



**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:		05/13/13		
Department:		Engineering		
Department Head:		Gerald P. Cosgrove, P.E.		
Agenda Coordinator (include phone #): Kathleen Schonne (7198)				Project No. 5925
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, repealing and replacing Resolution No. 2013-4-1(R) approving the purchase of 6,755 sq. ft. of land for Street Right of Way located at the northwest corner of Preston Road and Spring Creek Parkway from Passco Waters Edge, LP., and authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	222,439	2,328,561	993,000	3,544,000
Encumbered/Expended Amount	-222,439	-168,183	0	-390,622
This Item	0	-72,231	0	-72,231
BALANCE	0	2,088,147	993,000	3,081,147
FUND(S): STREET IMPROVEMENT CIP				
<p>COMMENTS: Funds are included in the FY 2012-13 Street Improvement CIP. This item, in the amount of \$72,231 will leave a current year balance of \$2,088,147 for the Preston Road Corridor Improvements project. STRATEGIC PLAN GOAL: Acquiring right of way to improve traffic flow relates to the City's Goal of Great Neighborhoods – 1st Choice to Live.</p>				
SUMMARY OF ITEM				
<p>This purchase is for the acquisition of a 6,755 sq. ft. of land for Street Right of Way, located at the northwest corner of Preston Road and Tennyson Parkway. The City will pay \$72,231 for the Street Right of Way rather than the \$64,566 authorized by the previous Resolution which did not account for the total costs associated with the transaction.</p> <p>The tract is needed to construct a dedicated right turn lane for southbound Preston Road and staff recommends approval.</p>				
List of Supporting Documents: Resolution; Exhibit A			Other Departments, Boards, Commissions or Agencies N/A	

A Resolution of the City Council of the City of Plano, Texas, repealing and replacing Resolution No. 2013-4-1(R) approving the purchase of 6,755 sq. ft. of land for Street Right of Way located at the northwest corner of Preston Road and Spring Creek Parkway from Passco Waters Edge, LP., and authorizing the City Manager or his authorized designee to execute any necessary documents; and providing an effective date.

WHEREAS, the City of Plano (“City”) wants to acquire 6,755 sq. ft. of land for Street Right of Way, attached hereto as Exhibit “A” from Passco Waters Edge, LP., for the Preston Road Corridor intersection improvements project (the “Project”); and

WHEREAS, the City Council previously approved Resolution No. 2013-4-1(R) on April 8, 2013 authorizing the purchase of the Street Right of Way and it is necessary to repeal and replace said resolution to account for additional costs associated with the transaction; and

WHEREAS, the Engineering Department requests that City Council re-authorize the purchase of the Right of Way for the Project in the revised amount of SEVENTY-TWO THOUSAND TWO HUNDRED THIRTY-ONE DOLLARS (\$72,231) (the “Purchase Price”); and

WHEREAS, upon full review and consideration of the acquisition request, and all matters attendant and related thereto, the City Council finds that it is in the best interest of the City to approve the amount of the Purchase Price for the acquisition of the Street Right of Way for the Project.

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

Section I. Resolution No. 2013-4-1(R) approved by City Council on April 8, 2013 is hereby repealed and replaced with the herein resolution reflecting the revised Purchase Price.

Section II. The Purchase Price for the acquisition of the Street Right of Way by the City from Passco Waters Edge, LP, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City and its citizens, is hereby in all things approved.

Section III. The City Manager, or his authorized designee, is hereby authorized to execute all documents in connection therewith on behalf of the City to facilitate the purchase of the Street Right of Way.

Section IV. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 13th day of May, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A"

County: Collin
Highway: SH 289
STA. 1374+89.99 to 1378+94.32
R.O.W. CSJ: 0091-05-057

Page 1 of 3
December 22, 2011

Description for Parcel 4

BEING 6,755 square feet of land, more or less, in the Jesse Stiff Survey, Abstract No. 793, City of Plano, Collin County, Texas, and being a portion of Lot 2R, Block C of the Waters Edge Apartments, an addition to the City of Plano as recorded in Cabinet K, Page 639 of the Plat Records of Collin County, Texas, and being a portion of a tract of land as described in deed to Passco Waters Edge S, LP and Passco Waters Edge H, LP, as recorded in Instrument Number 20061003000142490, Official Property Records Collin County, Texas (O.P.R.C.C.T.), said 6,755 square feet of land being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found with cap stamped "BBW" at the most northerly northeast corner of said Lot 2R, said corner being on the southerly right-of-way line of Whitestone Lane, a 60.0 foot wide right-of-way (no deed of record found);

THENCE South 58 degrees 36 minutes 38 seconds East along the southwesterly right-of-way line of Whitestone Lane and the northeasterly line of said Lot 2R, a distance of 11.83 feet to a 5/8 inch iron rod with Texas Department of Transportation (TxDOT) 3-1/4 inch aluminum cap set on the new westerly right-of-way line of State Highway 289 (Preston Road) and being the POINT OF BEGINNING at Station 1374+89.99, 61.40 feet Right: and having a Texas State Plane Coordinate System, N.A.D.83, North Central Zone (4202), surface coordinate of North 7,073,276.3859, East 2,490,906.9502;

- 1) THENCE South 58 degrees 36 minutes 38 seconds East continuing along the southwesterly right-of-way line of Whitestone Lane and the northeasterly line of said Lot 2R, a distance of 2.35 feet to a City of Plano aluminum monument found at the most easterly corner of said Lot 2R, said corner being on the existing westerly right-of-way line of State Highway 289;
- 2) THENCE South 14 degrees 15 minutes 36 seconds East along the existing westerly right-of-way line of State Highway 289 and easterly line of said Lot 2R a distance of 86.28 feet to a point for corner, from which a 5/8 inch iron rod found bears North 49 degrees 09 minutes 45 seconds East a distance of 0.34 feet;
- 3) THENCE South 14 degrees 41 minutes 13 seconds East continuing along the existing westerly right-of-way line of State Highway 289 and easterly line of said Lot 2R a distance of 296.49 feet to the most easterly southeast corner of said Lot 2R, said corner being at the northeasterly end of a corner clip for Spring Creek Parkway right-of-way, a variable width right-of-way, as described in instrument to the City of Plano, as recorded in Instrument Number 92-0027646 (O.P.R.C.C.T.);
- 4) THENCE South 30 degrees 18 minutes 47 seconds West along the southeasterly line of said Lot 2R and the existing northwesterly right-of-way line of Spring Creek Parkway, a

EXHIBIT "A"

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Page 2 of 3
December 22, 2011

Description for Parcel 4

distance of 29.43 feet to a point for corner (unable to set in water) on the new westerly right-of-way line of State Highway 289;

- 5) THENCE departing the existing northwesterly right-of-way line of Spring Creek Parkway and the southeasterly line of said Lot 2R, North 14 degrees 41 minutes 35 seconds West along the new westerly right-of-way line of State Highway 289, a distance of 254.48 feet to a 5/8 inch iron rod with TxDOT 3-1/4 inch aluminum cap set;
- 6) THENCE North 07 degrees 11 minutes 18 seconds West continuing along the new westerly right-of-way line of State Highway 289, a distance of 152.09 feet to the POINT OF BEGINNING and containing 6,755 square feet (0.1551 acres) of land, more or less.

** The monument described and set in this call, if destroyed during construction, may be replaced with a TxDOT Type II Right of Way Marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

All bearings are based on the Texas State Plane Coordinate System, N.A.D. 83, North Central Zone. All coordinates shown are surface and may be converted to grid by dividing by the TxDOT conversion factor of 1.000152710.

For Huitt-Zollars, Inc

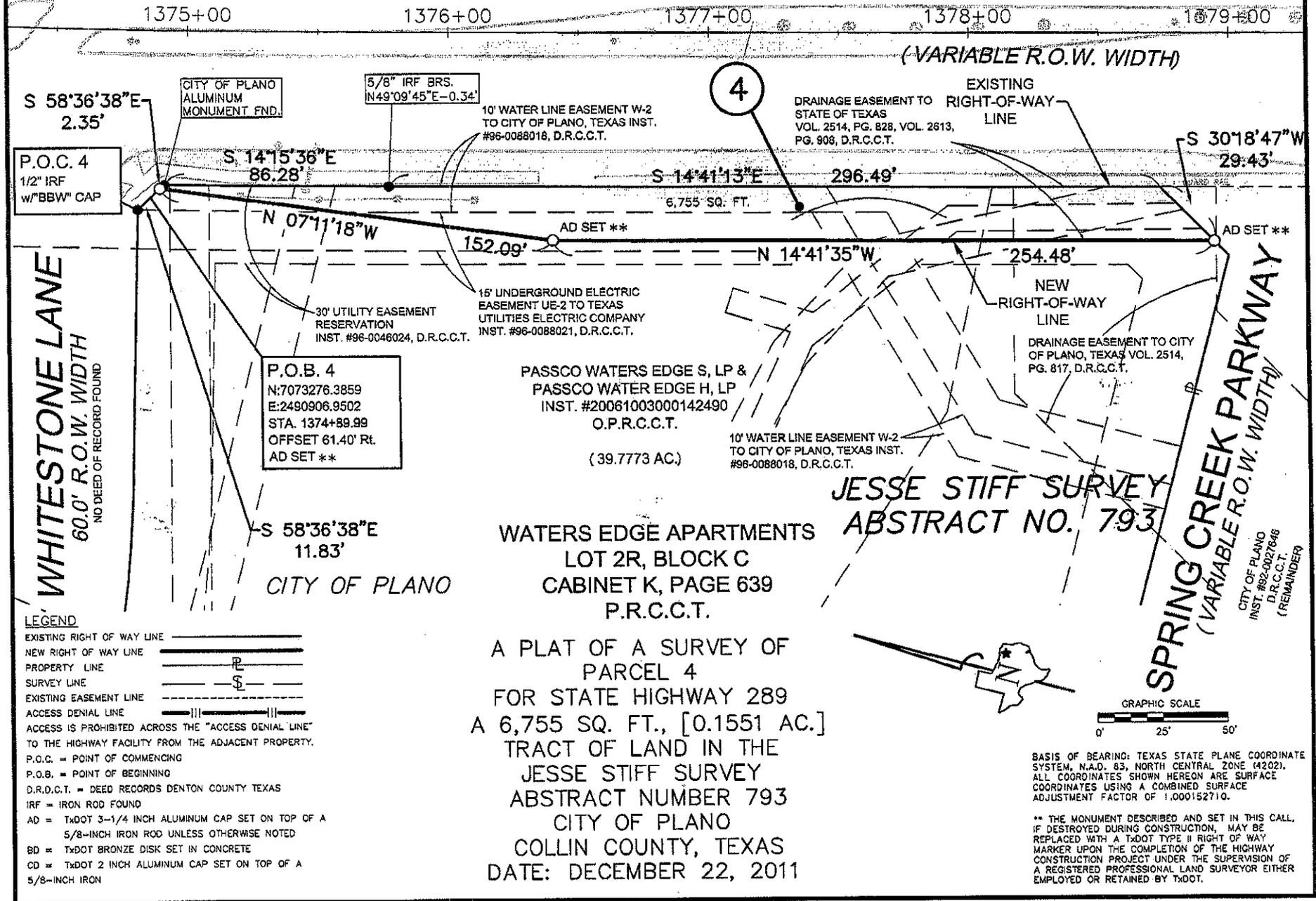

D. Rex Winchester

1-3-2012

Registered Professional Land Surveyor
Texas Registration No. 5191
Huitt-Zollars, Inc.
1717 McKinney Avenue
Suite 1400
Dallas, Texas 75202-1236
Ph. (214) 871-3311
Date: December 22, 2011



S.H. 289 (PRESTON RD.)



WHITESTONE LANE
 60.0' R.O.W. WIDTH
 NO DEED OF RECORD FOUND

SPRING CREEK PARKWAY
 (VARIABLE R.O.W. WIDTH)

4

P.O.C. 4
1/2" IRF
w/"BBW" CAP

P.O.B. 4
N:7073276.3859
E:2490906.9502
STA. 1374+89.99
OFFSET 61.40' Rt.
AD SET **

PASSCO WATERS EDGE S, LP &
PASSCO WATER EDGE H, LP
INST. #20061003000142490
O.P.R.C.C.T.
(39.7773 AC.)

WATERS EDGE APARTMENTS
LOT 2R, BLOCK C
CABINET K, PAGE 639
P.R.C.C.T.

A PLAT OF A SURVEY OF
PARCEL 4
FOR STATE HIGHWAY 289
A 6,755 SQ. FT., [0.1551 AC.]
TRACT OF LAND IN THE
JESSE STIFF SURVEY
ABSTRACT NUMBER 793
CITY OF PLANO
COLLIN COUNTY, TEXAS
DATE: DECEMBER 22, 2011

JESSE STIFF SURVEY
ABSTRACT NO. 793

CITY OF PLANO
 INST. #92-0027646
 D.R.C.C.T.
 (REMAINDER)

- LEGEND**
- EXISTING RIGHT OF WAY LINE
 - NEW RIGHT OF WAY LINE
 - PROPERTY LINE
 - SURVEY LINE
 - EXISTING EASEMENT LINE
 - ACCESS DENIAL LINE
- ACCESS IS PROHIBITED ACROSS THE "ACCESS DENIAL LINE" TO THE HIGHWAY FACILITY FROM THE ADJACENT PROPERTY.
- P.O.C. = POINT OF COMMENCING
 - P.O.B. = POINT OF BEGINNING
 - D.R.D.C.T. = DEED RECORDS DENTON COUNTY TEXAS
 - IRF = IRON ROD FOUND
 - AD = TxDOT 3-1/4 INCH ALUMINUM CAP SET ON TOP OF A 5/8-INCH IRON ROD UNLESS OTHERWISE NOTED
 - BD = TxDOT BRONZE DISK SET IN CONCRETE
 - CD = TxDOT 2 INCH ALUMINUM CAP SET ON TOP OF A 5/8-INCH IRON



BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, N.A.D. 83, NORTH CENTRAL ZONE (4202). ALL COORDINATES SHOWN HEREON ARE SURFACE COORDINATES USING A COMBINED SURFACE ADJUSTMENT FACTOR OF 1.000152710.

** THE MONUMENT DESCRIBED AND SET IN THIS CALL, IF DESTROYED DURING CONSTRUCTION, MAY BE REPLACED WITH A TxDOT TYPE II RIGHT OF WAY MARKER UPON THE COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR EITHER EMPLOYED OR RETAINED BY TxDOT.