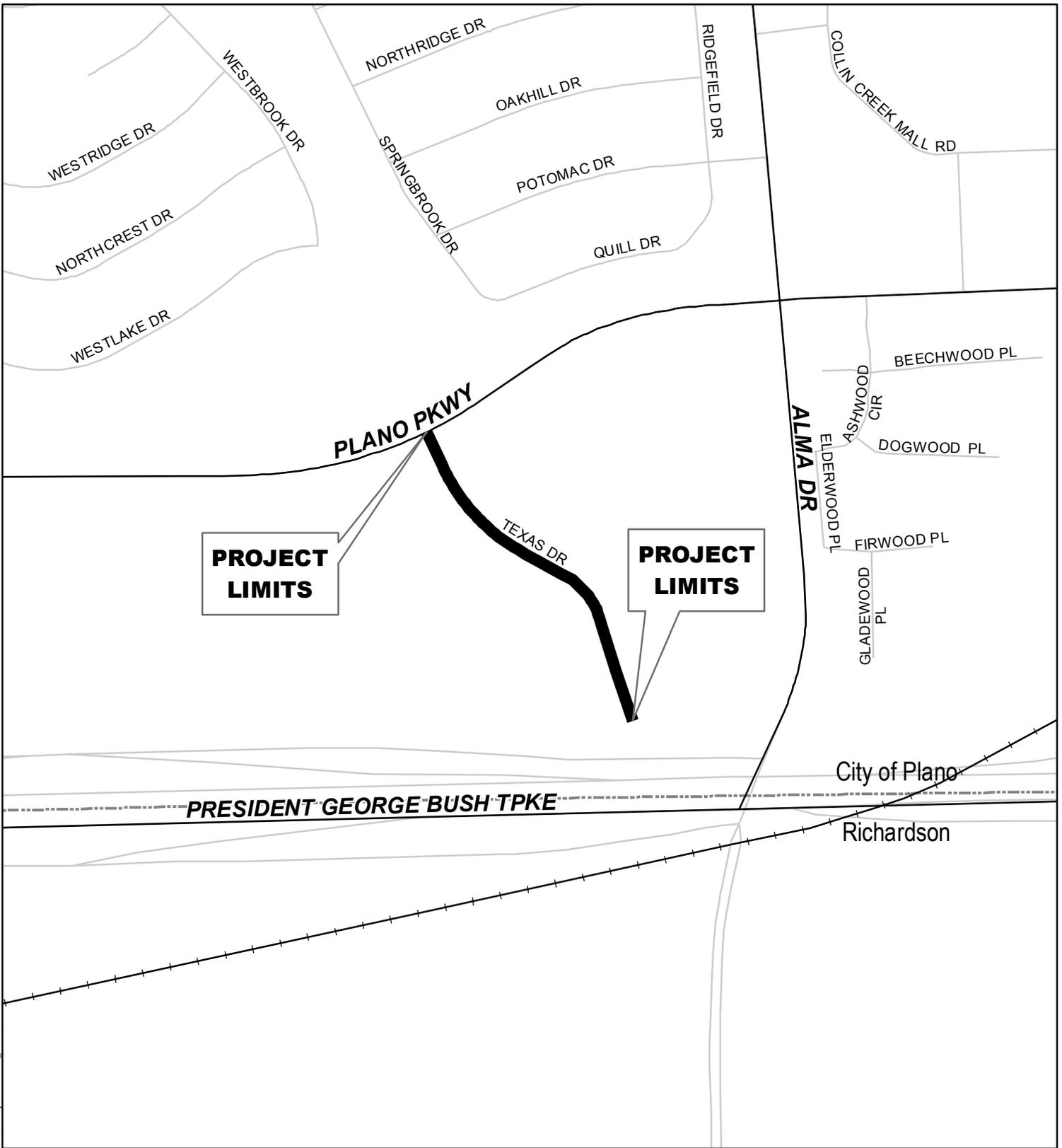


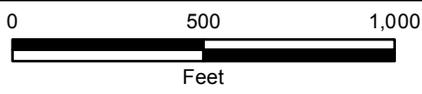


# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	2/9/15			
Department:	Engineering			
Department Head	Jack Carr			
Project	Plano Heritage 190 – Texas Drive			
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 that certain 1.513 Acre Easement and Right-of-Way for Street Purposes known as Texas Drive, recorded in Volume 618, Page 106, of the Deed Records of Collin County, Texas and being situated in the William Beverly Survey, Abstract No. 75, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement and right-of-way to the owner of the property underlying the easement and right-of-way, Rosewood Property Company, 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>2014-15</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 and right-of-way relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.				
<b>SUMMARY OF ITEM</b>				
<p>The abandonment of this Easement and Right-of-Way for Street Purposes will facilitate future development of the adjacent property and rerouting of access to match the appropriate private development. Approval for the abandonment has been received from all the franchised utility companies in the area.</p>				
<a href="https://maps.google.com/maps?q=Texas+Drive,+Plano,+TX&amp;hl=en&amp;ll=33.057306,-96.742172&amp;sspn=0.258109,0.373535&amp;oq=texas+drive,+pl&amp;hnear=Texas+Dr,+Plano,+Texas+75075&amp;t=m&amp;z=17">https://maps.google.com/maps?q=Texas+Drive,+Plano,+TX&amp;hl=en&amp;ll=33.057306,-96.742172&amp;sspn=0.258109,0.373535&amp;oq=texas+drive,+pl&amp;hnear=Texas+Dr,+Plano,+Texas+75075&amp;t=m&amp;z=17</a>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map Ordinance Petition for Abandonment			N/A	

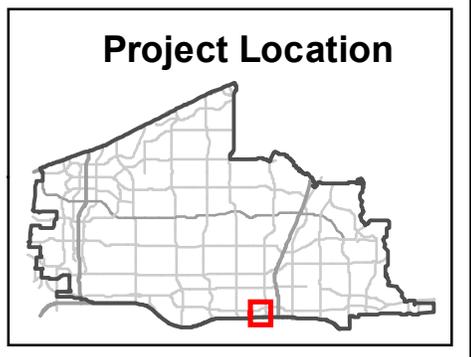


sharif 1/20/2015 C:\Analysis\Projects\Engineering\Council\Agenda\Location\Maps\01-20-15 - Texas Drive\Texas Drive.mxd



## Plano Heritage 190 Texas Drive

1/20/2015  
City of Plano GIS Division



**An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City in and to that certain 1.513 Acre Easement and Right-of-Way for Street Purposes known as Texas Drive, recorded in Volume 618, Page 106, of the Deed Records of Collin County, Texas and being situated in the William Beverly Survey, Abstract No. 75, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement and right-of-way to the owner of the property underlying the easement and right-of-way, Rosewood Property Company, 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 that certain 1.513 Acre Easement and Right-of-Way for Street Purposes known as Texas Drive, recorded in Volume 618, Page 106, of the Deed Records of Collin County, Texas (hereinafter called "Easement") being situated in the William Beverly Survey, Abstract No. 75, 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 "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 Easement is abandoned and quitclaimed to the abutting Property Owner; 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 abutting Property Owner 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 9<sup>th</sup> day of February, 2015.

---

Harry LaRosiliere, MAYOR

ATTEST:

---

Lisa C. Henderson, 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 **Texas Drive** (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:

**For future development of adjacent property and rerouting of access to match the approved PD.**

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

**New development of property.**

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:
- 
- 

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.

William H. Flaherty  
Rosewood Property Company  
(RPC Heritage 190, LLC )  
**Typed Name of Owner**

2101 Cedar Springs Road, Suite 1600  
**Address**

Dallas, Texas 75201  
**City, State and Zip**

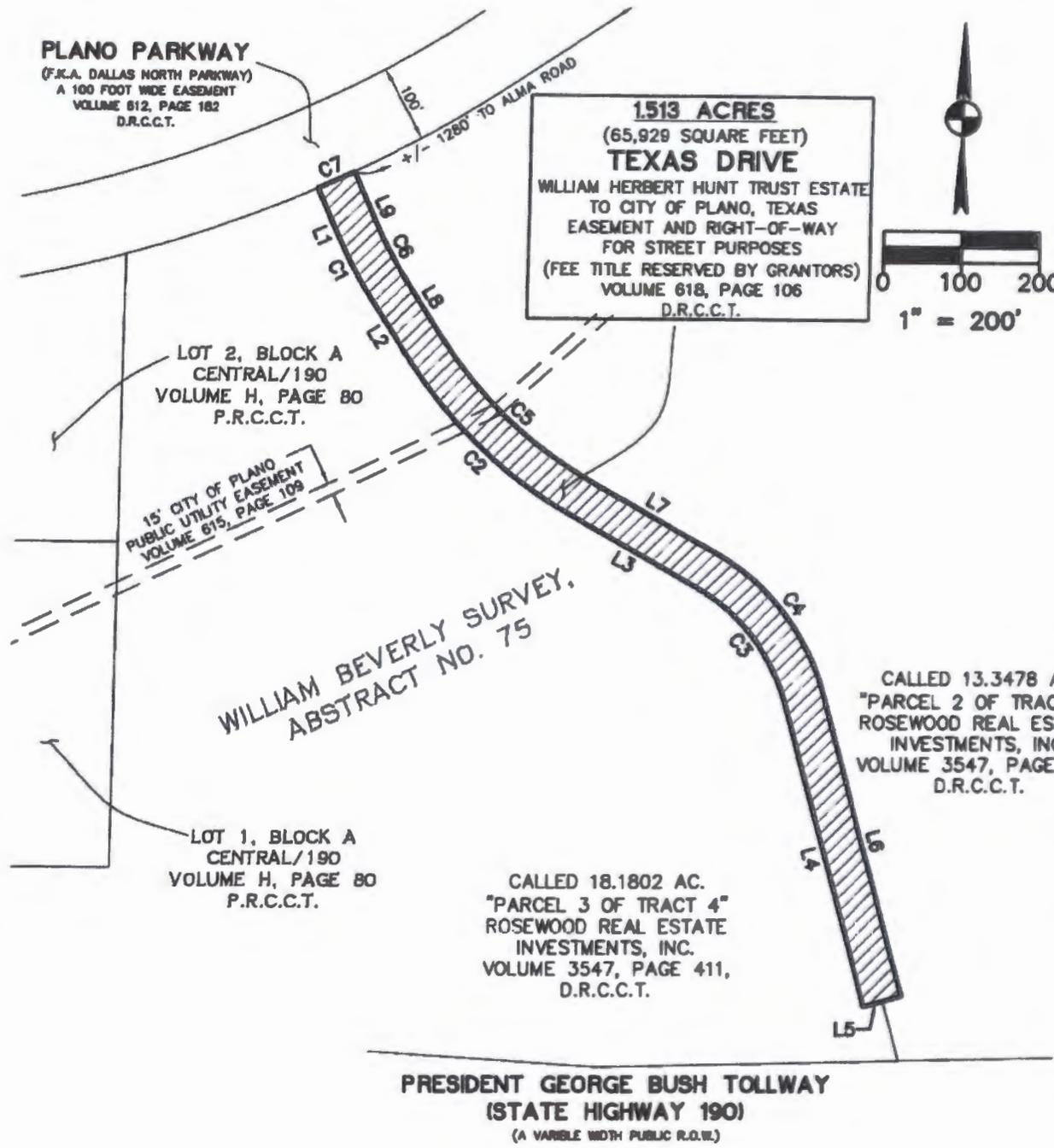
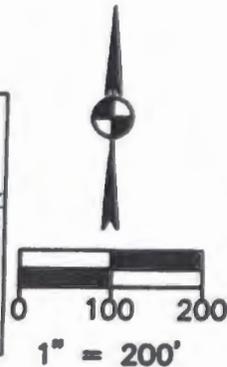
Dated: 1/8/2015 William H. Flaherty  
**Signature of Owner**

**Contact Person for Property Owners:**

**Name:** Joshua Millsap, P.E.  
**Phone No:** (972) 991-0011

**PLANO PARKWAY**  
 (F.K.A. DALLAS NORTH PARKWAY)  
 A 100 FOOT WIDE EASEMENT  
 VOLUME 612, PAGE 182  
 D.R.C.C.T.

**1513 ACRES**  
 (65,929 SQUARE FEET)  
**TEXAS DRIVE**  
 WILLIAM HERBERT HUNT TRUST ESTATE  
 TO CITY OF PLANO, TEXAS  
 EASEMENT AND RIGHT-OF-WAY  
 FOR STREET PURPOSES  
 (FEE TITLE RESERVED BY GRANTORS)  
 VOLUME 618, PAGE 106  
 D.R.C.C.T.



LOT 2, BLOCK A  
 CENTRAL/190  
 VOLUME H, PAGE 80  
 P.R.C.C.T.

15' CITY OF PLANO  
 PUBLIC UTILITY EASEMENT  
 VOLUME 615, PAGE 109

WILLIAM BEVERLY SURVEY,  
 ABSTRACT NO. 75

LOT 1, BLOCK A  
 CENTRAL/190  
 VOLUME H, PAGE 80  
 P.R.C.C.T.

CALLED 18.1802 AC.  
 "PARCEL 3 OF TRACT 4"  
 ROSEWOOD REAL ESTATE  
 INVESTMENTS, INC.  
 VOLUME 3547, PAGE 411,  
 D.R.C.C.T.

CALLED 13.3478 AC.  
 "PARCEL 2 OF TRACT 4"  
 ROSEWOOD REAL ESTATE  
 INVESTMENTS, INC.  
 VOLUME 3547, PAGE 411,  
 D.R.C.C.T.

**PRESIDENT GEORGE BUSH TOLLWAY**  
**(STATE HIGHWAY 190)**  
 (A VARIABLE WIDTH PUBLIC R.O.W.)

**NOTES:**

THIS SKETCH REFLECTS THE RECORD INFORMATION CITED IN VOLUME 618, PAGE 106 D.R.C.C.T.  
 AND IS NOT AN ACTUAL ON-THE-GROUND SURVEY.

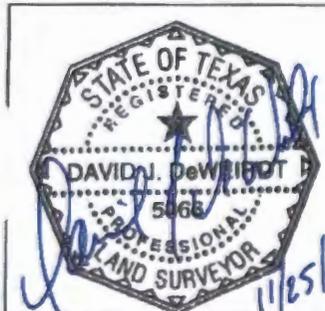
SEE SHEET 2 FOR LINE AND CURVE TABLES

Exhibit "A-1"

**BURY**

5310 Harvest Hill Road, Suite 100  
 Dallas, Texas 75230  
 Tel (972) 991-0011 Fax (972) 991-0278  
 TBPE # F-1048 TBPLS # F-10107502  
 Copyright © 2014

**TEXAS DRIVE**  
**WILLIAM BEVERLY SURVEY**  
**ABSTRACT NO. 75**  
**CITY OF PLANO, COLLIN COUNTY, TEXAS**



DAVID J. De WEIRDT  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5066

DATE: 11-25-14

SCALE: 1" = 200

DRAWN BY: JWH

PROJECT NO: R0112554-30001

SHEET NO 1 OF 2

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD LENGTH	BEARING
C1	93.03'	600.00'	8°53'00"	92.93'	S28°26'00"E
C2	289.38'	600.00'	27°38'00"	286.58'	S46°41'30"E
C3	196.42'	250.00'	45°01'00"	191.41'	S38°00'00"E
C4	235.71'	300.00'	45°01'00"	229.69'	N38°00'00"W
C5	265.26'	550.00'	27°38'00"	262.70'	N46°41'30"W
C6	85.27'	550.00'	8°53'00"	85.19'	N28°26'00"W
C7	50.01'	1661.50'	1°43'28"	50.01'	S65°08'46"W

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S23°59'30"E	66.11'
L2	S32°52'30"E	84.28'
L3	S60°30'30"E	189.00'
L4	S15°29'30"E	396.40'
L5	N74°30'30"E	50.00'
L6	N15°29'30"W	396.40'
L7	N60°30'30"W	189.00'
L8	N32°52'30"W	84.28'
L9	N23°59'30"W	66.86'

Exhibit "A-1"

**BURY**

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 Dallas, Texas 75230  
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TEXAS DRIVE  
 WILLIAM BEVERLY SURVEY  
 ABSTRACT NO. 75  
 CITY OF PLANO, COLLIN COUNTY, TEXAS

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SHEET NO. 2 OF 2