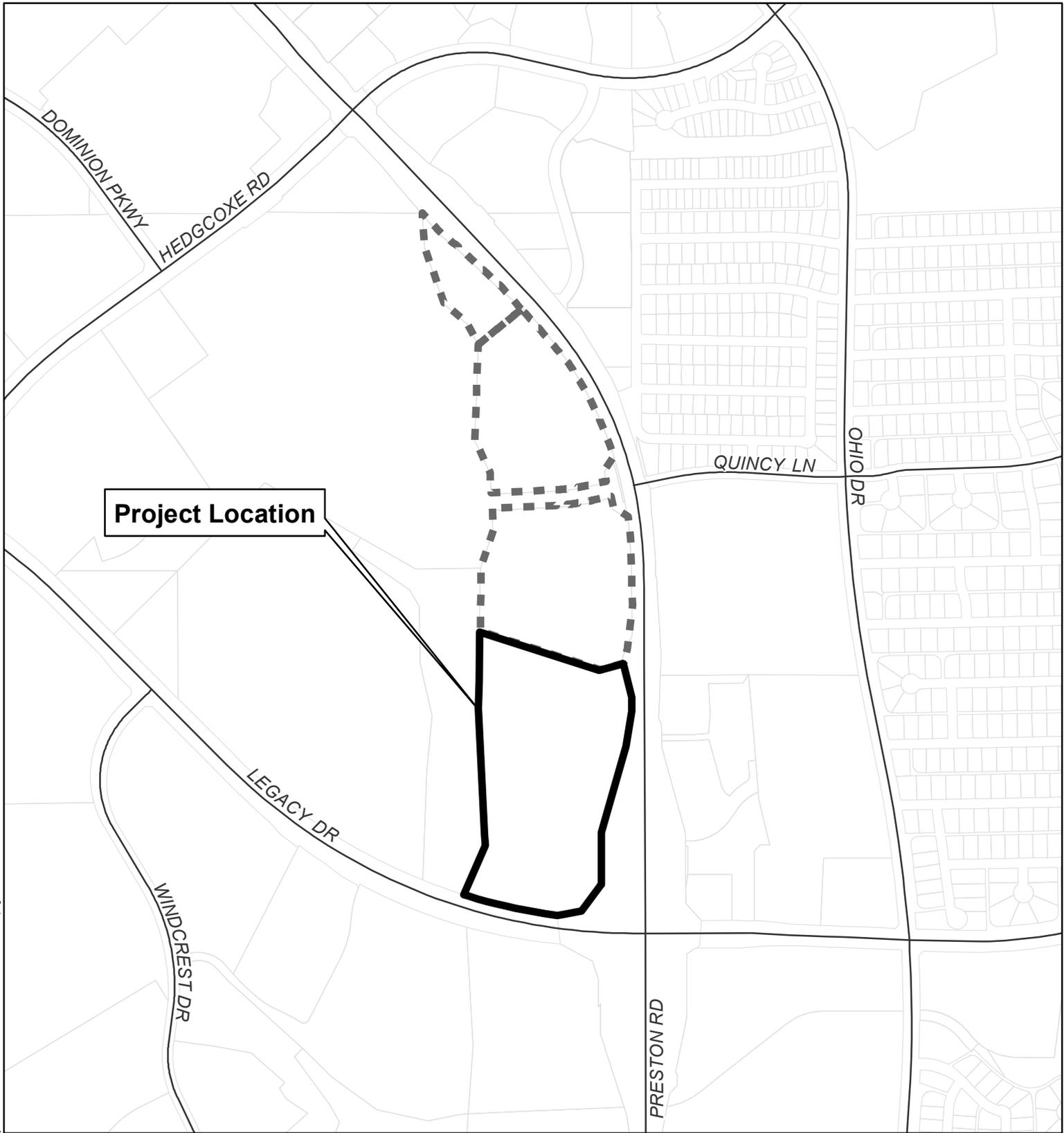


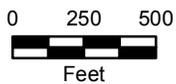


CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	3/14/16			
Department:	Engineering			
Department Head	Caleb Thornhill			
Project	EDS Lakes Addition #4988-2			
Agenda Coordinator (include phone #): Kathleen Schonne X-7198				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being a portion of Lot 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to the City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Easement to the owner of the property underlying the Easement, Children's Health System of Texas, 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: 2015-16	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 of the City to this Easement relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.</p>				
SUMMARY OF ITEM				
<p>The Sanitary Sewer Easement does not contain any public improvements. Abandonment of the easement will facilitate development of the property.</p> <p>https://www.google.com/maps/@33.0785538,-96.8011101,16.65z</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map Ordinance Petition for Abandonment			N/A	



Project Location



City of Plano GIS Division
March, 2016

EDS Lakes Addition Project # 4988-2

Project Location



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being a portion of Lot 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to the City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Easement to the owner of the property underlying the Easement, Children's Health System of Texas, 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 that certain 15-foot wide Sanitary Sewer Easement, recorded in Volume 1053, Page 807, of the Land Records of Collin County, Texas (hereinafter called "Easement") being situated in the Maria C. Vela Survey, Abstract No. 935, 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 "A" 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 owner of the property underlying the Easement; 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 owner of the property underlying the easement, 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 14th day of March, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "A"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting Sanitary Sewer Easement Vol 1053, PG 807 L.R.C.C.T. (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 sanitary sewer easement does not contain any public improvements. It impedes on the ability to develop the property.

2. *The following public interest will be served as a result of the abandonment:*
With the vacant sanitary sewer easement abandoned, the property will be able to be developed.

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".
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:

The subject easement is completely contained on property controlled by Children's Health System of Texas.

- 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".
- 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".

[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.

Children's Health System of Texas

Typed Name of Owner

1935 Medical District Drive

Address

Dallas, Texas 75235

City, State and Zip

Dated: 1/29/2016


Signature of Owner

Contact Person for Property Owners:

Name: Derek Watson

Phone No: 214-456-1679

Exhibit "A-1"

LEGAL DESCRIPTION

0.103 of an Acre

BEING a tract of land situated in the Maria C. Vela Survey, Abstract No. 935, City of Plano, Collin County, Texas and being a portion of Lot 2, Block A of EDS Lakes Addition, according to the Conveyance Plat thereof recorded in Cabinet H, Page 527 of the Plat Records of Collin County, Texas, same being a portion of a 15-foot wide Sanitary Sewer Easement conveyed to City of Plano, Texas, recorded in Volume 1053, Page 807 of the Land Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod with plastic cap stamped "KHA" set for the northeast corner of a called 20.070 acre tract of land described in a deed to Children's Health System of Texas, recorded in Instrument No. 20150507000529020 of the Official Public Records of Collin County, Texas, common to the southeast corner of a called 13.259 acre tract of land described in a deed to Children's Medical Center of Dallas, recorded in Volume 5880, Page 3435 of the Land Records of Collin County, Texas, being on the westerly right-of-way line of Preston Road (S.H. 289), a variable width right-of-way, and on the easterly line of said Lot 2, Block A;

THENCE South 74°01'51" West, departing the westerly right-of-way line of said Preston Road and the easterly line of said Lot 2, Block A, along the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract, crossing said Lot 2, Block A, a distance of 109.87 feet to a point for corner;

THENCE North 72°07'03" West, continuing along the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract, and continuing across said Lot 2, Block A, a distance of 320.39 feet to a point for corner on the easterly line of said 15-foot wide Sanitary Sewer Easement and to the POINT OF BEGINNING of the herein described tract;

THENCE departing the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract, continuing across said Lot 2, Block A, along the easterly, southerly, and westerly lines of said 15-foot wide Sanitary Sewer Easement, the following courses and distances:

South 13°32'56" West, a distance of 297.46 feet to a point for the southeast corner of said 15-foot wide Sanitary Sewer Easement;

North 76°31'34" West, a distance of 15.00 feet to a point for the southwest corner of said 15-foot wide Sanitary Sewer Easement;

North 13°32'56" East, a distance of 298.61 feet to a point for corner on the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract;

THENCE South 72°07'03" East, departing the westerly line of said 15-foot wide Sanitary Sewer Easement, continuing across said Lot 2, Block A, along the northerly line of said 20.070 acre tract and the southerly line of said 13.259 acre tract, and crossing said 15-foot wide Sanitary Sewer Easement, a distance of 15.04 feet to the POINT OF BEGINNING, and containing 0.103 of an acre (4,471 square feet) of land, more or less.

NOTES

Basis of bearings is the southerly line of Lot 1, Block A, Replat of Children's Medical Center Legacy Campus, according to the plat thereof recorded in Instrument No. 20080220010000650, Official Public Records of Collin County, Texas.

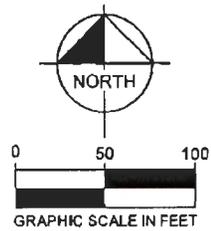
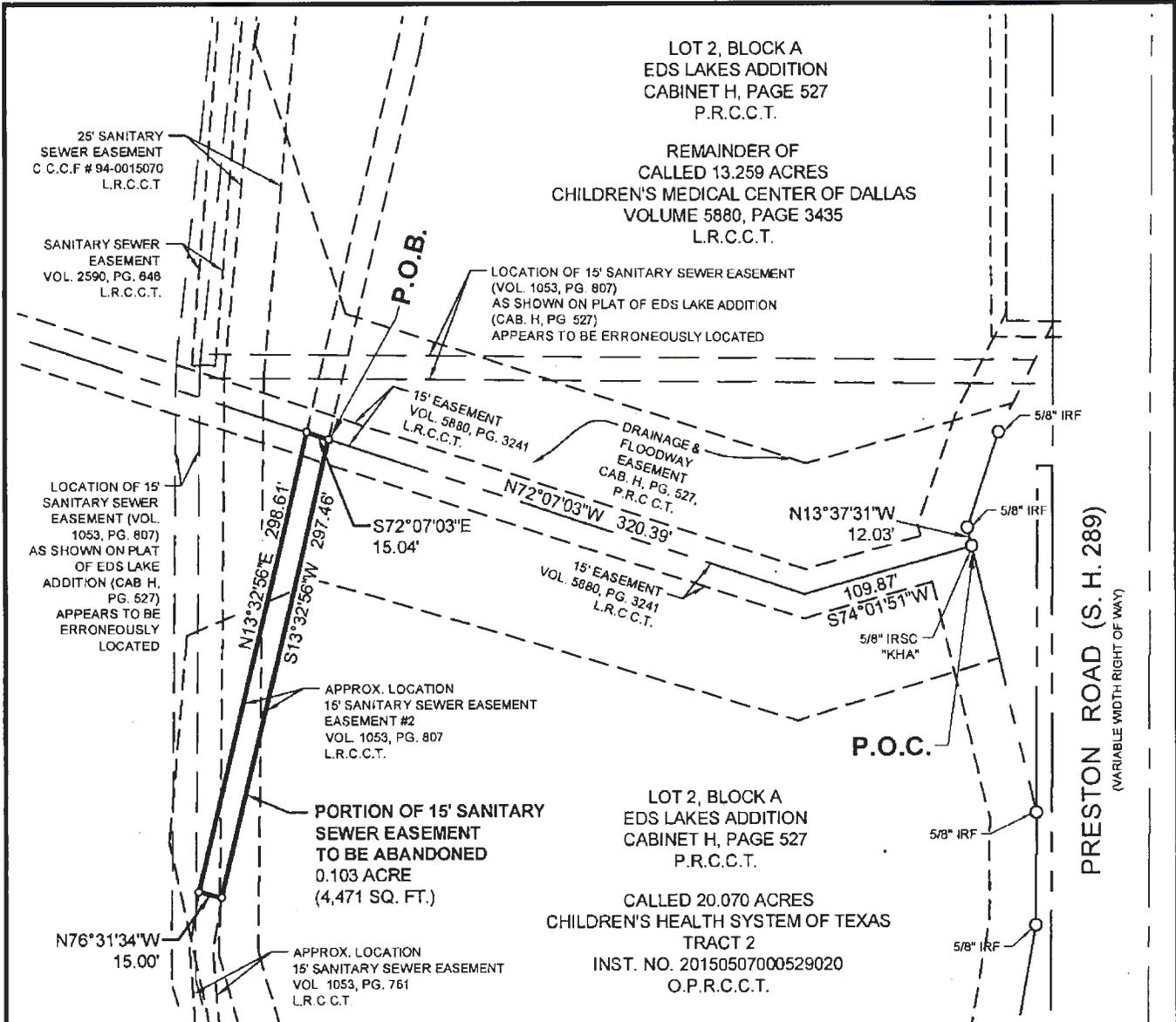
Sylviana Gunawan 02/08/16
SYLVIANA GUNAWAN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6461
5750 GENESIS COURT, SUITE 200
FRISCO, TEXAS 75034
PH. 972-335-3580
sylviana.gunawan@kimley-horn.com



ABANDONMENT OF PORTION OF
15' SANITARY SEWER EASEMENT
PORTION OF LOT 2, BLOCK A
EDS LAKES ADDITION
MARIA C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn
5750 Genesis Court, Suite 200 Frisco, Texas 75034 FIRM # 10103822 Tel. No. (972) 335-3580 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SG	KHA	02/08/2016	064422040	1 OF 2



NOTES

Basis of bearings is the southerly line of Lot 1, Block A, Replat of Children's Medical Center Legacy Campus, according to the plat thereof recorded in Instrument No. 20080220010000650, Official Public Records of Collin County, Texas.

LEGEND

P.O.C. = POINT OF COMMENCING
 P.O.B. = POINT OF BEGINNING
 IRSC = IRON ROD W/ "KHA" PLASTIC CAP SET
 IPF = IRON PIPE FOUND
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

Sylviana Gunawan
 SYLVIANA GUNAWAN
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 LAND SURVEYOR NO. 6461
 5750 GENESIS COURT, SUITE 200
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 sylviana.gunawan@kimley-horn.com



**ABANDONMENT OF PORTION OF
 15' SANITARY SEWER EASEMENT**
 PORTION OF LOT 2, BLOCK A
 EDS LAKES ADDITION
 MARIA C. VELA SURVEY, ABSTRACT NO. 935
 CITY OF PLANO, COLLIN COUNTY, TEXAS

Kimley»Horn

5750 Genesis Court, Suite 200 Frisco, Texas 75034 FIRM # 10193622 Tel. No. (972) 335-3580 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SG	KHA	02/08/2016	084422040	2 OF 2

EXHIBIT "B"

**NOT APPLICABLE BECAUSE NO REPLACEMENT EASEMENT IS
BEING PROVIDED.**

EXHIBIT "C"

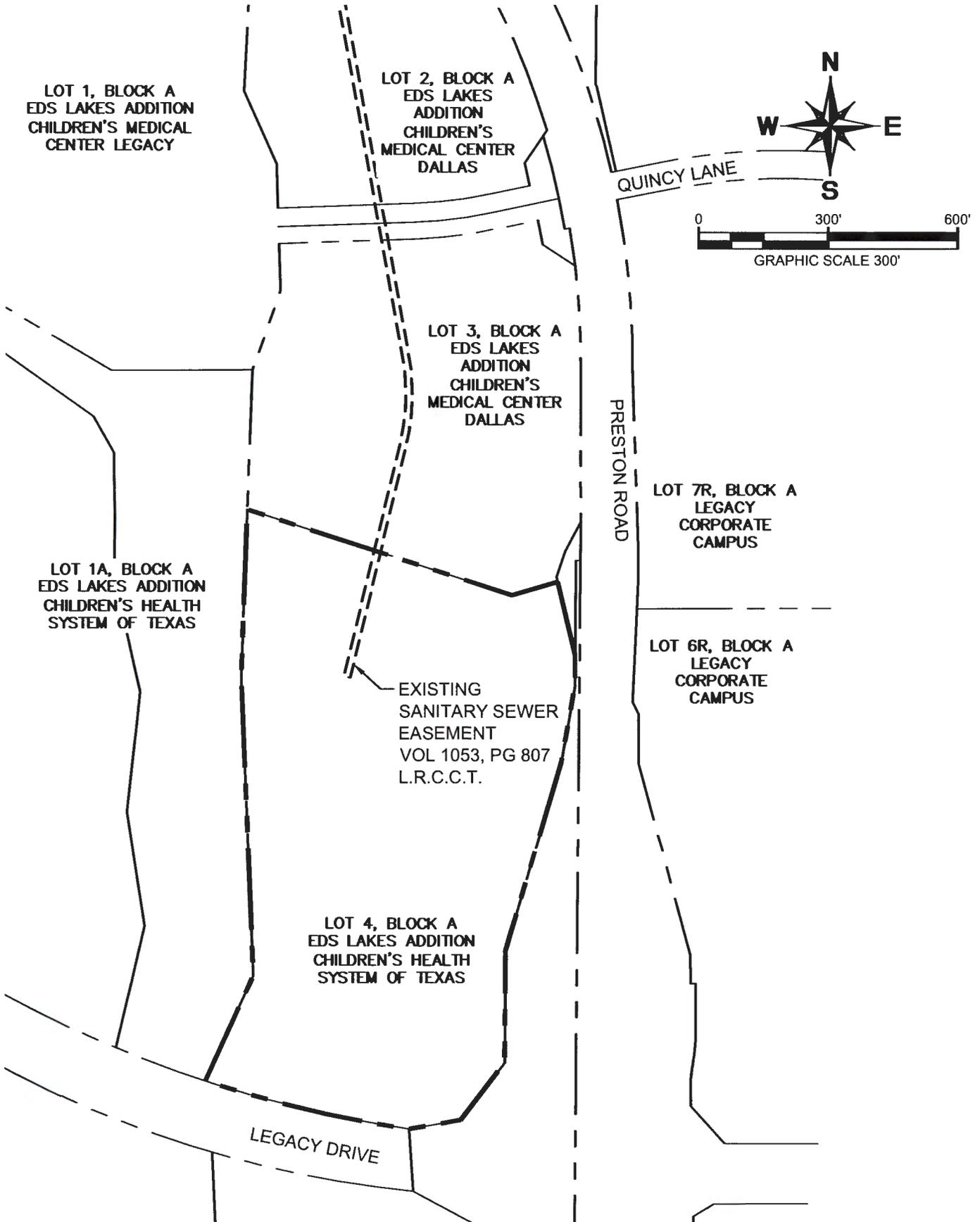


EXHIBIT "D"

NOT APPLICABLE BECAUSE BOTH SIDES OF THE EASEMENT ARE
CONTAINED WITHIN THE PROPERTY.