



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:		5/10/2010		
Department:		Public Works & Engineering		
Department Head		Alan L. Upchurch		
Agenda Coordinator (include phone #): Irene Pegues (X-7152)				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving and granting an electric easement to Oncor Electric Service Company on City property, Fire Station #13, located on the west side of Corporate Drive, south of Legacy Drive, authorizing its execution by the City Manager or his authorized designee, and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	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 current fiscal impact.				
SUMMARY OF ITEM				
The proposed easement is to allow Oncor to extend underground electrical conduits that will provide electrical service to Fire Station #13 and the Pizza Hut headquarters site.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map		N/A		

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WHEREAS, the proposed electric easement is to allow for the extension of underground electrical service to serve Fire Station #13, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter the "Easement"); and,

WHEREAS, upon full review and consideration of the Easement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his authorized designee, shall be authorized to execute the Easement on behalf of the City of Plano;

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

Section I. The City Council hereby authorizes the granting of the Easement and determines that the Easement is acceptable and is hereby in all things approved.

Section II. The City Manager or his authorized designee, is hereby authorized to execute the Easement and all other documents in connection with said Easement on behalf of the City of Plano.

Section III. This Resolution shall become effective from and after its adoption.

DULY PASSED AND APPROVED this the 10th day of May, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

District: McKinney
WR #: 3010739
ER # _____

EASEMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

KNOW ALL MEN BY THESE PRESENTS:

That the **City of Plano, a home rule municipal corporation**, hereinafter called "Grantor", whether one or more, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration to Grantor in hand paid by **Oncor Electric Delivery Company LLC, a Delaware limited liability company**, 1601 Bryan Street, Dallas, Texas 75201, hereinafter referred to as "Grantee", has granted, sold and conveyed and by these presents does grant, sell and convey unto said Grantee, its successors and assigns, an easement and right-of-way for overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits, and all necessary or desirable appurtenances over, under, through, across, and upon Grantor's land described as follows:

SEE EXHIBIT "A" and EXHIBIT "B" (ATTACHED)

Together with the right of ingress and egress along and upon said easement and right-of-way and over and across Grantor's adjoining properties for the purpose of and with the right to construct, maintain, operate, repair, remove, replace, reconstruct, abandon in place, and to change the size and capacity of said facilities; the right to relocate, within the easement area, said facilities in the same relative direction of said facilities; the right to relocate said facilities in the same relative position to any adjacent road if and as such is widened in the future; the right to prevent excavation within the easement area; the right to prevent construction of, within the easement area, any and all buildings, structures or other obstructions which, may endanger or interfere with the efficiency, safety, and/or convenient operation of said facilities and their appurtenances and the right to trim or remove trees or shrubbery within, but not limited to, said easement area, including by use of herbicides or other similar chemicals approved by the U.S. Environmental Protection Agency, to the extent in the sole judgment of Grantee, as may be necessary to prevent possible interference with the operation of said facilities or to remove possible hazard thereto. Grantor shall not make changes in grade, elevation or contour of the land or impound water within the easement area as described above without prior written consent of Grantee, which consent shall not be unreasonably withheld, delayed or denied.

Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantee's use of such property, provided such use shall not, in the sole judgment of Grantee, interfere with the exercise by Grantee of the rights hereby granted.

TO HAVE AND TO HOLD the above described easement and right-of-way unto the said Grantee, its successors and assigns, until all of said electric lines and facilities shall be abandoned, and in that event said easement and right-of-way shall cease and all rights herein granted shall terminate and revert to Grantor or Grantor's heirs, successors or assigns, and legal representatives, to warrant and forever defend the above described easement and right-of-way unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this _____ day of _____, 2010

By: _____
Thomas H. Muehlenbeck, City Manager

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared Thomas H. Muehlenbeck, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of the City of Plano, as the City Manager thereof, for the purposes and consideration therein expressed, in the capacity therein stated and that he is authorized to do so.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____,
A.D. 2010.

Notary Public in and for the State of Texas

EXHIBIT "A" 15' EASEMENT

RIGHT-OF-WAY DEDICATION
PLAT
CORPORATE DRIVE
CITY OF PLANO
DOC. No. 2004-0011457
D.R.C.C.T.

COUNTRYWIDE ADDITION, PHASE 2
BLOCK 1, LOT 2
DOC. No. 20070822010002860
M.R.C.C.T.

12' FIRELANE ACCESS & UTIL.
ESMT. INSTR.#
20070822010002860
D.R.C.C.T.

POINT OF BEGINNING

0.026 ACRES ±
1,134.45 SQ. FT. ±

(STANDARD CITY OF PLANO CONC. MON.)
CORPORATE DRIVE
(CONCRETE PAVEMENT)
DOC. No. 2004-0011457
D.R.C.C.T.

S63°21'49"W-197.34'

S58°32'56"W
15.00'

R=892.50'
L=251.70'

1/2" IRF

1" IRF (C.M.)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	907.50'	76.26'	76.24'	N29°02'38"W	4°48'53"
C2	892.50'	75.00'	74.98'	S29°02'38"E	4°48'53"

**COLLIN COUNTY SCHOOL LAND SURVEY,
ABSTRACT NO. 150**

CITY OF PLANO
VOL. 5329, PAGE 617
M.R.C.C.T.
103,595 sq. ft.
2.378 acres

COUNTRYWIDE ADDITION,
PHASE 2
BLOCK 1, LOT 2
DOC. No. 20070822010002860
M.R.C.C.T.

N00°29'30"W-275.00'

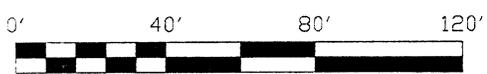
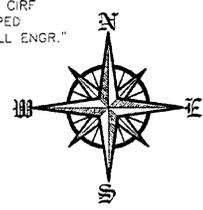
1" IRF
FENCE POST 1/2" CIRF STAMPED "ISBELL ENGR."
N89°30'30"E-610.55'
TO A 5/8" IRF, (CM)

BASIS OF BEARING SOUTH LINE OF 14 ACRE TRACT

S89°30'30"W - 480.00'
TO A 1/2" IRF

KERR MCCREE CORPORATION
C.C.C.F. NO. 98-0018282
D.R.C.C.T.

PROJECT: 17436/4200
DRAWN BY: HMB
CHECKED BY: MJK
DATE: APRIL 23, 2010



1 INCH = 40 FEET
WHEN PRINTED ON 8.5" X 14" PAPER



CHA, INCORPORATED
1405 W. CHAPMAN DR.
SANGER, TEXAS 76266
TX. REG. #101066-00

SHEET 1 OF 2
PHONE (940) 458-7503
FAX (940) 458-7417
EXP. DECEMBER 31, 2010

EXHIBIT "B" 15' EASEMENT

LEGAL DESCRIPTION

BEING a tract of land situated in the COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT No. 150, City of Plano, Collin County, Texas, and being a part of a 2.378 acre tract of land described in deed to the CITY OF PLANO, TEXAS, recorded in Volume 5329, Page 617, Deed Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the northeast corner of said 2.378 acre tract, same being the southeast corner of Lot 2, Block 1, Countrywide Addition, Phase 2, recorded in Document No. 20070822010002860, Map Records, Collin County, Texas, and being located along the southwest line of Corporate Drive, recorded in Document No. 20040011457, being in a curve to the left having a central angle of 04 degrees 48 minutes 53 seconds, a radius of 892.50 feet, and a chord bearing and distance of South 29 degrees 02 minutes 38 seconds East, a distance of 74.98 feet;

THENCE Southeasterly, along said right-of-way line and along said curve to the left, passing a Standard City of Plano Concrete Monument at 15.00 feet, and continuing an arc distance of 75.00 feet to a point;

THENCE South 58 degrees 32 minutes 56 seconds West, departing said right-of-way line, a distance of 15.00 feet to a point at the beginning of a curve to the right having a central angle of 04 degrees 48 minutes 53 seconds, a radius of 907.50 feet, and a chord bearing and distance of North 29 degrees 02 minutes 38 seconds West, a distance of 76.24 feet;

THENCE Northwesterly, along said curve to the right, an arc distance of 76.26 feet to a point lying in the south line of said Lot 2, Block 1, Countrywide Addition, Phase 2;

THENCE North 63 degrees 21 minutes 49 seconds East, with said line a distance of 15.00 feet to the POINT OF BEGINNING and containing 1,134.45 square feet or 0.026 acres of land, more or less.

Michael J. Kern 4158
MICHAEL J. KERN
Registered Professional Land Surveyor
Texas Registration No. 4158
April 27, 2010



PROJECT: 17438/4200
DRAWN BY: HMB
CHECKED BY: MJK
DATE: APRIL 23, 2010

CHA

CHA, INCORPORATED
1405 W. CHAPMAN DR.
SANGER, TEXAS 76266
TX. REG. #101066-00

SHEET 2 OF 2
PHONE (940) 458-7503
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EXP. DECEMBER 31, 2010