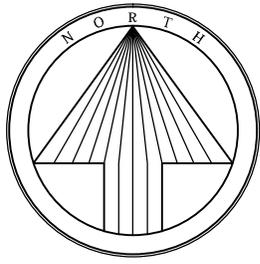
				
<small>765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121</small>				
Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		8/20/13	13-029

**EASEMENT ABANDONMENT
M. TAYLOR SURVEY, A-897
CITY OF PLANO
COLLIN COUNTY, TEXAS**

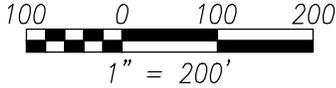


DKB

DARREN K. BROWN, R.P.L.S. 5252



THE RESIDENCES OF
AUSTIN RANCH NO. 1
Doc. No. 20130205000162920



TOWN OF HEBRON

LOT 2
W. PLAZA
CENTER
Cab.

SEWER
CA
Vol. 50

SEWER
CA
Vol. 58

UH ST
Vol. 566

1/2" CIRF
(CM)

1/2" CIRF
(CM)

POINT OF
BEGINNING

Easement Abandonment

0.335 Ac.
(14,591 Sq. Ft.)

N 64°35'01" E ~ 47.40'

Sanitary & Water Easement
Doc. No. 96-0095464

N 63°07'15" E, 743.51'

1/2" CIRF

1/2" IRF

1/2" IRF

N 88°32'48" E ~ 325.78'

S 01°27'12" E
40.00'

R=1127.63'
D=2°01'57"
L=40.00'
CB=N 25°29'19" W
CD=40.00'

S 88°32'48" W ~ 317.29'

Drainage Easement
Doc. No. 95-0066420

S 64°35'01" W
38.86'

IBP 16 LAND, LLC.

Doc. No. 20130508000630900

CROW-BILLINGSLEY
#17, LTD
Vol. 1461, Pg. 554

MARY ANN TAYLOR SUR.
ABSTRACT NO. 897

FINAL PLAT
Lot 1, Block A
CMS ADDITION
Cab. M, Pg. 637

CONVEYANCE PLAT
Lot 2, Block A
CMS ADDITION
Cab. M, Pg. 374

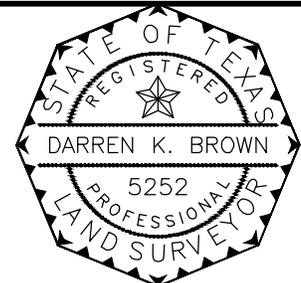
PLANO PARKWAY
(called 110' R.O.W.)

1/2" CIRF

1/2" IRF

PAGE 2 OF 2

Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).



Darren K. Brown

DARREN K. BROWN, R.P.L.S. 5252

p i a r s
ENGINEERING

765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 200'	8/20/13	13-029

EASEMENT ABANDONMENT

M. TAYLOR SURVEY, A-897

CITY OF PLANO

COLLIN COUNTY, TEXAS