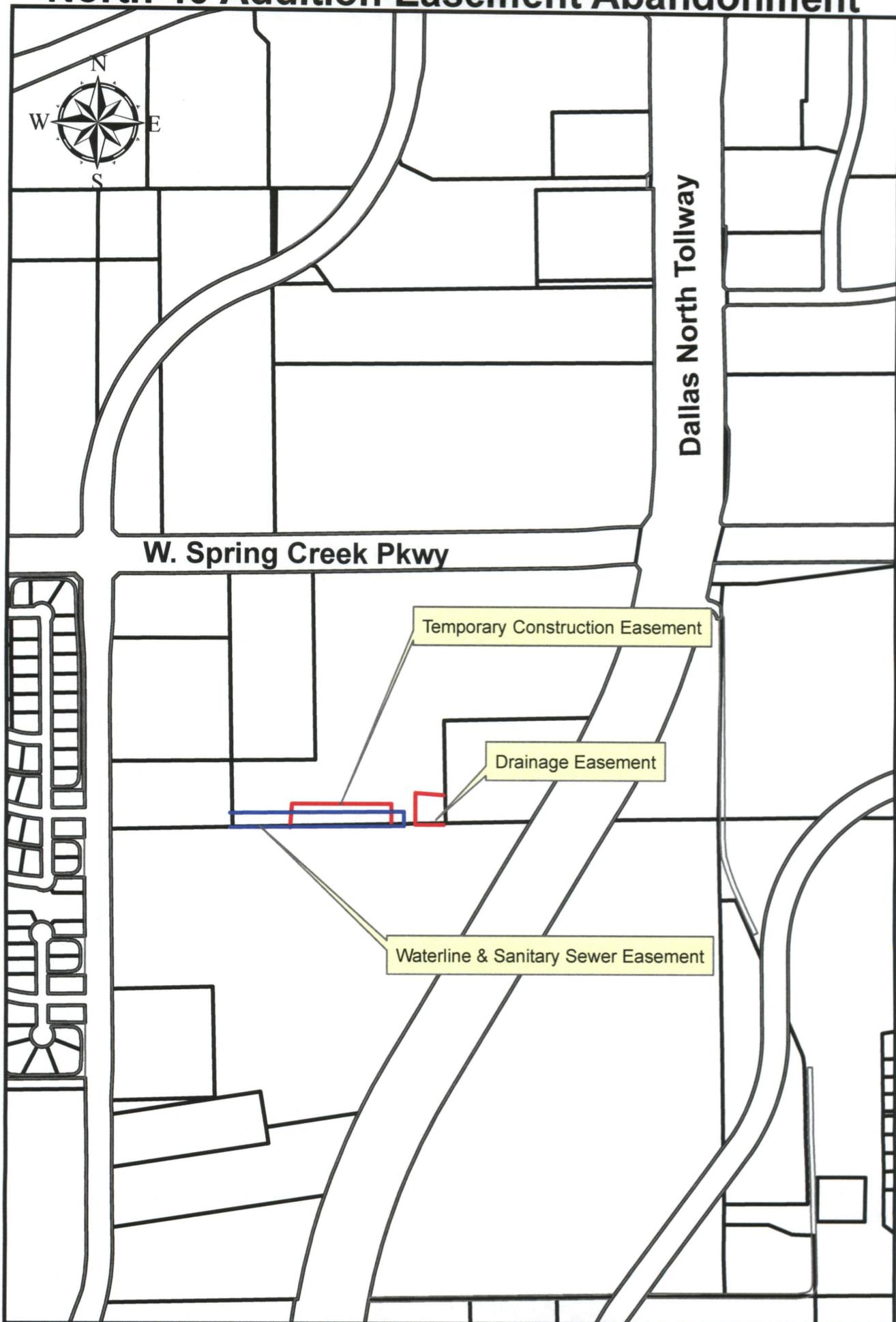




**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		5/13/13			
Department:	Engineering				
Department Head	Gerald Cosgrove				
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 25' x 25' Drainage Easement recorded in Volume 4551, Page 2929, a certain 25' x 450' Temporary Construction Easement recorded in Volume 4551, Page 2953, and a certain 25' wide Water Line and Sanitary Sewer Easement recorded in Volume 4551, Page 2921 of the Deed Records of Collin County, Texas and being situated in the H. B. Miller Survey, Abstract No. 614, which are 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, PARK PLACE LX LAND COMPANY NO. 1, 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:	2012-2013	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): GENERAL FUND					
COMMENTS: This item has no fiscal impact.					
STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to the easements relates to the City's Goal of Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
These easements were previously dedicated by separate instrument and are no longer needed or are covered by new easements that were dedicated by plat.					
List of Supporting Documents: Location Map Ordinance			Other Departments, Boards, Commissions or Agencies N/A		

North 40 Addition Easement Abandonment



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain 25' x 25' Drainage Easement recorded in Volume 4551, Page 2929, a certain 25' x 450' Temporary Construction Easement recorded in Volume 4551, Page 2953, and a certain 25' wide Water Line and Sanitary Sewer Easement recorded in Volume 4551, Page 2921 of the Deed Records of Collin County, Texas and being situated in the H. B. Miller Survey, Abstract No. 614, which are 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, PARK PLACE LX LAND COMPANY NO. 1, 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 and to that certain 25' x 25' Drainage Easement recorded in Volume 4551, Page 2929, a certain 25' x 450' Temporary Construction Easement recorded in Volume 4551, Page 2953, and a certain 25' wide Water Line and Sanitary Sewer Easement recorded in Volume 4551, Page 2921 of the Deed Records of Collin County, Texas (hereinafter called "Easements") being situated in the H. B. Miller Survey, Abstract No. 614, which are located within the city limits of Plano, Collin County, Texas, and which are more particularly described in Exhibits "A-1", "A-2" and "A-3", 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 Easements are abandoned and quitclaimed to the abutting Property Owner; and has advised that the Easements 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 Easements is hereby abandoned, and all right, title and interest of the City in and to the Easements 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 Easements 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 Easements. 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 Easements.

Section III. The City Council hereby finds and determines that the abandonment of the Easements 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 13th day of May, 2013.

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 "Owners"), being all of the owners of real property abutting a **25' x 25' Drainage Easement (Vol. 4551, Pg. 2929), a 25'x450' Temporary Drainage Easement (Vol. 4551, Pg. 2953) and a 25' Water Line Easement and Sanitary Sewer Easement (Vol. 4551, Pg. 2921)** (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibits "A-1", "A-2" and "A-3"** 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:
Easements are no longer necessary as other provisions for services have been constructed.
2. The following public interest will be served as a result of the abandonment:
Removal of unnecessary easements and City maintenance responsibilities.
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".~~ N/A
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:

NOT APPLICABLE – ALL EASEMENTS COMPLETELY CONTAINED WITH THE SAME OWNERSHIP

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*

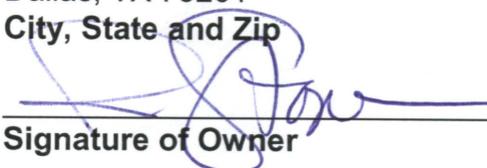
[Remainder of page blank]

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.

Park Place LX Land Co., No. 1, Ltd.
Typed Name of Owner

2100 McKinney Ave, Suite 1760
Address
Dallas, TX 75201
City, State and Zip

4/16/13
Dated: _____



Signature of Owner

Contact Person for Property Owners:

Name: Rick Stone

Phone No: 214.224.1970

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

**METES AND BOUNDS DESCRIPTION
0.014 ACRES**

BEING all that certain lot, tract, or parcel of land situated in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being part of Lot 1, Block 1, North 40 Dealership Addition, an addition to the City of Plano recorded in Cabinet 2012, Page 157, Plat Records, Collin County, Texas, the subject tract being a 25 foot by 25 foot drainage easement, recorded in Volume 4551, Page 2929, Deed Records, Collin County, Texas (DRCCT), and being more particularly described as follows:

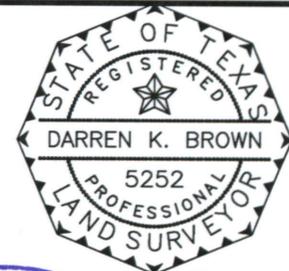
BEGINNING at a point on the southerly east line of said Lot 1 and the west line of that certain tract described in deed to Park Place LX Land Company, No. 1, Ltd., recorded in Document Number 20120604000658350 (DRCCT), from said point a 1/2" capped iron rod found labeled "WAI" for the common corner between said Lot 1 and said Park Place LX Land Company, No. 1 tract, and being on the north line of that certain tract described in deed to GCF Holdings, Ltd., recorded in Document No. 20121220001625930 (DRCCT), bears S 00°06'31" E, 25.00 feet;

THENCE S 89°44'21" W, 25.00 feet departing said line;

THENCE N 00°06'31" W, 25.00 feet;

THENCE N 89°44'21" E, 25.00 feet to the common line between said Lot 1 and said Park Place LX Land Company, No. 1 tract, from which a 1/2" iron rod found bears N 00°06'31" W, a distance of 389.53 feet;

THENCE S 00°06'31" E, 25.00 feet along the common line thereof to the POINT OF BEGINNING, and containing 625 square feet, or 0.014 acres of land.



D.K.B.
DARREN K. BROWN, R.P.L.S. 5252



765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121

EASEMENT ABANDONMENT

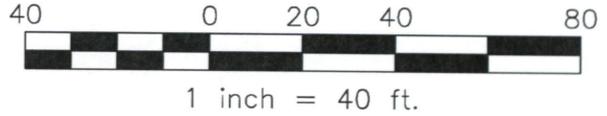
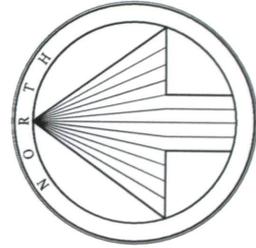
H.B. MILLER SURVEY, A-614

CITY OF PLANO

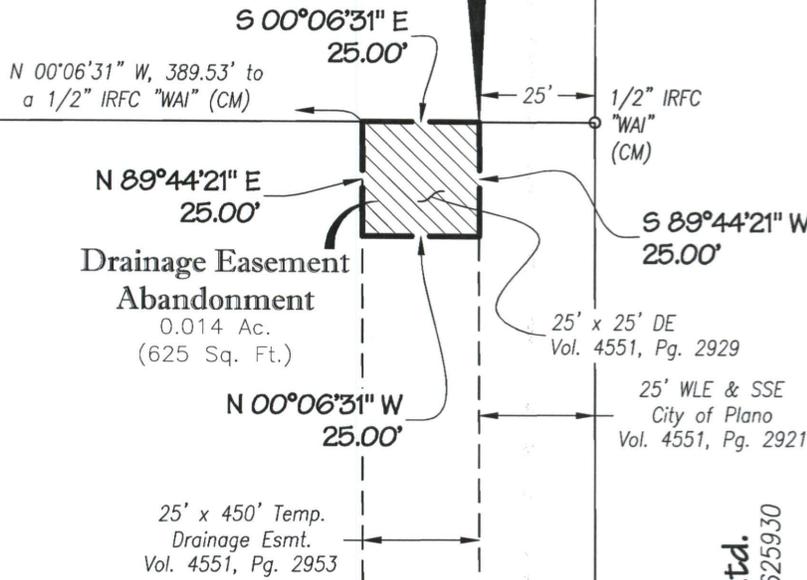
COLLIN COUNTY, TEXAS

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	---	3/18/13	12-046

Park Place LX Land Company, No. 1, Ltd.
 Doc. No. 20120604000658350



POINT OF BEGINNING



H. B. MILLER SUR.
 ABSTRACT NO. 614

Lot 1, Block 1
 NORTH 40
 DEALERSHIP ADDITION
 Cab. 2012, Pg. 157 PRCCT

GCF Holdings, Ltd.
 Doc. No. 20121220001625930

Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).

PAGE 2 OF 2



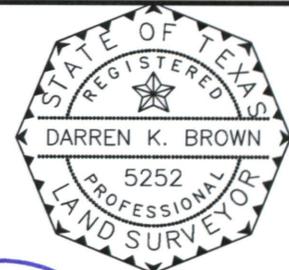
765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121

EASEMENT ABANDONMENT

H.B. MILLER SURVEY, A-614

CITY OF PLANO

COLLIN COUNTY, TEXAS



DKB
 DARREN K. BROWN, R.P.L.S. 5252

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 40'	3/18/13	12-046

**METES AND BOUNDS DESCRIPTION
0.258 ACRES**

BEING all that certain lot, tract, or parcel of land situated in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being part of Lot 1, Block 1, North 40 Dealership Addition, an addition to the City of Plano recorded in Cabinet 2012, Page 157, Plat Records, Collin County, Texas, the subject tract being all of a 25 foot by 450 foot temporary construction easement recorded in Volume 4551, Page 2953, Deed Records, Collin County, Texas (DRCCT), and being more particularly described as follows:

COMMENCING at a 1/2" iron rod with plastic cap stamped "WAI" found for the lower southeast corner of said Lot 1, and being the southwest corner of a tract conveyed to Park Place LX Land Company, No. 1, Ltd., recorded in Document No. 20120604000658350 (DRCCT), and being on the north line of a tract conveyed to GCF Holdings, Ltd., recorded in Document No. 20121220001625930 DRCCT;

THENCE N 00°06'31" W, 25.00 feet along the common line thereof to a point for corner, from said point a 1/2" iron rod with plastic cap stamped "WAI" found for the inset southeast corner of said Lot 1, and the northwest corner of said Park Place LX Land Company, No. 1 tract, bears N 00°06'31" W, 414.53 feet;

THENCE S 89°44'21" W, 25.00 feet to the POINT OF BEGINNING of the subject tract, a point for corner;

THENCE S 89°44'21" W, 450.00 feet to a point for corner;

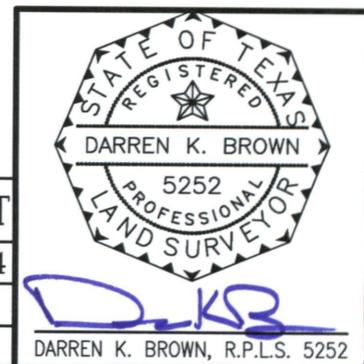
THENCE N 00°06'31" W, 25.00 feet to a point for corner;

THENCE N 89°44'21" E, 450.00 feet to a point for corner;

THENCE S 00°06'31", 25.00 feet to the POINT OF BEGINNING, and containing 11,250 square feet, or 0.258 acres of land.

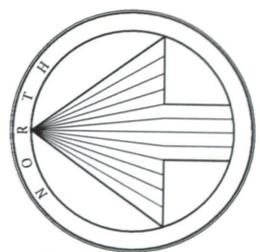
PAGE 1 OF 2

					EASEMENT ABANDONMENT				
					H.B. MILLER SURVEY, A-614				
765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121					CITY OF PLANO				
Drawn By:	Checked By:	Scale	Date	Job No.	COLLIN COUNTY, TEXAS				
ED	DKB	---	3/20/13	12-046					



Park Place LX Land Company, No. 1, Ltd.
Doc. No. 20120604000658350

POINT OF COMMENCING



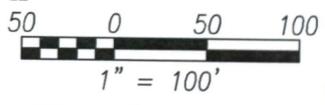
1/2" IRFC
"WAI" (CM)

N 00°06'31" W, 414.53'

S 00°06'31" E
25.00'

1/2" IRFC
"WAI" (CM)

Line Table		
Line #	Bearing	Distance
L1	N 00°06'31" W	25.00'
L2	S 89°44'21" W	25.00'



POINT OF BEGINNING

Temporary Construction Easement Abandonment
0.258 Ac.
(11,250 Sq. Ft.)

H. B. MILLER SUR.
ABSTRACT NO. 614

Lot 1, Block 1
NORTH 40
DEALERSHIP ADDITION
Cab. 2012, Pg. 157 PRCT

25' x 25' DE
Vol. 4551, Pg. 2929

N 89°44'21" E ~ 450.00'

S 89°44'21" W ~ 450.00'

25' x 450' Temp.
Drainage Esmt.
Vol. 4551, Pg. 2953

25' WLE & SSE
City of Plano
Vol. 4551, Pg. 2921

Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).

GCF Holdings, Ltd.
Doc. No. 20121220001625930

1/2" CIRS
"SPIARSENG"

N 00°06'31" W ~ 25.00'

PAGE 2 OF 2



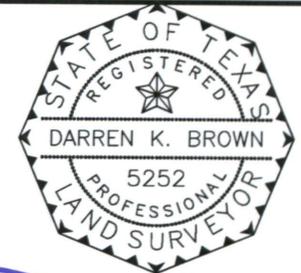
765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121

EASEMENT ABANDONMENT

H.B. MILLER SURVEY, A-614

CITY OF PLANO

COLLIN COUNTY, TEXAS



DKB
DARREN K. BROWN, R.P.L.S. 5252

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 100'	3/20/13	12-046

**METES AND BOUNDS DESCRIPTION
0.818 ACRES**

BEING all that certain lot, tract, or parcel of land situated in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being part of Lot 1, Block 1, North 40 Dealership Addition, recorded in Cabinet 2012, Page 157, Plat Records, Collin County, Texas (PRCCT), and part of Lot 3, Block 1, North 40 Dealership Addition, recorded in Cabinet 2012, Page 191 PRCCT, the subject tract being all of a 25 foot wide water line and sanitary sewer easement recorded in Volume 4551, Page 2921 of the Deed Records, Collin County, Texas (DRCCT), and being more particularly described as follows:

BEGINNING at a 1/2" capped iron rod found labeled "Wier" on the east line of Communications Parkway (a variable width public right-of-way) for the southwest corner of said Lot 3, said point being the southeast corner of that certain tract conveyed to the City of Plano for right-of-way, recorded in Document Number 20080506000547220 (DRCCT), and being the northwest corner of that certain tract described in deed to GCF Holdings, Ltd., recorded in Document No. 20121220001625930 (DRCCT);

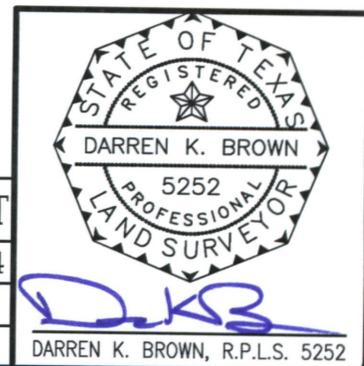
THENCE N 00°32'28" E, 25.00 feet along the common line between said Lot 3 and Communications Parkway;

THENCE N 89°44'21" E, 1425.40 feet departing said common line, passing the common line between said Lot 3 and said Lot 1, to a point on the west line of that certain tract described in deed to Park Place LX Land Company, No. 1, Ltd., recorded in Document Number 20120604000658350 (DRCCT);

THENCE S 00°06'31" E, 25.00 feet along the common line thereof, to a 1/2" capped iron rod found labeled "WAI" for the common corner between said Lot 1 and said Park Place LX Land Company, No. 1 tract, and being on the north line of said GCF Holdings tract;

THENCE S 89°44'21" W, 1425.68 feet along the common line between said Lot 1 and said GCF Holdings tract, passing the common corner between said Lot 1 and said Lot 3, continuing along the south line thereof to the POINT OF BEGINNING, and containing 35,638 square feet, or 0.818 acres of land.

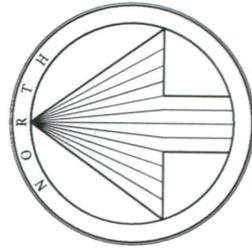
PAGE 1 OF 2



 <p>spiaars ENGINEERING</p> <p><small>765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121</small></p>					EASEMENT ABANDONMENT				
					H.B. MILLER SURVEY, A-614				
CITY OF PLANO					 DARREN K. BROWN, R.P.L.S. 5252				
COLLIN COUNTY, TEXAS									
Drawn By:	Checked By:	Scale	Date	Job No.					
ED	DKB	---	3/18/13	12-046					

Park Place LX Land Company, No. 1, Ltd.
Doc. No. 20120604000658350

S 00°06'31" E
25.00'



1/2" IRFC
"WAI"

25' X 25' DE
Vol. 4551, Pg. 2929

1/2" IRFC
"WAI"
(CM)



1 inch = 200 ft.

Lot 1, Block 1
NORTH 40
DEALERSHIP ADDITION
Cab. 2012, Pg. 157 PRCT

25' x 450' Temp.
Drainage Esmt.
Vol. 4551, Pg. 2953

H. B. MILLER SUR.
ABSTRACT NO. 614

GCF Holdings, Ltd.
Doc. No. 2012220001625930

Water Line Easement
& San. Sewer Easement
Abandonment
0.818 Ac.
(35,638 Sq. Ft.)

1/2" CIRS
"SPIARSENG"

N 89°44'21" E ~ 1425.40'
S 89°44'21" W ~ 1425.68'

524.93' to a 5/8" CIRF

1/2" IRF

1/2" CIRS
"SPIARSENG"

Lot 3, Block 1
NORTH 40 DEALERSHIP ADDITION
Cab. 2012, Pg. 191 PRCT

Lot 1, Block A
HAGGARD
STONEGATE ADDN.
Doc. No. 2010-79 PRCT

25' WLE & SSE
City of Plano
Vol. 4551, Pg. 2921

POINT OF
BEGINNING

Basis of bearing, horizontal
and vertical position
derived from the Texas
WDS RTK Network-Texas
State Plane Coordinate
System, NAD83, North
Central Zone (4202).

PAGE 2 OF 2

Conc.
Survey
Marker

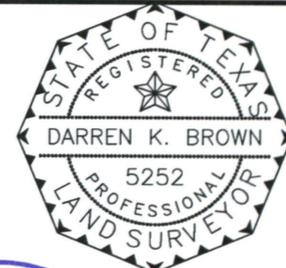
15' Oncon UE
Doc. No.
20091119001408650

1/2" IRFC
"Wier"
(CM)

N 00°32'28" E
25.00'

City of Plano
Doc. No. 20080506000547220

COMMUNICATIONS PKWY.



sp i a r s
ENGINEERING

765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121

EASEMENT ABANDONMENT

H.B. MILLER SURVEY, A-614

CITY OF PLANO

COLLIN COUNTY, TEXAS

Darren K. Brown, R.P.L.S. 5252

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 200'	3/18/13	12-046