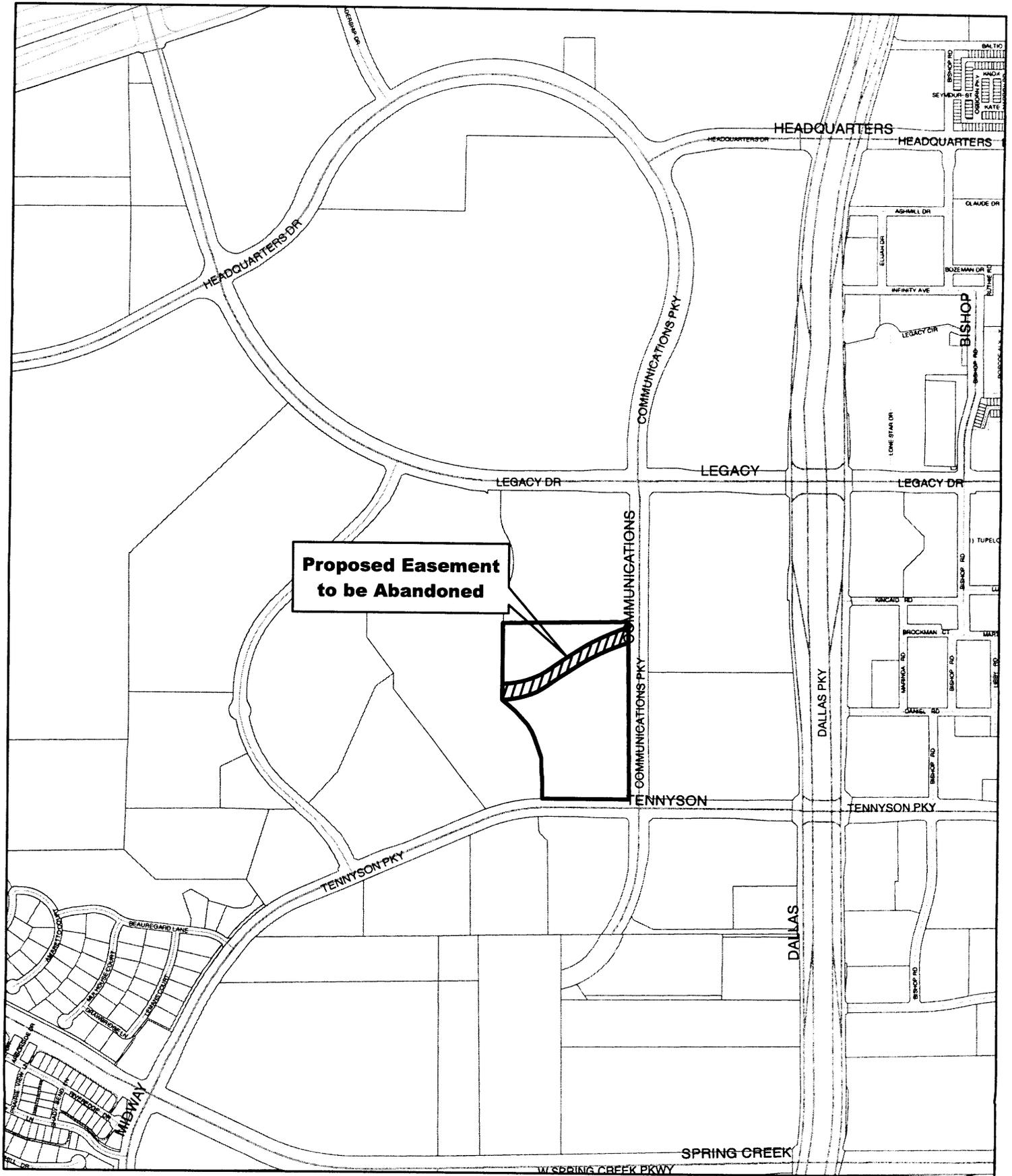




## CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		3/6/2012			
Department:	Public Works				
Department Head	Gerald Cosgrove				
Agenda Coordinator (include phone #): <b>Irene Pegues (X-7152)</b> <b>Proj. #4393-2</b>					
<b>CAPTION</b>					
An ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain Drainage Easement recorded in Volume 4624, Page 289, of the Deed Records of Collin County, Texas and being situated in the Henry Cook Survey, Abstract No. 183, 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 abutting property owner, Ericsson Real Estate Holdings, Inc., 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.					
<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>2011-2012</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
<b>FUND(s):</b> N/A					
<b>COMMENTS:</b> This item has no fiscal impact.					
<b>STRATEGIC PLAN GOAL:</b> Abandoning all right, title and interest of the City to the easement relates to the City's Goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
The easement is to be abandoned to create a new drainage and floodway easement. A new drainage & floodway easement will be dedicated by plat and the City of Plano will be relieved of any maintenance requirements.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Location Map			N/A		

# Easement Abandonment Project # 4393-2



**Proposed Easement  
to be Abandoned**



**Location Map**

**An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain Drainage Easement recorded in Volume 4624, Page 289, of the Deed Records of Collin County, Texas and being situated in the Henry Cook Survey, Abstract No. 183, 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 abutting property owner, Ericsson Real Estate Holdings, Inc., 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 that certain Drainage Easement recorded in Volume 4624, Page 289, of the Deed Records of Collin County, Texas and being situated in the Henry Cook Survey, Abstract No. 183, which is located within the city limits of Plano, 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 Public Works 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 as set forth below.

**DULY PASSED AND APPROVED** this the 6<sup>th</sup> day of March, 2012.

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

ATTEST:

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

APPROVED AS TO FORM:

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

**EXHIBIT "A"**  
**DRAINAGE EASEMENT ABANDONMENT**

Part of West Plano Land Company, LP  
Henry Cook Survey, Abstract No. 183  
*City of Plano, Collin County, Texas*

DESCRIPTION, of a 1.153 acre tract of land situated in the Henry Cook Survey, Abstract No. 183, Collin County, Texas; said tract being part of that tract of land described as Tract 12 in Special Warranty Deed to West Plano Land Company, LP recorded in Instrument No. 20060920001358250 of the Official Public Records of Collin County, Texas and all of that Drainage Easement described as Tract 3 to the City of Plano recorded in Volume 4624, Page 289 of the Deed Records of Collin County, Texas; said 1.153 acre tract being more particularly described as follows (Bearing System for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas Zone 4202 being the City of Plano Geodetic Control Network utilizing a surface scale factor of 1.00015421.):

BEGINNING, at a point for corner in the west right-of-way line of Communications Parkway (a variable width right-of-way, 121 feet wide at this point) and the south line of said Drainage Easement; from said point a 5/8-inch iron rod with "KHA" cap found bears South 00 degrees, 43 minutes, 08 seconds East, a distance of 745.84 feet;

THENCE, in a westerly direction, departing the said west line of Communications Parkway and along the said south line of Drainage Easement, the following nine (9) calls:

South 89 degrees, 19 minutes, 16 seconds West, a distance of 63.44 feet to a point for corner; said point being the beginning of a non-tangent curve to the left;

Along said curve to the left, having a central angle of 35 degrees, 28 minutes, 53 seconds, a radius of 125.00 feet, a chord bearing and distance of South 71 degrees, 34 minutes, 22 seconds West, 76.18 feet, an arc distance of 77.41 feet to a point at the end of said curve;

South 52 degrees, 44 minutes, 44 seconds West, a distance of 293.75 feet to a point for corner;

South 54 degrees, 05 minutes, 25 seconds West, a distance of 132.06 feet to a point for corner; said point being the beginning of a non-tangent curve to the right;

Along said curve to the right, having a central angle of 29 degrees, 11 minutes, 58 seconds, a radius of 200.00 feet, a chord bearing and distance of South 68 degrees, 42 minutes, 01 second West, 100.83 feet, an arc distance of 101.93 feet to a point at the end of said curve;

South 83 degrees, 18 minutes, 00 seconds West, a distance of 54.12 feet to a point for corner; said point being the beginning of a non-tangent curve to the left;

Along said curve to the left, having a central angle of 39 degrees, 21 minutes, 01 second, a radius of 207.70 feet, a chord bearing and distance of South 63 degrees, 37 minutes, 56 seconds West, 139.86 feet, an arc distance of 142.65 feet to a point at the end of said curve; said point being the beginning of a reverse curve to the right;

Along said curve to the right, having a central angle of 25 degrees, 57 minutes, 18 seconds, a radius of 200.00 feet, a chord bearing and distance of South 56 degrees, 56 minutes, 04 seconds West, 89.83 feet, an arc distance of 90.60 feet to a point at the end of said curve;

South 69 degrees, 55 minutes, 13 seconds West, a distance of 15.92 feet to a point for corner in the west line of said West Plano Land Company, LP tract and the east line of Lot 1, Block A, Ericsson Village, an addition to the City of Plano, Texas according to the plat recorded in Instrument No. 20081202010004190 of said Official Public Records;

**DRAINAGE EASEMENT ABANDONMENT  
(CONTINUED)**

THENCE, North 00 degrees, 32 minutes, 33 seconds West, along the common said west line of West Plano Land Company, LP tract and the east line of Lot 1, Block A, a distance of 53.07 feet to a point for corner; said point being the beginning of a non-tangent curve to the left;

THENCE, in a northeasterly direction, departing the said east line of Lot 1, Block A and along the north line of said Drainage Easement, the following eight (8) calls:

Along said curve to the left, having a central angle of 25 degrees, 15 minutes, 17 seconds, a radius of 150.00 feet, a chord bearing and distance of North 56 degrees, 35 minutes, 04 seconds East, 65.58 feet, an arc distance of 66.12 feet to a point at the end of said curve; said point being the beginning of a reverse curve to the right;

Along said curve to the right, having a central angle of 39 degrees, 20 minutes, 32 seconds, a radius of 257.70 feet, a chord bearing and distance of North 63 degrees, 37 minutes, 41 seconds East, 173.49 feet, an arc distance of 176.95 feet to a point at the end of said curve;

North 83 degrees, 18 minutes, 00 seconds East, a distance of 54.15 feet to a point for corner; said point being the beginning of a curve to the left;

Along said curve to the left, having a central angle of 29 degrees, 11 minutes, 53 seconds, a radius of 150.00 feet, a chord bearing and distance of North 68 degrees, 42 minutes, 04 seconds East, 75.62 feet, an arc distance of 76.44 feet to a point at the end of said curve;

North 54 degrees, 05 minutes, 25 seconds East, a distance of 130.29 feet to a point for corner;

North 52 degrees, 44 minutes, 44 seconds East, a distance of 317.14 feet to a point for corner; said point being the beginning of a curve to the right;

Along said curve to the right, having a central angle of 36 degrees, 34 minutes, 28 seconds, a radius of 175.00 feet, a chord bearing and distance of North 71 degrees, 01 minute, 58 seconds East, 109.82 feet, an arc distance of 111.71 feet to a point at the end of said curve;

North 89 degrees, 19 minutes, 16 seconds East, a distance of 43.17 feet to a point for corner in the said west line of said Communications Parkway;

THENCE, South 00 degrees, 43 minutes, 13 seconds East, departing the said north line of Drainage Easement and along the said west line of Communications Parkway, a distance of 65.00 feet to the POINT OF BEGINNING;

CONTAINING: 50,248 square feet or 1.153 acres of land, more or less.

*(A survey plat of even date herewith accompanies this legal description.)*

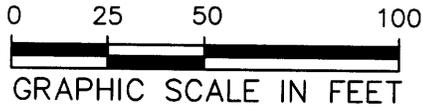
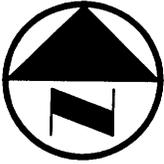
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the abandonment tract described.

*Kyle Coleman Harris*      12/22/11  
Kyle Coleman Harris                      Date  
Registered Professional Land Surveyor No. 6266  
Pacheco Koch Consulting Engineers, Inc.  
8350 N. Central Expwy, #1000, Dallas TX 75206  
(972) 235-3031  
TX Reg. Surveying Firm LS-100080-00





# EXHIBIT 'A'



REMAINDER OF TRACT 12  
WEST PLANO LAND COMPANY, LP  
(INST. NO. 20060920001358250)

DRAINAGE EASEMENT  
TRACT 3  
(VOL. 4624, PG. 289)

DRAINAGE EASEMENT  
ABANDONMENT  
50,248 SF  
1.153 ACRES

$\Delta=29^{\circ}11'53''$   
 $R=150.00'$   
 $L=76.44'$   
 $T=39.07'$   
CB=N  $68^{\circ}42'04''$  E  
CD=75.62'

N  $83^{\circ}18'00''$  E  
154.15'

S  $83^{\circ}18'00''$  W  
154.12'

$\Delta=29^{\circ}11'58''$   
 $R=200.00'$   
 $L=101.93'$   
 $T=52.10'$   
CB=S  $68^{\circ}42'01''$  W  
CD=100.83'

### LEGEND

	PROPERTY LINE
	ABANDONMENT LINE
	EXISTING EASEMENT LINE
	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	CONTROLLING MONUMENT

### NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas Zone 4202 being the City of Plano Geodetic Control Network utilizing a surface scale factor 1.00015421.

## DRAINAGE EASEMENT ABANDONMENT

PART OF WEST PLANO LAND COMPANY, LP  
HENRY COOK SURVEY, ABSTRACT NO. 183  
CITY OF PLANO, COLLIN COUNTY, TEXAS  
SHEET 4 OF 5

**Pacheco Koch**

DALLAS ■ FORT WORTH ■ HOUSTON

8350 N. CENTRAL EXPWY. SUITE 1000  
DALLAS, TX 75206 972.235.3031  
TX REG. ENGINEERING FIRM F-469  
TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY  
KCH

CHECKED BY  
VK/KCH

SCALE  
1"=50'

DATE  
DEC. 2011

JOB NUMBER  
3242-11.277



# EXHIBIT 'A'

REMAINDER OF TRACT 12  
WEST PLANO LAND COMPANY, LP  
(INST. NO. 20060920001358250)

15' UTILITY EASEMENT  
(INST. NO. 20081202010004190)

FIRE LANE & ACCESS  
EASEMENT  
(VOL. 4624, PG. 274)

15' UTILITY EASEMENT  
(INST. NO. 2006092001358220)

**DRAINAGE EASEMENT  
ABANDONMENT**  
50,248 SF  
1.153 ACRES

$\Delta=39^{\circ}20'32''$   
 $R=257.70'$   
 $L=176.95'$   
 $T=92.12'$   
CB=N 63°37'41" E  
CD=173.49'

MATCHLINE  
(SEE SHEET 4)

LOT 1, BLOCK A  
ERICSSON VILLAGE  
(INST. NO. 20081202010004190)

$\Delta=25^{\circ}15'17''$   
 $R=150.00'$   
 $L=66.12'$   
 $T=33.60'$   
CB=N 56°35'04" E  
CD=65.58'

DRAINAGE EASEMENT  
TRACT 3  
(VOL. 4624, PG. 289)

N 83°18'00" E  
54.15'

S 83°18'00" W  
54.12'

N 00°32'33" W  
53.07'

24' FIRELANE,  
ACCESS & UTILITY  
EASEMENT  
(INST. NO. 20081202010004190)

5/8-INCH IRON  
ROD W/"KHA"  
CAP FOUND  
(C.M.)

13.60'

15' UTILITY  
EASEMENT  
(INST. NO. 2006092001358220)

$\Delta=39^{\circ}21'01''$   
 $R=207.70'$   
 $L=142.65'$   
 $T=74.27'$   
CB=S 63°37'56" W  
CD=139.86'

$\Delta=25^{\circ}57'18''$   
 $R=200.00'$   
 $L=90.60'$   
 $T=46.09'$   
CB=S 56°56'04" W  
CD=89.83'

0 25 50 100

GRAPHIC SCALE IN FEET

LEGEND	
	PROPERTY LINE
	ABANDONMENT LINE
	EXISTING EASEMENT LINE
	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	- CONTROLLING MONUMENT

### NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas Zone 4202 being the City of Plano Geodetic Control Network utilizing a surface scale factor 1.00015421.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the abandonment tract described.

*Kyle Coleman Harris* 12/22/11

Kyle Coleman Harris Date  
Registered Professional  
Land Surveyor No. 6266



## DRAINAGE EASEMENT ABANDONMENT

PART OF WEST PLANO LAND COMPANY, LP  
HENRY COOK SURVEY, ABSTRACT NO. 183  
CITY OF PLANO, COLLIN COUNTY, TEXAS  
SHEET 5 OF 5

**Pacheco Koch** 8350 N. CENTRAL EXPWY. SUITE 1000  
DALLAS, TX 75206 972.235.3031  
TX REG. ENGINEERING FIRM F-469  
DALLAS ■ FORT WORTH ■ HOUSTON TX REG. SURVEYING FIRM LS-100080-00

<b>DRAWN BY</b> KCH	<b>CHECKED BY</b> VK/KCH	<b>SCALE</b> 1"=50'	<b>DATE</b> DEC. 2011	<b>JOB NUMBER</b> 3242-11.277
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EXHIBIT "B"

**PETITION FOR ABANDONMENT**  
[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting Drainage Easement Tract 3 (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 easement is to be abandoned to create a new drainage and floodway easement.
2. The following public interest will be served as a result of the abandonment:  
A new easement will be dedicated and the City of Plano will be relieved of any maintenance requirements.
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"**.
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% to Single Ownership Entity**

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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.

Ericsson Real Estate Holdings Inc.

\_\_\_\_\_  
Typed Name of Owner

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State and Zip

Dated: Jan 26, 2012 Vicki R. Bunch

\_\_\_\_\_  
Signature of Owner

**Contact Person for Property Owners:**

**Name:**

**Phone No:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

  
\_\_\_\_\_  
Public Works & Engineering Department  
City of Plano, Texas