



**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:		3/26/2012			
Department:	Public Works				
Department Head	Gerald Cosgrove				
Agenda Coordinator (include phone #):		Linda Sweeney (X-7157)		Proj. #5988	
CAPTION					
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain Street & Utility Easement recorded in Volume 1152, Page 197, of the Deed Records of Collin County, Texas and being situated in the Nathan Butler Survey, Abstract No. 21, 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, Plano Distribution Center, Ltd., 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:	2011-2012	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: This item has no fiscal impact.					
STRATEGIC PLAN GOAL: 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.					
SUMMARY OF ITEM					
<p>The Street & Utility easement was no longer needed for North Star Road, thus the Owner is requesting an abandonment of the easement. Owner agrees to dedicate needed right-of-way for Plano Parkway and provide a replacement utility easement.</p>					
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies			
Location Map		N/A			

An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain Street & Utility Easement recorded in Volume 1152, Page 197, of the Deed Records of Collin County, Texas and being situated in the Nathan Butler Survey, Abstract No. 21, 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, Plano Distribution Center, Ltd., 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 Utility Easement recorded in Volume 1152, Page 197, of the Deed Records of Collin County, Texas and being situated in the Nathan Butler Survey, Abstract No. 21, 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 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 26th day of March, 2012.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "B"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owner"), being all of the owners of real property on a portion of and abutting a 100' Street & Utility Easement filed Vol. 1152 Pg. 197 D.R.C.C.T 1-9-1979 (hereinafter called "Easement"); the 0.175 acre portion of the Easement requested to be abandoned is 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 street improvements to North Star Road were constructed in 2001. In conjunction with said improvements, the right of way for North Star Road was shifted to the east to line up with the then existing Los Rios Road to the north. In 2001, The Owner deeded an additional 0.325 acres to the City of Plano for additional right-of way on the east side of North Star Road and Flextronics International USA, Inc. deeded 1.274 acres to the City of Plano for right-of way already covered by the captioned 100' easement above. Since the right of way for North Star Road was shifted to the east, the westerly 0.175 acre portion of the 1979 100' street and utility easement was no longer needed for North Star Road, thus the Owner is requesting an abandonment of the captioned easement.
2. The following public interest will be served as a result of the abandonment:
Owner agrees to dedicate needed right-of-way for Plano Parkway and provide a replacement utility easement.
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" Proposed Replacement Utility Easement.**

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:
PLANO DISTRIBUTION CENTER, LTD – 100%
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". Showing abutting property owner.**
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". NA**

[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.

PLANO DISTRIBUTION CENTER, LTD.

A Texas limited partnership

15725 N. Dallas Parkway, Suite 230

Addison, Texas 75001

By: PCP GP, LLC – PLANO BP I SERIES, a series of PCP GP, LLC, a Delaware series limited liability company,

Its General Partner

Dated: 2-18-12


MBD of GP LLC

Stephen J. Mastor, Manager

Contact Person for Property Owner:

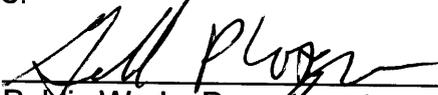
Name: Ron Crowell, Agent, rcrowell@pcpre.com

Phone No: 972-248-9926

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):

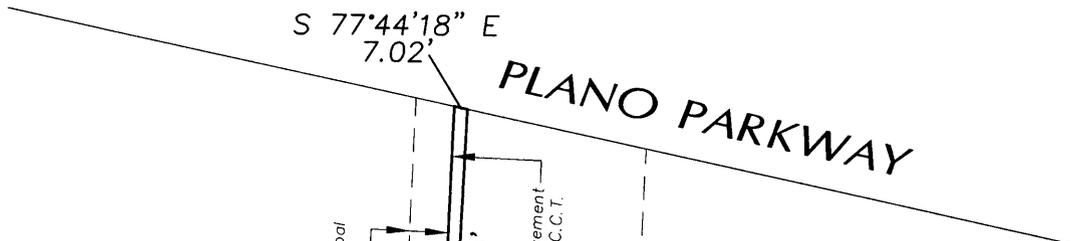
- The Easement consists of narrow strips of land, or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development code ordinances;
- The Easement consists of streets or alleys, 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 Department
City of Plano, Texas



SCALE: 1" = 100'



PLANO PARKWAY

S 77°44'18" E
7.02'

20' North Texas Municipal
Water District
Vol. 5893, Pg. 157

100' Street & Utility Easement
Vol. 1152, Pg. 197 D.R.C.C.T.

331.59'

S 02°38'49" W

N 02°14'18" E 640.57'

NORTH STAR ROAD

PLANO DISTRIBUTION CENTER
VOL. 4786, PG. 2690

PLANO DISTRIBUTION CENTER
VOL. 4786, PG. 2690

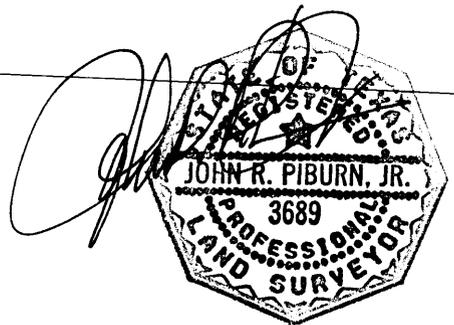
$\Delta = 16^\circ 55' 17''$
 $R = 1055.00'$
 $L = 3111.58'$
 $CH = S 05^\circ 48' 50'' E$
 $LC = 310.45'$

Plano Distribution Center, Ltd.
Vol. 4933, Pg. 5449

P.O.B.

FLEXTRONICS INTERNATIONAL USA, INC.
VOL. 4804, PG. 2286

N 88°13'14" W
48.04'



LEGAL DESCRIPTION

BEING all that certain lot, tract or parcel of land located in the NATHAN BUTLER SURVEY, ABSTRACT NO. 21, Plano, Collin County, Texas and being a part of a tract of land described in Deed to Flextronics International USA, Inc., recorded in County Clerk's File No. 2000-0129546 (Vol. 4804, Pg. 2286, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point in the most Northerly West line of said Flextonics tract at the Southeast corner of a tract of land described as Tract 1 in Deed to Plano Distribution Center, Ltd., recorded in County Clerk's File No. 2000-0120111 (Vol. 4786, Pg. 2690), Deed Records, Collin County, Texas;

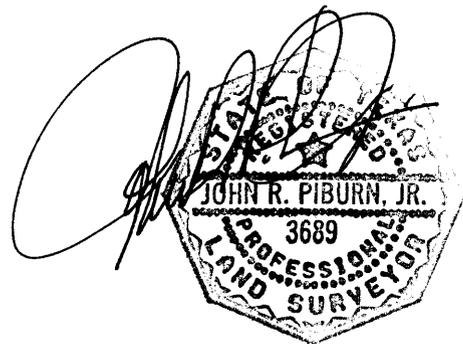
THENCE N 02°14'18" E, a distance of 640.57 feet to a point in the South line of Plano Parkway, a 110 foot wide public right-of-way, at the Northeast corner of said Tract 1 and the most Northerly Northwest corner of said Flextronics tract;

THENCE S 77°44'18" E, along the South line of said Plano Parkway, a distance of 7.02 to a point for corner;

THENCE S 02°38'49" W, a distance of 331.59 feet to a point at the beginning of a curve to the left having a central angle of 16°55'17", a radius of 1055.00 feet and a chord bearing of S 05°48'50" E, 310.45 feet;

THENCE Southeasterly, along said curve to the left, an arc distance of 311.58 feet to a point for corner;

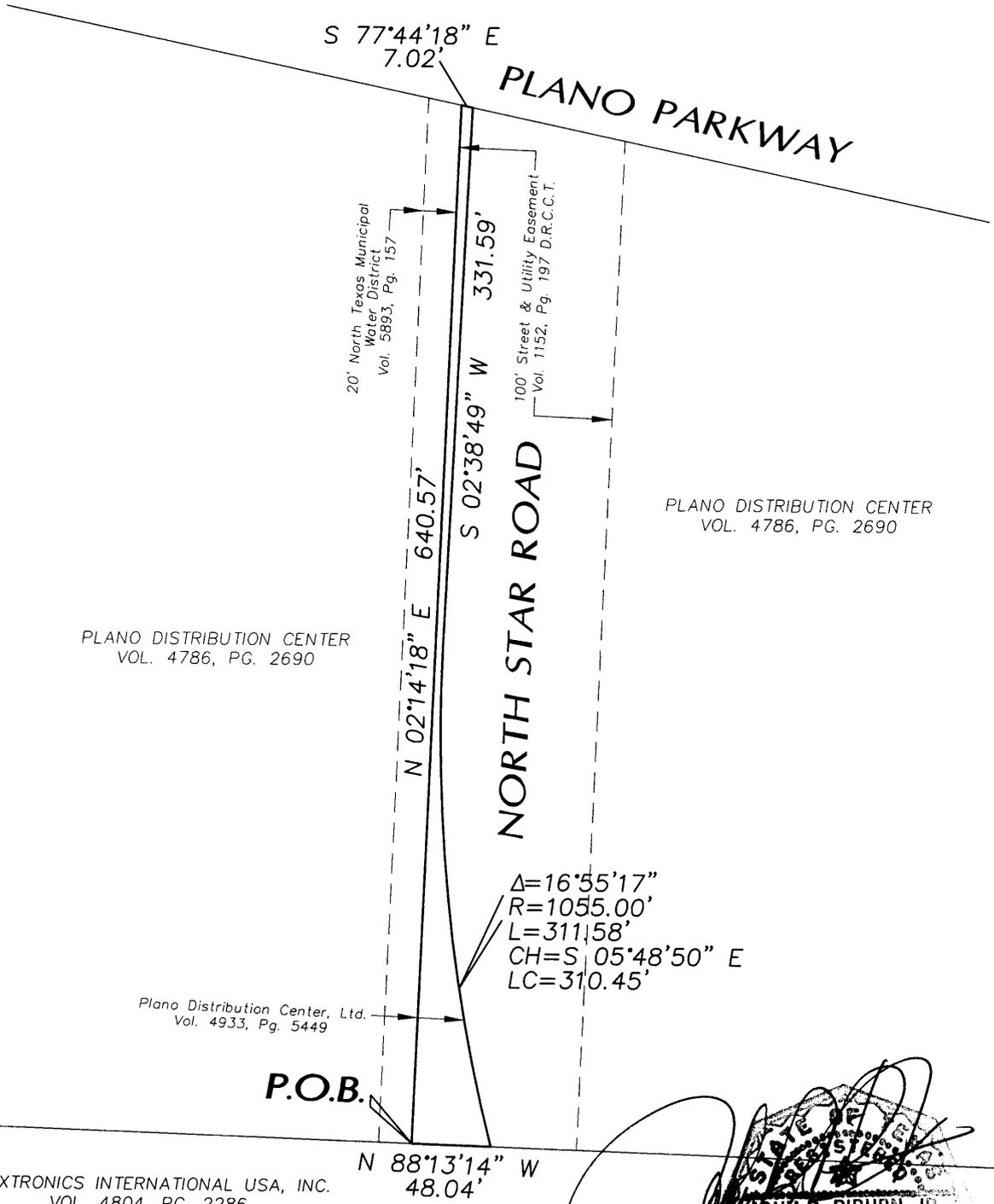
THENCE N 88°13'14" W, a distance of 48.04 to the POINT OF BEGINNING and containing 0.175 acres or 7,619 sqare feet of land, more ore less.



UTILITY EASEMENT



SCALE: 1" = 100'



PLANO DISTRIBUTION CENTER
VOL. 4786, PG. 2690

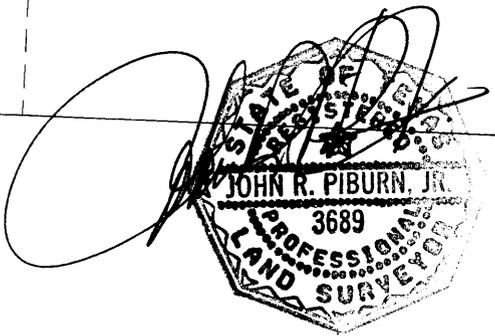
PLANO DISTRIBUTION CENTER
VOL. 4786, PG. 2690

Plano Distribution Center, Ltd.
Vol. 4933, Pg. 5449

P.O.B.

FLEXTRONICS INTERNATIONAL USA, INC.
VOL. 4804, PG. 2286

Δ=16°55'17"
R=1055.00'
L=311.58'
CH=S 05°48'50" E
LC=310.45'



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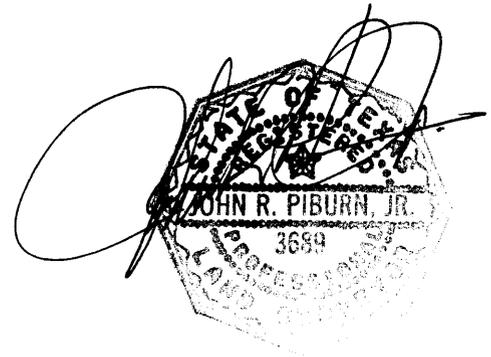
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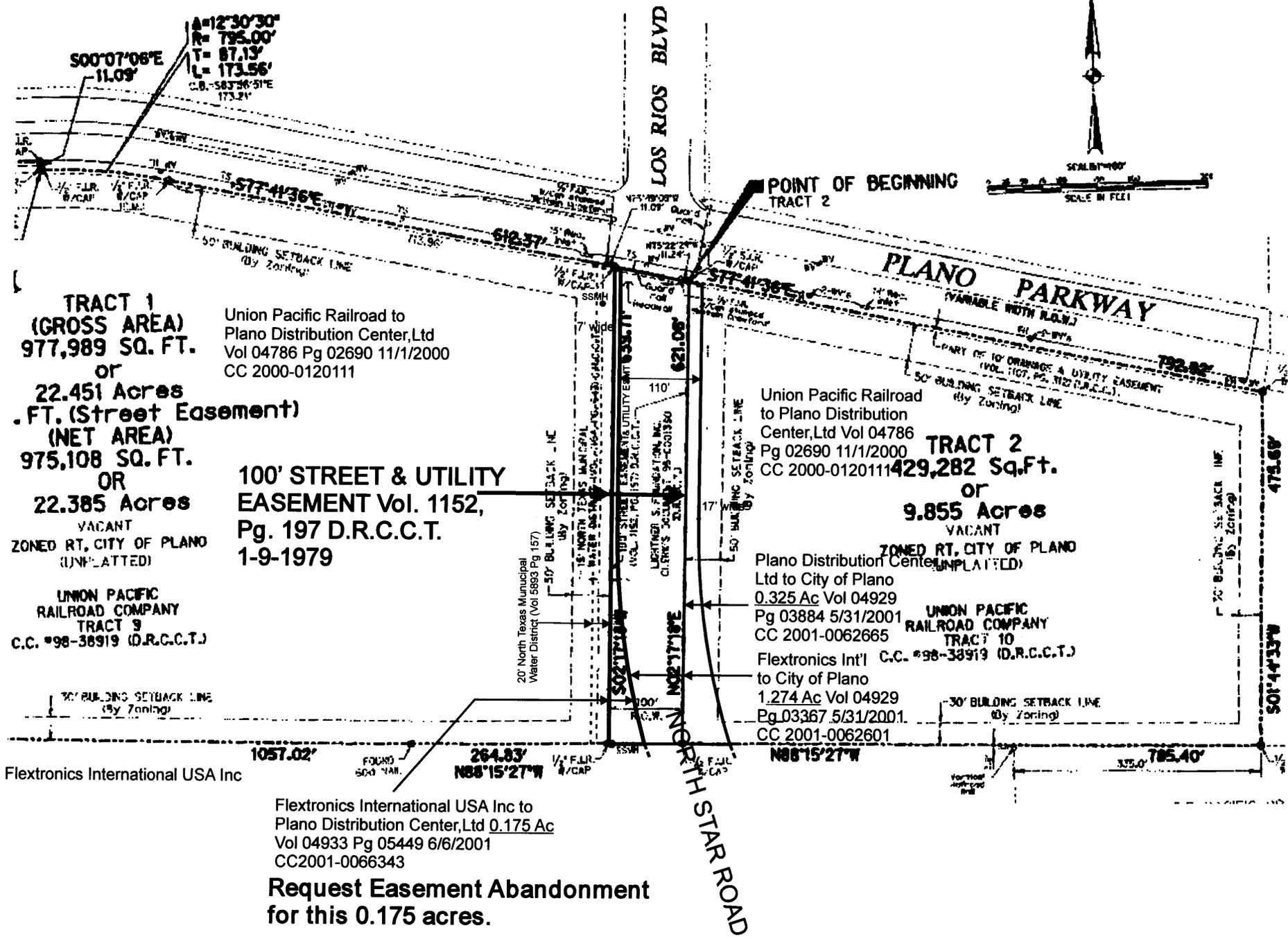
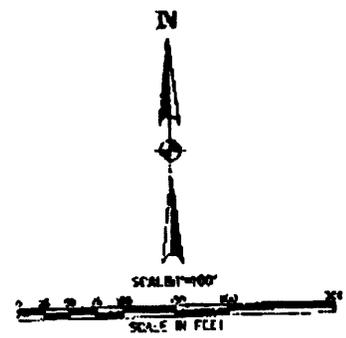
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THENCE N 88°13'14" W, a distance of 48.04 to the POINT OF BEGINNING and containing 0.175 acres or 7,619 square feet of land, more or less.





**TRACT 1
(GROSS AREA)
977,989 SQ. FT.
or
22.451 Acres
. FT. (Street Easement)
(NET AREA)
975,108 SQ. FT.
OR
22.385 Acres**
VACANT
ZONED RT, CITY OF PLANO
(UNPLATTED)
**UNION PACIFIC
RAILROAD COMPANY
TRACT 9
C.C. #98-38919 (D.R.C.C.T.)**

Union Pacific Railroad to
Plano Distribution Center, Ltd
Vol 04786 Pg 02690 11/1/2000
CC 2000-0120111

**100' STREET & UTILITY
EASEMENT Vol. 1152,
Pg. 197 D.R.C.C.T.
1-9-1979**

Union Pacific Railroad
to Plano Distribution
Center, Ltd Vol 04786
Pg 02690 11/1/2000
CC 2000-0120111
**TRACT 2
429,282 Sq.Ft.
or
9.855 Acres**
VACANT
ZONED RT, CITY OF PLANO
(UNPLATTED)
**UNION PACIFIC
RAILROAD COMPANY
TRACT 10
C.C. #98-38919 (D.R.C.C.T.)**
Plano Distribution Center,
Ltd to City of Plano
0.325 Ac Vol 04929
Pg 03884 5/31/2001
CC 2001-0062665
Flextronics Int'l
to City of Plano
1.274 Ac Vol 04929
Pg 03367 5/31/2001
CC 2001-0062601

Flextronics International USA Inc

Flextronics International USA Inc to
Plano Distribution Center, Ltd 0.175 Ac
Vol 04933 Pg 05449 6/6/2001
CC2001-0066343

**Request Easement Abandonment
for this 0.175 acres.**

EXHIBIT C-1