



**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:		02/11/13		
Department:		Public Works		
Department Head:		Gerald P. Cosgrove, P.E.		
Agenda Coordinator (include phone #): <b>Kathleen Schonne (7198)</b>				<b>Project No. 5925</b>
<b>CAPTION</b>				
A Resolution of the City Council of the City of Plano, Texas, approving the purchase of 4,581 sq. ft. of land for Street Right of Way located at the northwest corner of Preston Road and Tennyson Parkway from Advanced Neuromodulation Systems, Inc., and authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: <b>2012-13</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	222,439	2,387,489	993,000	<b>3,602,928</b>
Encumbered/Expended Amount	-222,439	-55,719	0	<b>-278,158</b>
This Item	0	-53,235	0	<b>-53,235</b>
<b>BALANCE</b>	<b>0</b>	<b>2,278,535</b>	<b>993,000</b>	<b>3,271,535</b>
<b>FUND(S): STREET IMPROVEMENT CIP</b>				
<b>COMMENTS:</b> Funds are included in the FY 2012-13 Street Improvement CIP. This item, in the amount of \$53,235, will leave a current year balance of \$2,278,535 for the Preston Road Corridor Improvements project. <b>STRATEGIC PLAN GOAL:</b> Land acquisition to construct a dedicated right turn lane and improve traffic flow relates to the City's Goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
This purchase is for the acquisition of a 4,581 sq. ft. of land for Street Right of Way, located at the northwest corner of Preston Road and Tennyson Parkway. The City will pay \$53,235 for the Street Right of Way.				
The tract is needed to construct a dedicated right turn lane for southbound Preston Road and staff recommends approval.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution; Exhibit A			N/A	

**A Resolution of the City Council of the City of Plano, Texas, approving the purchase of 4,581 sq. ft. of land for Street Right of Way located at the northwest corner of Preston Road and Tennyson Parkway from Advanced Neuromodulation Systems, Inc., and authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.**

**WHEREAS**, the City of Plano (“City”) wants to acquire 4,581 sq. ft. of land for Street Right of Way, attached hereto as Exhibit “A” from Advanced Neuromodulation Systems, Inc., for the Preston Road Corridor intersection improvements project (the “Project”); and

**WHEREAS**, the Public Works Department requests that City Council authorize the purchase of the Right of Way for the Project in the amount of FIFTY THREE THOUSAND TWO HUNDRED THIRTY FIVE AND NO/100 DOLLARS (\$53,235.00) (the “Purchase Price”) ; and

**WHEREAS**, upon full review and consideration of the acquisition request, and all matters attendant and related thereto, the City Council finds that it is in the best interest of the City to approve the amount of the Purchase Price for the acquisition of the Street Right of Way for the Project.

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

**Section I.** The Purchase Price for the acquisition of the Street Right of Way by the City from Advanced Neuromodulation Systems, Inc., having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City and its citizens, is hereby in all things approved.

**Section II.** The City Manager, or his authorized designee, is hereby authorized to execute all documents in connection therewith on behalf of the City to facilitate the purchase of the Street Right of Way.

**Section III.** This Resolution shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 11th day of February, 2013.

\_\_\_\_\_  
Phil Dyer, MAYOR

ATTEST:

\_\_\_\_\_  
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"

County: Collin  
Highway: SH 289  
STA. 1347+19.27 to 1351+35.66  
R.O.W. CSJ: 0091-05-057

Page 1 of 4  
December 22, 2011

Description for Parcel 3

BEING 4,581 square feet of land, more or less, in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas, and being a portion of Lot 2R, Block A of the ANS Headquarters, an addition to the City of Plano as recorded in Volume 2006, Page 476 of the Plat Records of Collin County, Texas, and being a portion of a tract of land as described in deed to Advanced Neuromodulation Systems, Inc. as recorded in Instrument Number 20060215000202600, Official Property Records Collin County, Texas (O.P.R.C.C.T.), said 4,581 square feet of land being more particularly described as follows:

COMMENCING at a floodway monument found with aluminum cap on the existing northerly right-of-way line of Tennyson Parkway, as established by the final plat of Tennyson Parkway, an addition to the City of Plano as recorded in Cabinet F, Page 527 of the Plat Records of Collin County, Texas, and being the southerly line of said Lot 2R, from which the southwesterly corner of said Lot 2R bears North 88 degrees 31 minutes 46 seconds West a distance of 117.89 feet;

THENCE South 88 degrees 31 minutes 46 seconds East along the northerly right-of-way line of Tennyson Parkway and the southerly line of said Lot 2R, a distance of 1,128.91 feet to a 1/2 inch iron rod found with cap stamped "Halff & Associates" at the southwesterly end of a corner clip for State Highway 289 (Preston Road);

THENCE North 45 degrees 40 minutes 21 seconds East along the northwesterly right-of-way line of Tennyson Parkway and the southeasterly line of said Lot 2R, a distance of 39.26 feet to a 5/8 inch iron rod with Texas Department of Transportation (TxDOT) 3-1/4 inch aluminum cap set on the new westerly right-of-way line of State Highway 289 (Preston Road) and being the POINT OF BEGINNING at Station 1351+35.66, 71.71 feet Right: and having a Texas State Plane Coordinate System, N.A.D.83, North Central Zone (4202), surface coordinate of North 7,075,650.8784, East 2,490,726.5564;

- 1) THENCE departing the northwesterly right-of-way line of Tennyson Parkway and the southeasterly line of said Lot 2R, North 00 degrees 09 minutes 19 seconds West along the new westerly right-of-way line of State Highway 289, a distance of 336.19 feet to a 5/8 inch iron rod with TxDOT 3-1/4 inch aluminum cap set;
- 2) THENCE North 03 degrees 54 minutes 03 seconds East continuing along the new westerly right-of-way line of State Highway 289, a distance of 80.40 feet to a 5/8 inch iron rod with TxDOT 3-1/4 inch aluminum cap set on the north line of said Lot 2R;
- 3) THENCE departing the new westerly right-of-way line of State Highway 289, North 89 degrees 27 minutes 01 second East along the north line of said Lot 2R, a distance of 6.02

EXHIBIT "A"

County: Collin  
Highway: SH 289  
STA. 1347+19.27 to 1351+35.66  
R.O.W. CSJ: 0091-05-057

Page 2 of 4  
December 22, 2011

Description for Parcel 3

feet to a point for corner at the northeast corner of said Lot 2R, said corner being on the existing westerly right-of-way line of State Highway 289;

- 4) THENCE South 00 degrees 09 minutes 19 seconds East along the existing westerly right-of-way line of State Highway 289 and easterly line of said Lot 2R a distance of 405.05 feet to a City of Plano aluminum monument found at the most easterly southeast corner of said Lot 2R, said corner being at the northeasterly end of a corner clip for said Tennyson Parkway right-of-way;
- 5) THENCE South 45 degrees 40 minutes 21 seconds West along the northwesterly right-of-way line of Tennyson Parkway and the southeasterly line of said Lot 2R, a distance of 16.33 feet to the POINT OF BEGINNING and containing 4,581 square feet (0.1052 acres) of land, more or less.

\*\* The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

All bearings are based on the Texas State Plane Coordinate System, N.A.D. 83, North Central Zone. All coordinates shown are surface and may be converted to grid by dividing by the TxDOT conversion factor of 1.000152710.

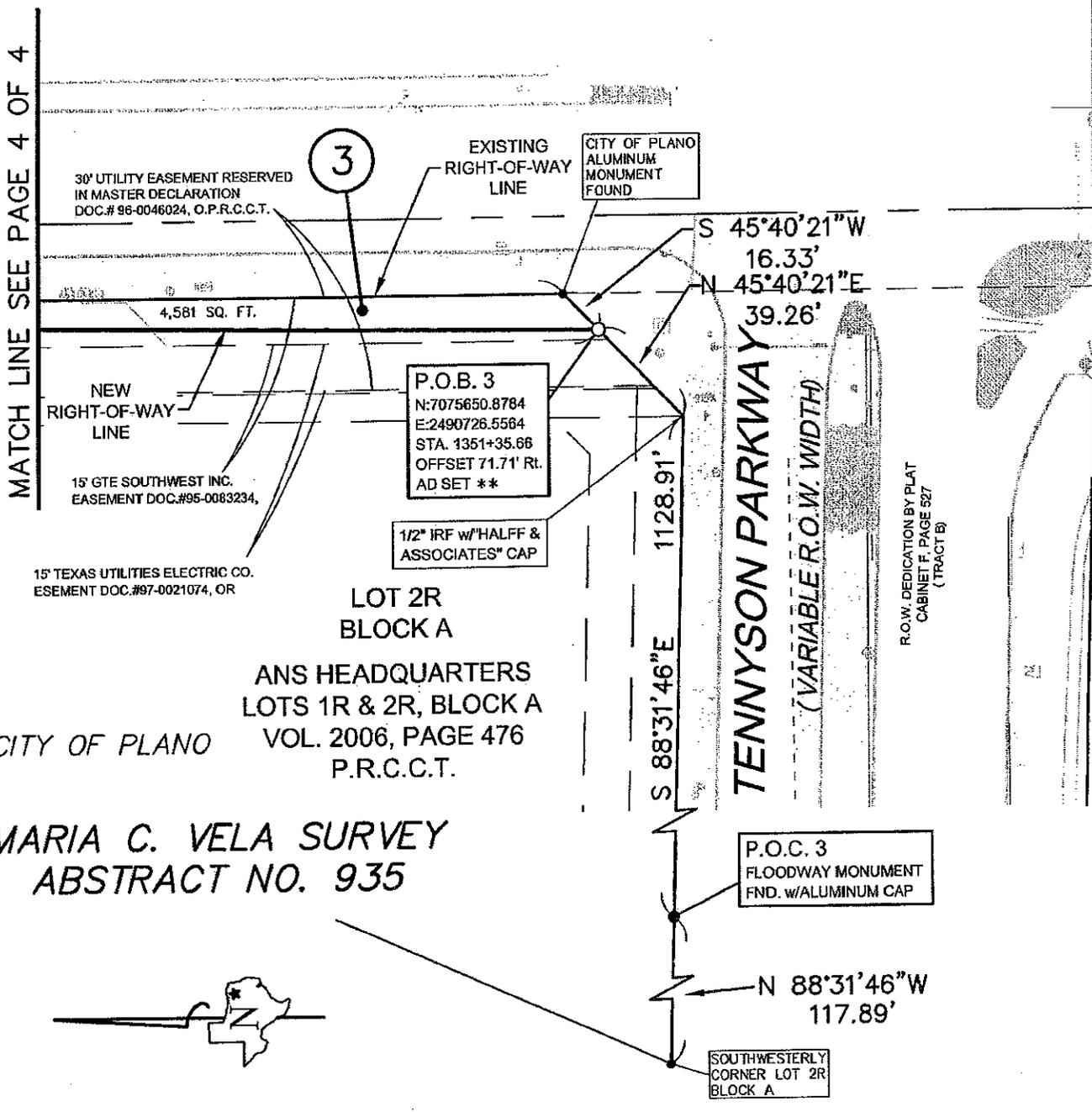
For Huitt-Zollars, Inc

  
D. Rex Winchester  
Registered Professional Land Surveyor  
Texas Registration No. 5191  
Huitt-Zollars, Inc.  
1717 McKinney Avenue  
Suite 1400  
Dallas, Texas 75202-1236  
Ph. (214) 871-3311  
Date: December 22, 2011

1-3-2012



MATCH LINE SEE PAGE 4 OF 4



30' UTILITY EASEMENT RESERVED  
IN MASTER DECLARATION  
DOC.# 96-0046024, O.P.R.C.C.T.

EXISTING  
RIGHT-OF-WAY  
LINE

CITY OF PLANO  
ALUMINUM  
MONUMENT  
FOUND

3

S 45°40'21"W  
16.33'  
N 45°40'21"E  
39.26'

4,581 SQ. FT.

NEW  
RIGHT-OF-WAY  
LINE

P.O.B. 3  
N:7075650.8784  
E:2490726.5564  
STA. 1351+35.66  
OFFSET 71.71' Rt.  
AD SET \*\*

15' GTE SOUTHWEST INC.  
EASEMENT DOC.#95-0083234,

1/2" IRF w/HALFF &  
ASSOCIATES" CAP

15' TEXAS UTILITIES ELECTRIC CO.  
EASEMENT DOC.#97-0021074, OR

LOT 2R  
BLOCK A

ANS HEADQUARTERS  
LOTS 1R & 2R, BLOCK A

CITY OF PLANO

VOL. 2006, PAGE 476  
P.R.C.C.T.

TENNYSON PARKWAY  
(VARIABLE R.O.W. WIDTH)

R.O.W. DEDICATION BY PLAT  
CABINET F. PAGE 527  
(TRACT B)

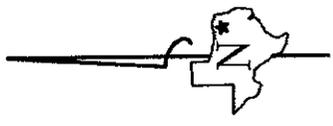
S 88°31'46"E  
1128.91'

MARIA C. VELA SURVEY  
ABSTRACT NO. 935

P.O.C. 3  
FLOODWAY MONUMENT  
FND. w/ALUMINUM CAP

N 88°31'46"W  
117.89'

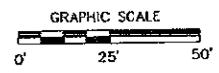
SOUTHWESTERLY  
CORNER LOT 2R  
BLOCK A



**LEGEND**

- EXISTING RIGHT OF WAY LINE
- NEW RIGHT OF WAY LINE
- PROPERTY LINE
- SURVEY LINE
- EXISTING EASEMENT LINE
- ACCESS DENIAL LINE
- ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE"  
TO THE HIGHWAY FACILITY FROM THE ADJACENT PROPERTY.
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- D.R.D.C.T. = DEED RECORDS DENTON COUNTY TEXAS
- IRF = IRON ROD FOUND
- AD = TxDOT 3-1/4 INCH ALUMINUM CAP SET ON TOP OF A  
5/8-INCH IRON ROD UNLESS OTHERWISE NOTED
- BD = TxDOT BRONZE DISK SET IN CONCRETE
- CD = TxDOT 2 INCH ALUMINUM CAP SET ON TOP OF A  
5/8-INCH IRON

A PLAT OF A SURVEY OF  
PARCEL 3  
FOR STATE HIGHWAY 289  
A 4,581 SQ. FT., [0.1052 AC.]  
TRACT OF LAND IN THE  
MARIA C. VELA SURVEY  
ABSTRACT NUMBER 935  
CITY OF PLANO  
COLLIN COUNTY, TEXAS  
DATE: DECEMBER 22, 2011

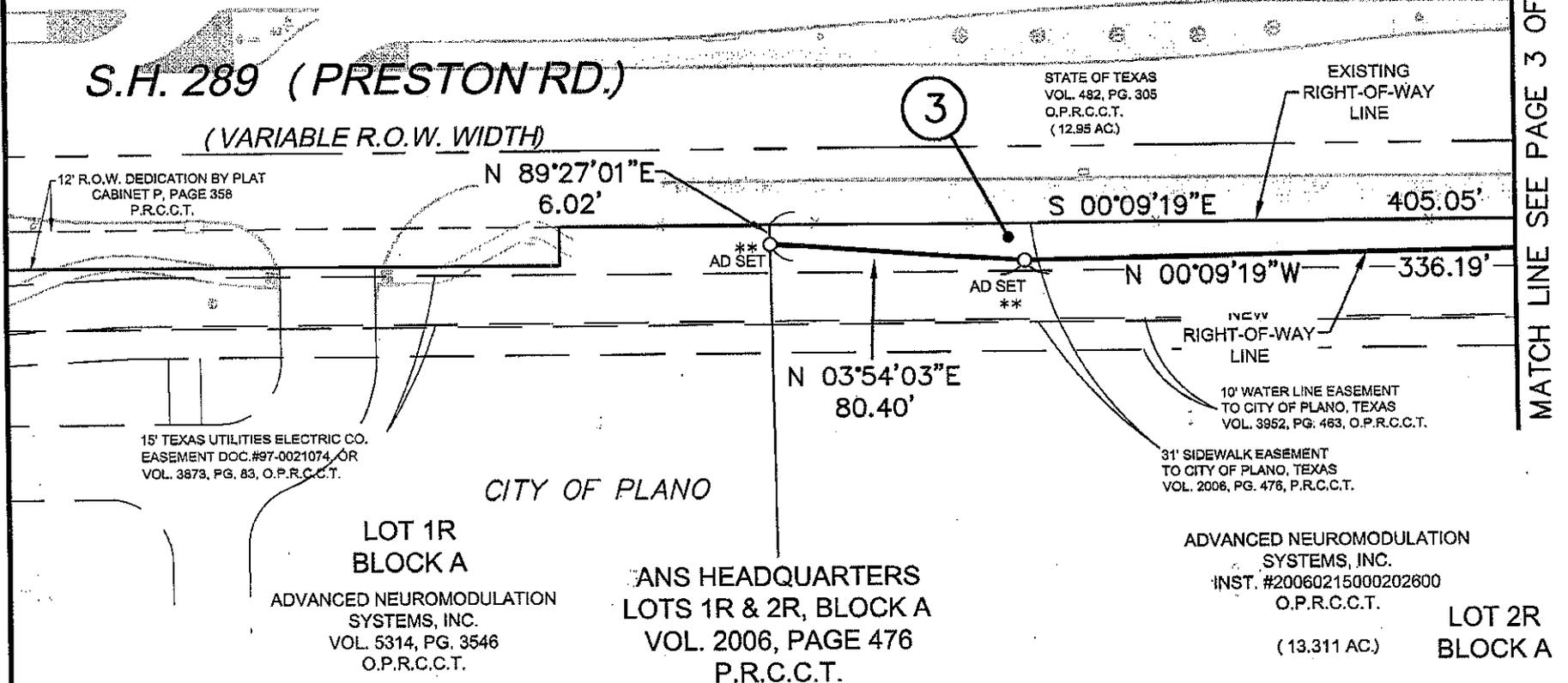


BASIS OF BEARING: TEXAS STATE PLANE COORDINATE  
SYSTEM, N.A.D. 83, NORTH CENTRAL ZONE (4202).  
ALL COORDINATES SHOWN HEREON ARE SURFACE  
COORDINATES USING A COMBINED SURFACE  
ADJUSTMENT FACTOR OF 1.000152110.

\*\* THE MONUMENT DESCRIBED AND SET IN THIS CALL,  
IF DESTROYED DURING CONSTRUCTION, MAY BE  
REPLACED WITH A TxDOT TYPE II RIGHT OF WAY  
MARKER UPON THE COMPLETION OF THE HIGHWAY  
CONSTRUCTION PROJECT UNDER THE SUPERVISION OF  
A REGISTERED PROFESSIONAL LAND SURVEYOR EITHER  
EMPLOYED OR RETAINED BY TxDOT.

MATCH LINE SEE PAGE 3 OF 4

**S.H. 289 (PRESTON RD.)**  
(VARIABLE R.O.W. WIDTH)



15' TEXAS UTILITIES ELECTRIC CO.  
EASEMENT DOC.#97-0021074, OR  
VOL. 3873, PG. 83, O.P.R.C.C.T.

CITY OF PLANO

LOT 1R  
BLOCK A

ADVANCED NEUROMODULATION  
SYSTEMS, INC.  
VOL. 5314, PG. 3546  
O.P.R.C.C.T.

(15.413 AC)

ANS HEADQUARTERS  
LOTS 1R & 2R, BLOCK A  
VOL. 2006, PAGE 476  
P.R.C.C.T.

ADVANCED NEUROMODULATION  
SYSTEMS, INC.  
INST. #20060215000202600  
O.P.R.C.C.T.

LOT 2R  
BLOCK A  
(13.311 AC)

**LEGEND**

- EXISTING RIGHT OF WAY LINE
- NEW RIGHT OF WAY LINE
- PROPERTY LINE
- SURVEY LINE
- EXISTING EASEMENT LINE
- ACCESS DENIAL LINE

ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE" TO THE HIGHWAY FACILITY FROM THE ADJACENT PROPERTY.

- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- D.R.D.C.T. = DEED RECORDS DENTON COUNTY TEXAS
- IRF = IRON ROD FOUND

- AD = TxDOT 3-1/4 INCH ALUMINUM CAP SET ON TOP OF A 5/8-INCH IRON ROD UNLESS OTHERWISE NOTED
- BD = TxDOT BRONZE DISK SET IN CONCRETE
- CD = TxDOT 2 INCH ALUMINUM CAP SET ON TOP OF A 5/8-INCH IRON

A PLAT OF A SURVEY OF  
PARCEL 3  
FOR STATE HIGHWAY 289  
A 4,581 SQ. FT., [0.1052 AC.]  
TRACT OF LAND IN THE  
MARIA C. VELA SURVEY  
ABSTRACT NUMBER 935  
CITY OF PLANO  
COLLIN COUNTY, TEXAS  
DATE: DECEMBER 22, 2011

**MARIA C. VELA SURVEY  
ABSTRACT NO. 935**



BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, N.A.D. 83, NORTH CENTRAL ZONE (4202). ALL COORDINATES SHOWN HEREON ARE SURFACE COORDINATES USING A COMBINED SURFACE ADJUSTMENT FACTOR OF 1.000152710.

\*\* THE MONUMENT DESCRIBED AND SET IN THIS CALL, IF DESTROYED DURING CONSTRUCTION, MAY BE REPLACED WITH A TxDOT TYPE II RIGHT OF WAY MARKER UPON THE COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR EITHER EMPLOYED OR RETAINED BY TxDOT.