



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:	4/25/16			
Department:	Engineering			
Department Head	B. Caleb Thornhill			
Project	Legacy-Central Addition, Blk A, Lot 2 #6434			
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 that certain Right-of-Way, subject to retaining a Utility Easement, being a 0.507141 acre tract of land out of the Daniel Rowlett Survey, Abstract No. 738, in the City of Plano, Texas, said 0.507141 acre tract also being part of a variable width public Right-of-Way, dedicated to the City of Plano, Texas per street dedication plat called Wagner Way-Carpenter Road-Chase Oaks Boulevard-Stadium Drive Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet F, Slide 29, of the plat records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the owner of the property underlying the Right-of-Way, Legacy Central, LLC, 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				
COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to this Right-of-Way relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.				
SUMMARY OF ITEM				
<p>The section of US 75 north of Spring Creek Parkway is currently under construction by TxDOT. As a part of this project, TxDOT has modified the interchange on the west side of US 75 at Legacy Drive. This modification removed the southbound to westbound connector roadway and now the southbound to westbound traffic goes through the traffic signal, making a right turn to get onto westbound Legacy Drive. The land rights associated with the connector were originally dedicated to the City for public use by a plat filed in 1984. There is no longer a public need for the street easement where the connector roadway has been removed. This ordinance abandons the right-of-way, thereby allowing the area to be returned to the adjacent property owner to be incorporated into a potential development project.</p> <p>https://www.google.com/maps/@33.0665926,-96.6907213,297m/data=!3m1!1e3</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map Ordinance Petition for Abandonment			N/A	

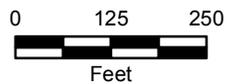


Project Location

LEGACY DR

CENTRAL EXPY

K AVE



City of Plano GIS Division
April, 2016

Legacy - Central Addition Project # 6434

Project Location



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City in and to that certain Right-of-Way, subject to retaining a Utility Easement, being a 0.507141 acre tract of land out of the Daniel Rowlett Survey, Abstract No. 738, in the City of Plano, Texas, said 0.507141 acre tract also being part of a variable width public Right-of-Way, dedicated to the City of Plano, Texas per street dedication plat called Wagner Way-Carpenter Road-Chase Oaks Boulevard-Stadium Drive Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet F, Slide 29, of the plat records of Collin County, Texas; quitclaiming all right, title and interest of the City in such Right-of-Way to the owner of the property underlying the Right-of-Way, Legacy Central, LLC, 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 that certain Right-of-Way, subject to retaining a Utility Easement, recorded in Cabinet F, Slide 29, of the plat records of Collin County, Texas (hereinafter called "ROW") being situated in the Daniel Rowlett Survey, Abstract No. 738, 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 ROW is abandoned and quitclaimed to the owner of the property underlying the ROW; and has advised that the ROW should be abandoned.

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

Section I. Subject to retaining a Utility Easement, all the right, title and interest of the City of Plano, Texas, in and to the ROW is hereby abandoned, and all remaining right, title and interest of the City in and to the ROW, is hereby quitclaimed to the owner of the property underlying the ROW, 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 ROW 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 ROW. 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 ROW.

Section III. The City Council hereby finds and determines that the abandonment of the ROW 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 25th day of April, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "A"

PETITION FOR ABANDONMENT

[For Right-of-Way Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **ABANDONED FEEDER ROAD AT THE NWC OF US 75 & LEGACY DRIVE** (hereinafter called "Right-of-Way"), 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 Right-of-Way.

1. The Owners are requesting the abandonment of the Right-of-Way for the following reasons:

New development

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

Allow for new development

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 Right-of-Way 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 Right-of-Way, 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 right-of-way for the Right-of-Way requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement right-of-way 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 Right-of-Way 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 and closing of the Right-of-Way 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 Right-of-Way 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 Right-of-Way 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% Legacy Central LLC

- ~~8. Owners shall also prepare a map or drawing showing the Right-of-Way 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. Abutting property owners have signed letters indicating their support of the right-of-way abandonment. These are attached hereto and incorporated herein as **Exhibit "D"**.~~

[Reminder 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.

Legacy Central LLC

Typed Name of Owner

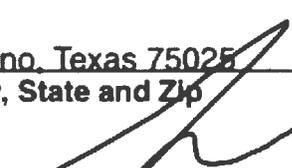
7801 Alma Drive 105343

Address

Plano, Texas 75025

City, State and Zip

Dated: 11/11/15



Signature of Owner

Contact Person for Property Owners:

Name: Michael Shea

Phone No: 214-908-1811

EXHIBIT "A-1"

(LEGAL DESCRIPTION)

BEING A 0.507141 ACRE TRACT OF LAND OUT OF THE DANIEL ROWLETT SURVEY, ABSTRACT NUMBER 738, IN THE CITY OF PLANO, COLLIN COUNTY, TEXAS, SAID 0.507141 ACRE TRACT ALSO BEING PART OF A VARIABLE WIDTH PUBLIC RIGHT OF WAY, DEDICATED TO THE CITY OF PLANO, TEXAS, PER STREET DEDICATION PLAT CALLED, WAGNER WAY-CARPENTER ROAD-CHASE OAKS BOULEVARD-STADIUM DRIVE ADDITION, AN ADDITION TO THE CITY OF PLANO, COLLIN COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET F, SLIDE 29, OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTHEAST RIGHT OF WAY LINE OF LEGACY DRIVE (FORMERLY CARPENTER ROAD), (A 110 FOOT RIGHT OF WAY, AT THIS POINT), SAID POINT IN SAID NORTHEAST RIGHT OF WAY LINE, ALSO BEING THE MOST SOUTH CORNER OF LEGACY-CENTRAL ADDITION, BLOCK A, LOT 1, AS RECORDED IN CABINET K, SLIDE 338, OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS, SAID POINT ALSO BEING A CORNER OF CONVEYANCE PLAT CALLED LEGACY-CENTRAL ADDITION, BLOCK A, LOT 2, AS RECORDED IN INSTRUMENT NUMBER 20130628010002030, OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS. AN DISC MONUMENT FOUND. THENCE SOUTH 52°51'51" EAST, ALONG SAID NORTHEAST RIGHT OF WAY LINE OF LEGACY DRIVE (FORMERLY CARPENTER ROAD), A DISTANCE OF 137.11 FEET TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS BEARING OF NORTH 37°08'09" EAST, A CENTRAL ANGLE OF 58°15'01", A RADIUS OF 374.50 FEET, A CHORD DISTANCE OF 364.55 FEET, A CHORD BEARING OF SOUTH 81°59'22" EAST, AN 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTHEASTERLY, ALONG SAID TANGENT CURVE TO THE LEFT, ALSO ALONG A CURVED PUBLIC RIGHT OF WAY LINE OF LEGACY DRIVE (FORMERLY CARPENTER ROAD), AN ARC DISTANCE OF 380.74 FEET TO A POINT BEING A CORNER OF SAID LOT 2, AN 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 68°53'08" EAST, CONTINUING ALONG A PUBLIC RIGHT OF WAY LINE OF LEGACY DRIVE (FORMERLY CARPENTER ROAD), A DISTANCE OF 54.49 FEET TO A POINT, AN 1/2 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 36°59'57" WEST, LEAVING SAID PUBLIC RIGHT OF WAY LINE OF SAID LEGACY DRIVE (FORMERLY CARPENTER ROAD), A DISTANCE OF 185.68 FEET TO A POINT BEING THE BEGINNING OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS BEARING OF NORTH 53°00'03" WEST, A CENTRAL ANGLE OF 90°08'12", A RADIUS OF 38.00 FEET, A CHORD OF 53.80 FEET, A CHORD BEARING OF SOUTH 82°04'03" WEST, AN 1/2 INCH IRON ROD SET FOR CORNER;

THENCE SOUTHWESTERLY, ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 59.78 FEET TO A POINT, AN 1/2 INCH IRON ROD SET FOR CORNER;

THENCE NORTH 52°51'51" WEST, A DISTANCE OF 309.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 22,091 SQUARE FEET OR 0.507141 ACRES OF LAND.

THE PLAT HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY ON THE GROUND, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF BUILDINGS AND IMPROVEMENTS ARE AS SHOWN, ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY, SET BACK FROM PROPERTY LINES THE DISTANCE INDICATED, AND THAT THE DISTANCE TO THE NEAREST INTERSECTING STREET OR ROAD IS AS SHOWN. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN.



PAGE 1 OF 2

DATE : 2/9/2016
CLIENT : M. SHEA
JOB NO. : 2016-0008

OLIVER SURVEYORS
L.S. FIRM NO. 10112800
P.O. BOX 181626
DALLAS, TX 75218
TEL: 214-327-9773
OLIVER@OLIVERSURVEYORS.COM
OLIVERSURVEYORS.COM

T.G. OLIVER, III
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 3901

EXHIBIT "A-1"

(NOTE:)

(1.) BASIS OF BEARINGS IS THE NORTHEAST LINE OF LEGACY DRIVE, BEING (SOUTH 52°51'51" EAST), PER CONVEYANCE PLAT LEGACY-CENTRAL ADDITION, LOT 2, BLOCK A, AS RECORDED IN INSTRUMENT NUMBER 20130628010002030, OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS.

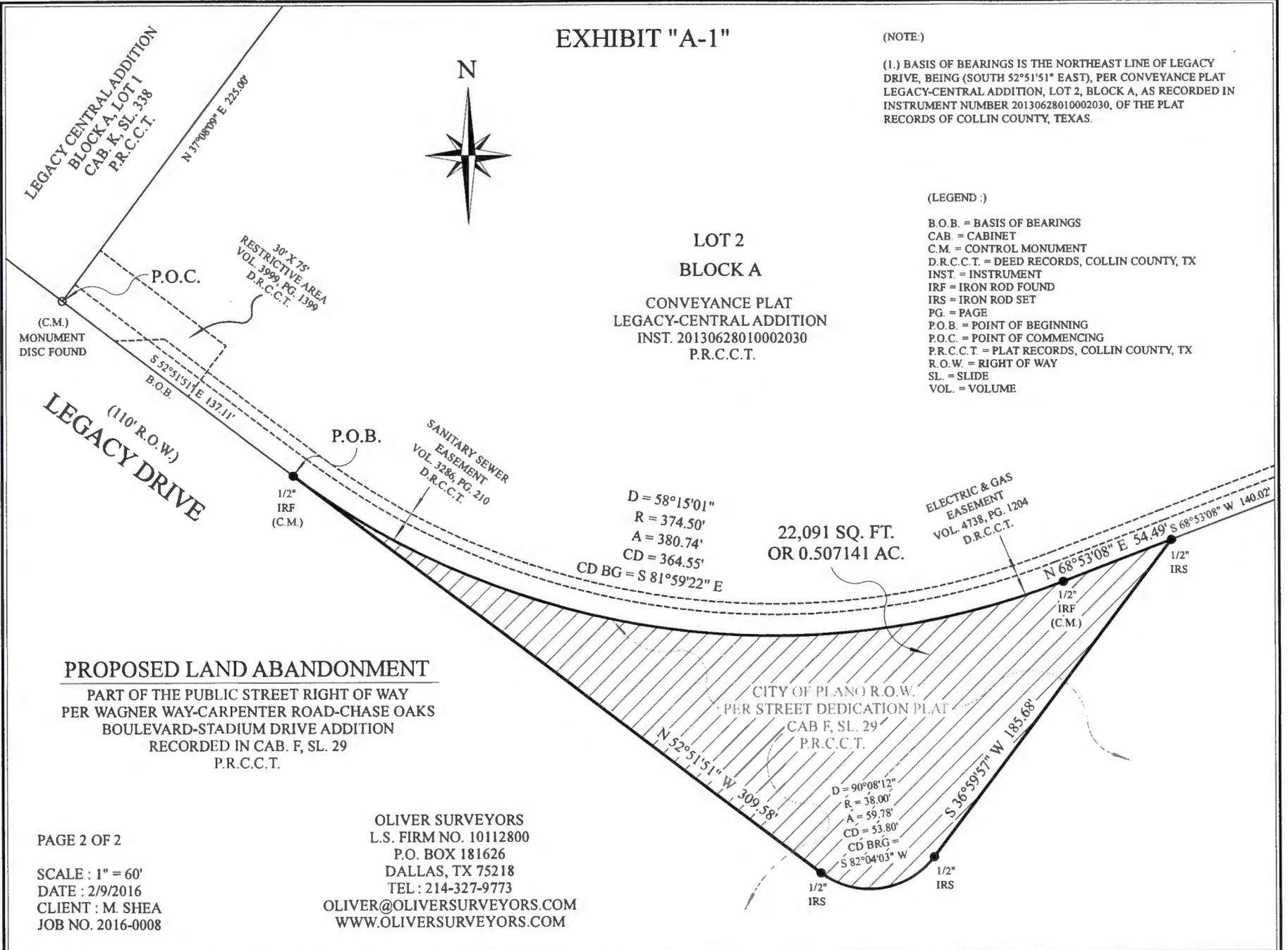
(LEGEND :)

- B.O.B. = BASIS OF BEARINGS
- CAB. = CABINET
- C.M. = CONTROL MONUMENT
- D.R.C.C.T. = DEED RECORDS, COLLIN COUNTY, TX
- INST. = INSTRUMENT
- IRF = IRON ROD FOUND
- IRS = IRON ROD SET
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING
- P.R.C.C.T. = PLAT RECORDS, COLLIN COUNTY, TX
- R.O.W. = RIGHT OF WAY
- SL. = SLIDE
- VOL. = VOLUME



LOT 2 BLOCK A

CONVEYANCE PLAT
LEGACY-CENTRAL ADDITION
INST. 20130628010002030
P.R.C.C.T.



(C.M.)
MONUMENT
DISC FOUND

P.O.C.

30' X 75'
RESTRICTIVE AREA
VOL. 3999, PG. 1399
D.R.C.C.T.

N 77°08'09" E 225.00'

LEGACY CENTRAL ADDITION
BLOCK A, LOT 1
CAB. K, SL. 338
P.R.C.C.T.

(110' R.O.W.)
LEGACY DRIVE

P.O.B.

SANITARY SEWER
EASEMENT
VOL. 3286, PG. 210
D.R.C.C.T.

1/2"
IRF
(C.M.)

D = 58°15'01"
R = 374.50'
A = 380.74'
CD = 364.55'
CD BRG = S 81°59'22" E

22,091 SQ. FT.
OR 0.507141 AC.

ELECTRIC & GAS
EASEMENT
VOL. 4738, PG. 1204
D.R.C.C.T.

N 68°53'08" E 54.49'
S 68°53'08" W 140.02'
1/2"
IRF
(C.M.)
1/2"
IRS

PROPOSED LAND ABANDONMENT

PART OF THE PUBLIC STREET RIGHT OF WAY
PER WAGNER WAY-CARPENTER ROAD-CHASE OAKS
BOULEVARD-STADIUM DRIVE ADDITION
RECORDED IN CAB. F, SL. 29
P.R.C.C.T.

CITY OF PLANO R.O.W.
PER STREET DEDICATION PLAT
CAB F, SL. 29
P.R.C.C.T.

D = 90°08'12"
R = 38.00'
A = 59.78'
CD = 53.80'
CD BRG = S 82°04'03" W

N 52°51'51" W 309.58'

S 36°59'57" W 185.68'

1/2"
IRS

1/2"
IRS

PAGE 2 OF 2

SCALE : 1" = 60'
DATE : 2/9/2016
CLIENT : M. SHEA
JOB NO. 2016-0008

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