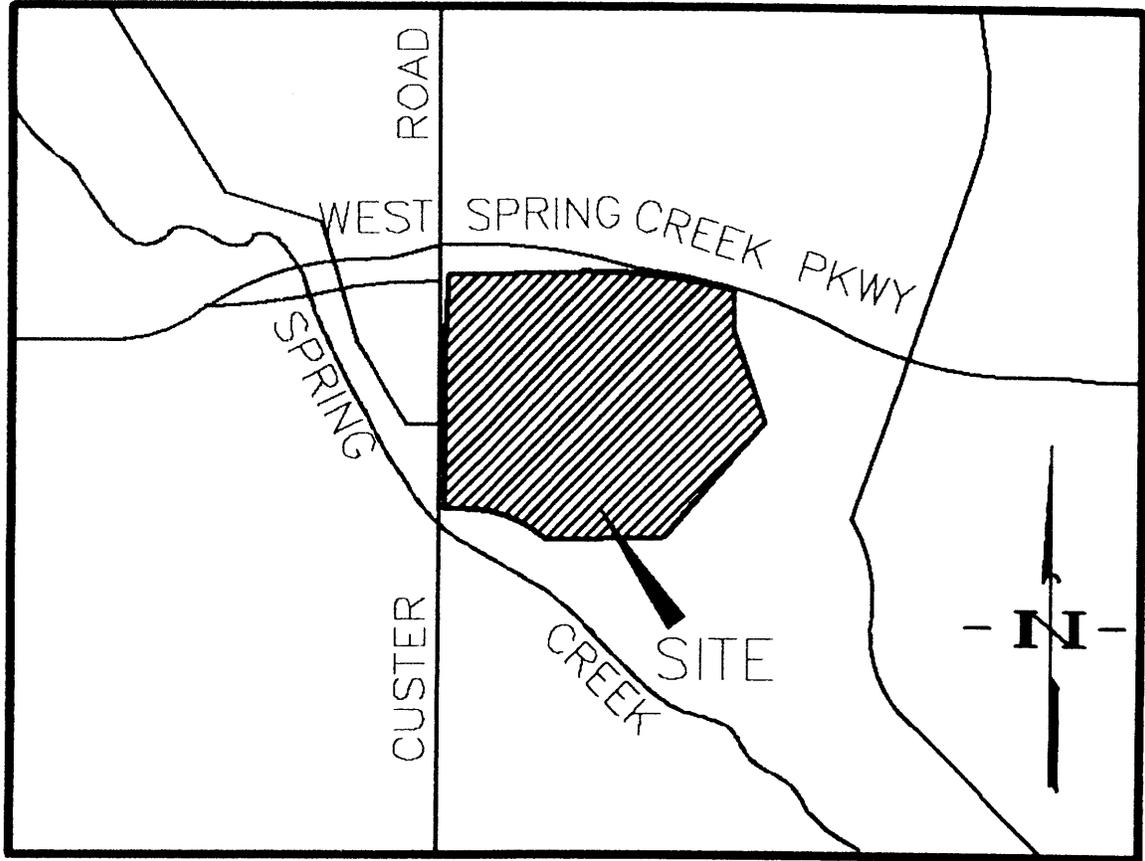




CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	3/18/14			
Department:	Engineering			
Department Head	Jack Carr			
Project	Stone Beeson Addition No. 1 – Project #6283			
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, being a portion of that certain tract of land in the George Perrin Survey, Abstract No. 722, and being a portion of a 15-foot wide Utility Easement, as recorded in Volume 1036, Page 137, Deed Records of Collin County, Texas, and being a portion of Lot 1R, Block A, Stone Beeson Addition No. 1, an addition to the City of Plano, Collin County, Texas, as recorded in Volume 2012, Page 414 of the Map Records of Collin County, Texas; a portion of said Lot 1R, Stone Beeson Addition No. 1 being described in a Special Warranty deed to WC Custer Creek Center, L.P., as recorded in Document Number 20110623000649 of the Official Public 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, WC Custer Creek Center, L.P., 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 this easement relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
<p>As a result of the abandonment, land will be improved with construction of a Walgreens adding to City tax base. https://maps.google.com/maps?q=2050+West+Spring+Creek+Parkway,+Plano,+TX&hl=en&ll=33.05736,-96.731851&spn=0.004802,0.007457&sl=31.168934,-100.076842&sspn=10.031801,15.270996&oq=2050+West+S&t=m&hnear=2050+W+Spring+Creek+Pkwy,+Plano,+Texas+75023&z=17</p>				
List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies			
Location Map	N/A			
Ordinance				
Petition for Abandonment				



VICINITY MAP
NOT TO SCALE

An Ordinance of the City Council of the City of Plano, Texas, abandoning all right, title and interest of the City, being a portion of that certain tract of land in the George Perrin Survey, Abstract No. 722, and being a portion of a 15-foot wide Utility Easement, as recorded in Volume 1036, Page 137, Deed Records of Collin County, Texas, and being a portion of Lot 1R, Block A, Stone Beeson Addition No. 1, an addition to the City of Plano, Collin County, Texas, as recorded in Volume 2012, Page 414 of the Map Records of Collin County, Texas; a portion of said Lot 1R, Stone Beeson Addition No. 1 being described in a Special Warranty deed to WC Custer Creek Center, L.P., as recorded in Document Number 20110623000649 of the Official Public 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, WC Custer Creek Center, L.P., 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 15-foot wide Utility Easement, (hereinafter called "Easement") 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 owners 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 18th day of March, 2014.

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 15' WIDE UTILITY EASEMENT VOL 1036 P 6 (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. 137

1. The Owners are requesting the abandonment of the Easement for the following reasons:

NO UTILITIES ARE PRESENT IN THIS EASEMENT - NEW PYLON SIGN MAY NOT BE INSTALLED IN AN EASEMENT

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

WILL PERMIT CONSTRUCTION OF WALLGREENS

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. *(EXEMPT)*

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". *NIA*

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.

NATIN PAUL

WC CUSTER CREEK CENTER, LP

Typed Name of Owner

401 CONGRESS AVENUE, 33RD FLOOR

Address

AUSTIN, TX 78701

City, State and Zip

Dated: 1/27/14

Signature of Owner

Contact Person for Property Owners:

Name:

RICK MACHAK

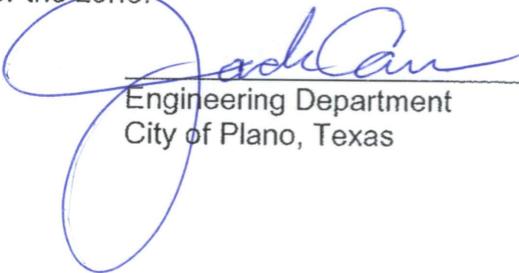
Phone No:

(817) 732-4000

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

Exhibit "A-1"

LEGAL LAND DESCRIPTION

PORTION OF 15' UTILITY EASEMENT ABANDONMENT

BEING a portion of that certain tract of land in the George Perrin Survey, Abstract Number 722, and being a portion of a 15-foot wide Utility Easement (hereinafter referred to as 15-foot wide Utility Easement) as recorded in Volume 1036, Page 137, Deed Records, Collin County, Texas, and being a portion of Lot 1R, Block A, Stone Beeson Addition No. 1 (hereinafter referred to as Lot 1R), an addition to the City of Plano, Collin County, Texas, as recorded in Volume 2012, Page 414 of the Map Records of Collin County, Texas (M.R.C.C.T.); said Lot 1R, Stone Beeson Addition No. 1 being described in a Special Warranty Deed to W. C. Custer Center, LP (hereinafter referred to as W. C. Custer Center tract), as recorded in Document Number 20110623000649 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.); being more particularly described, by metes and bounds, as follows:

BEGINNING at a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the Northeast corner of said Lot 1R; same being in the existing South right-of-way line of Spring Creek Parkway (a variable width public right-of-way) as recorded in Volume 11, Page 21, M.R.C.C.T., same also being the Northwest corner of Lot 1, Block A, Southbay Addition (hereinafter referred to as Lot 1), an addition to the City of Plano, Collin County, Texas, as recorded in Cabinet L, Page 644, M.R.C.C.T, same also being the Northeast corner of said 15-foot wide Utility Easement;

THENCE South 01 degree 13 minutes 27 seconds East, departing the existing South right-of-way line of said West Spring Creek Parkway with the common line between said Lot 1R, Stone Beeson Addition No. 1 and said Lot 1, a distance of 15.55 feet to the Southeast corner of said 15-foot wide Utility Easement, same being the beginning of a non-tangent curve to the left whose long chord bears North 81 degrees 19 minutes 29 seconds West, a distance of 270.67 feet;

THENCE Westerly with the Southerly line of said 15-foot wide Utility Easement and with said non-tangent curve to the left, having a radius of 1414.53 feet, through a central angle of 10 degrees 58 minutes 50 seconds, for an arc distance of 271.09 feet to an Easterly line of that certain tract of land described in a deed to Plano Spring Creek Partners, LP (hereinafter referred to as Plano Spring Creek Partners tract) as recorded in Document Number 20130402000434070, O.P.R.C.C.T., same being the most Northerly West line of the remainder of said W. C. Custer Center tract;

THENCE North 00 degrees 45 minutes 59 seconds West with the common line between said Plano Spring Creek Partners tract and the remainder of said W. C. Custer Center tract and crossing said 15-foot wide Utility Easement, a distance of 15.04 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" found for the most Northeasterly corner of said Plano Spring Creek Partners tract, same being the Southerly line of that certain tract of land described in a deed to Plano Spring Creek Partners, LP (hereinafter referred to as Plano Spring Creek Partners tract 2) as recorded in Document Number 20130402000434080, O.P.R.C.C.T., same being in the Northerly line of said Lot 1R, same also being the beginning of a non-tangent curve to the right whose long chord bears South 83 degrees 09 minutes 39 seconds East, a distance of 184.28 feet;

THENCE Easterly with the common line between said Lot 1R and said Plano Spring Creek Partners tract 2 and with said non-tangent curve to the right having a radius of 1429.53 feet, through a central angle of 7 degrees 23 minutes 28 seconds, for an arc distance of 184.41 feet to a 5/8 inch iron rod with aluminum cap stamped "GORRONDONA" found in the aforesaid existing South right-of-way line of West Spring Creek Parkway, same being the beginning of a curve to the right, whose long chord bears South 77 degrees 43 minutes 58 seconds East, a distance of 86.45 feet;

THENCE Southeasterly with the existing South right-of-way line of said Spring Creek Parkway, curving to the right, having a radius of 1429.53 feet, through a central angle of 03 degrees 27 minutes 56 seconds, for an arc distance of 86.47 feet to the PLACE OF BEGINNING.

Project No. 999-13-24 | Date: 12/23/2013 | Page 1 of 2 | Checked By: MD2

PORTION OF 15' UTILITY EASEMENT ABANDONMENT EXHIBIT
PORTION OF LOT 1R, BLOCK A
STONE BEESON ADDITION NO. 1
CITY OF PLANO, COLLIN COUNTY, TEXAS

BANNISTER
ENGINEERING
1696 Country Club Drive | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
TBPLS REGISTRATION NO. 10193823

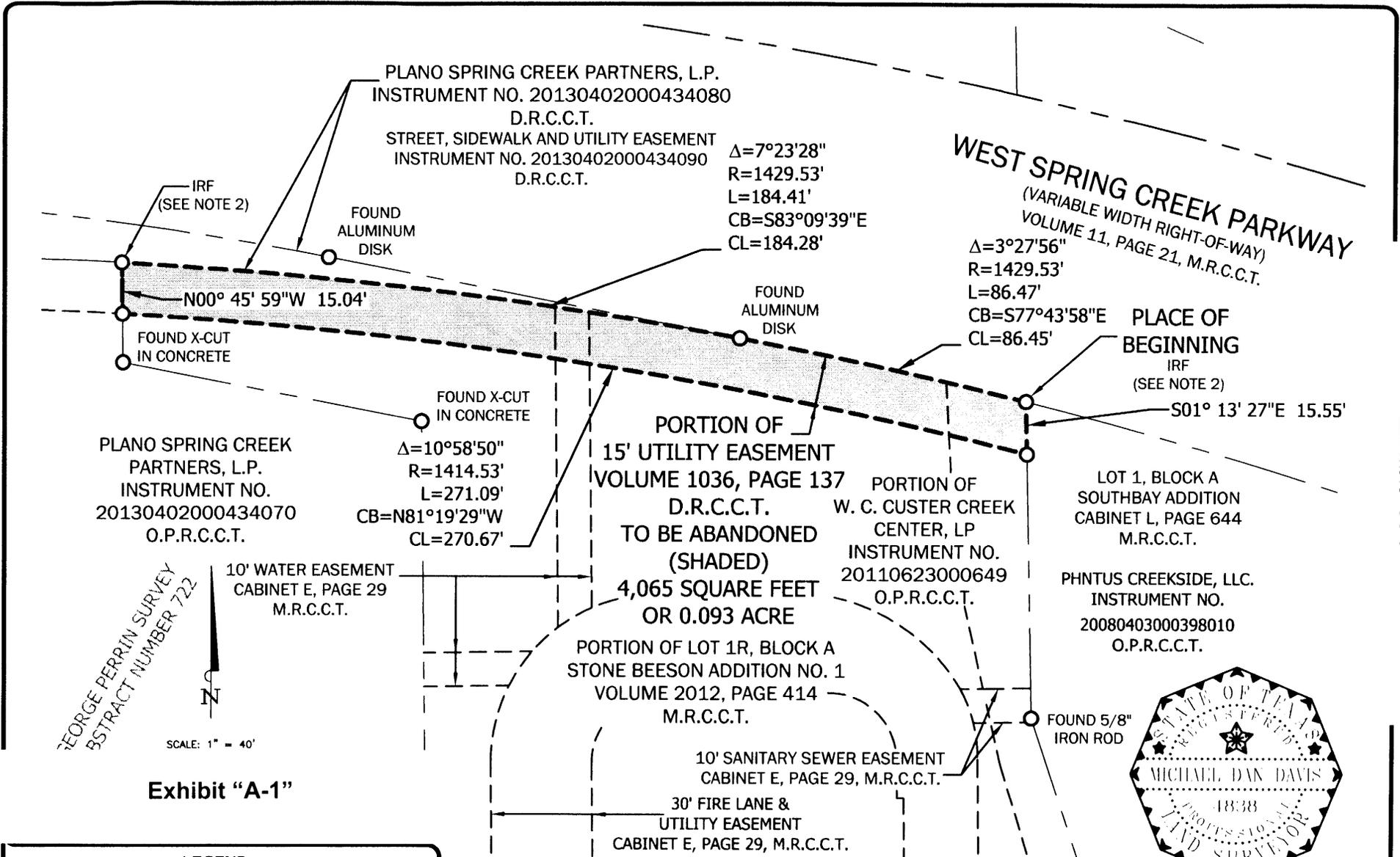


Exhibit "A-1"

Exhibit "A-1"

LEGEND

○ DIMENSION POINT, NOTHING FOUND OR SET UNLESS NOTED OTHERWISE

O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS, COLLIN COUNTY TEXAS
 D.R.C.C.T. DEED RECORDS, COLLIN COUNTY TEXAS
 M.R.C.C.T. MAP RECORDS, COLLIN COUNTY TEXAS

Project No. 999-13-24 Date: 12/23/2013 Page 2 of 2 Checked By: MD2

PORTION OF 15' UTILITY EASEMENT ABANDONMENT EXHIBIT
 PORTION OF LOT 1R, BLOCK A
 STONE BEESON ADDITION NO. 1
 CITY OF PLANO, COLLIN COUNTY, TEXAS

GENERAL NOTES:

1. All bearings shown herein are Texas Coordinate System, NAD83 (CORS), Texas North Central Zone (4202). All distances shown herein are surface distances.
2. All iron rods set (IRF) are 5/8-inch with a plastic cap stamped "RPLS 4838", set March 2013.



[Signature] 01/20/14

BANNISTER ENGINEERING
 1696 Country Club Drive | Mansfield, TX 76063 | 817.842.2094 | 817.842.2095 fax
 TBPLS REGISTRATION NO. 10193823