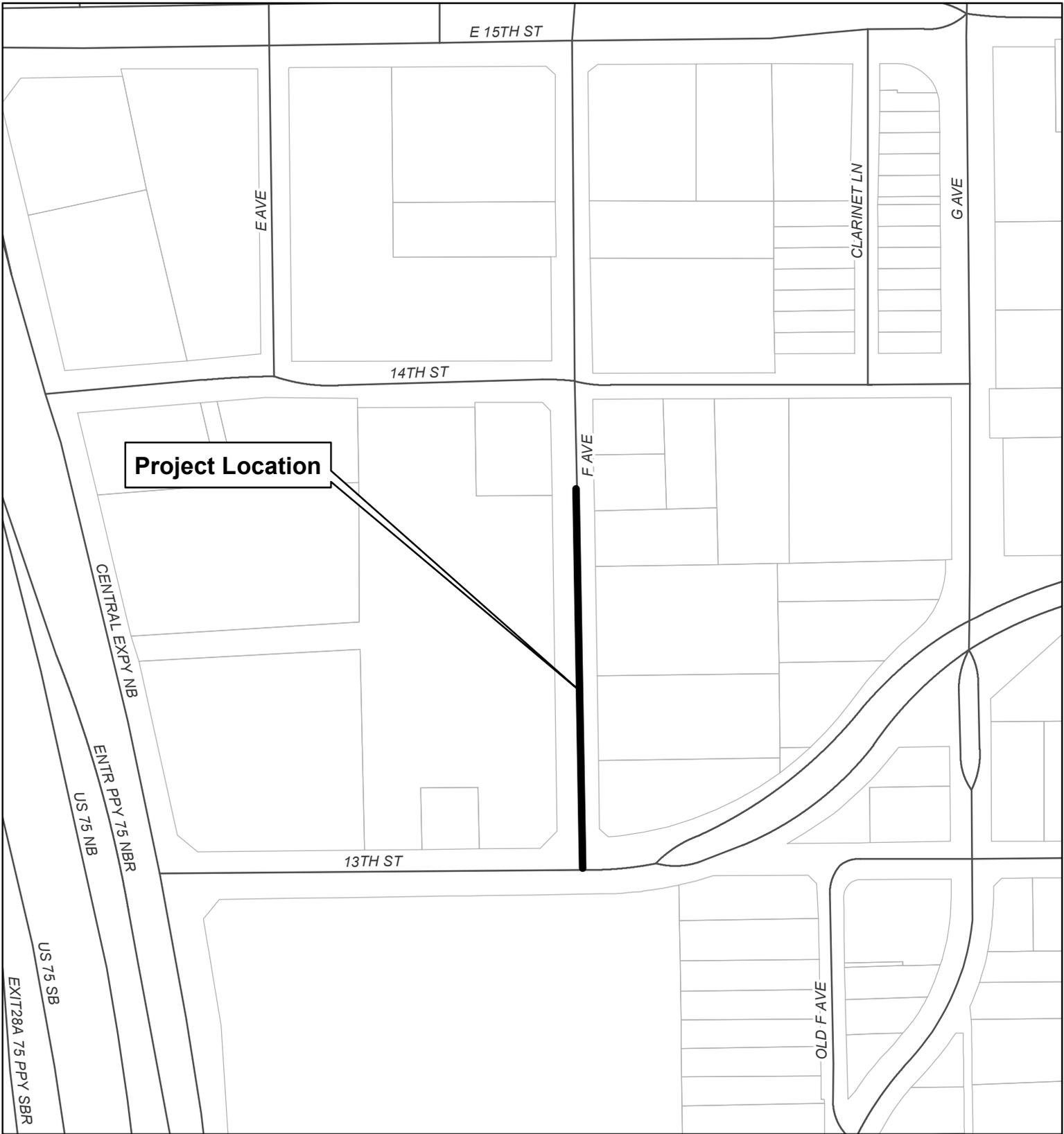




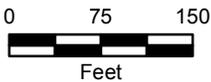
# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	6/13/2016			
Department:	Engineering			
Department Head	Caleb Thornhill			
Project	Artist Lofts #6714			
Agenda Coordinator (include phone #): <b>Kathleen Schonne X-7198</b>				
<b>CAPTION</b>				
<p>An Ordinance of the City of Plano, Texas, abandoning the roadway easement interest of the City, subject to retaining utility easements, in the road right-of-way known as F Avenue, being a 0.465 acre tract of land in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano as shown on Exhibit "A-1", which is believed to have been dedicated to the City of Plano in the plat of the original town; quitclaiming the City's roadway easement interest to the property owners, authorizing the City Manager, or his designee, to execute all documents necessary to convey the interest, and declaring an effective date.</p>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: <b>2015-16</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(S): N/A</b>				
<p><b>COMMENTS:</b> This item has no financial impact.          STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to the identified right-of-way to facilitate cohesive development relates to the City's Goals of a Financially Strong City with Service Excellence and Strong Local Economy.</p>				
<b>SUMMARY OF ITEM</b>				
<p>Property to be used to join together two tracts of land being developed as one project. With the abandonment of the right-of-way, the land can be utilized to bring a cohesive development to an underutilized area.</p> <p><a href="https://www.google.com/maps/place/14th+St,+Plano,+TX/@33.0178271,-96.7071857,18.92z/data=!4m5!3m4!1s0x864c196083e97939:0x45a18437f1028f2a!8m2!3d33.0146581!4d-96.6673991">https://www.google.com/maps/place/14th+St,+Plano,+TX/@33.0178271,-96.7071857,18.92z/data=!4m5!3m4!1s0x864c196083e97939:0x45a18437f1028f2a!8m2!3d33.0146581!4d-96.6673991</a></p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map Ordinance Petition for Abandonment			N/A	



**Project Location**

georgetau C:\Projects\Engineering\Locator\maps\2016\05-26-16\_Project 6714 Artist Lofts\Artist Lofts.mxd



City of Plano GIS Division  
May, 2016

# Artist Lofts Project # 6714

## Project Location



**An Ordinance of the City of Plano, Texas, abandoning the roadway easement interest of the City, subject to retaining utility easements, in the road right-of-way known as F Avenue, being a 0.465 acre tract of land in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano as shown on Exhibit "A-1", which is believed to have been dedicated to the City of Plano in the plat of the original town; quitclaiming the City's roadway easement interest to the property owners, authorizing the City Manager, or his designee, to execute all documents necessary to convey the interest, and declaring an effective date.**

**WHEREAS**, the City Council of the City of Plano has been requested to abandon a roadway easement interest in a portion of road right-of-way known as F Avenue, being a 0.465 acre tract of land in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, which is believed to have been dedicated to the City of Plano in the plat of the original town, subject to retaining utility easements (hereinafter called "Right-of-Way,") which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference; and

**WHEREAS**, the Property Owners have filed with the City Petition for Abandonment, a copy of which is attached hereto as Exhibit "A", which Petition provides that the Right-of-Way is no longer needed; and

**WHEREAS**, the Engineering Department has advised that there will be no detrimental effect on the City if the roadway easement interest is abandoned and quitclaimed to the abutting Property Owner, so long as utility easements are retained; and has advised that the Right-of-Way should be abandoned.

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

**SECTION I:** The roadway easement interest of the City of Plano, Texas, in and to the Right-of-Way is hereby abandoned, subject to retaining utility easements, and the roadway easement interest of the City in and to the Right-of-Way, subject to retaining utility easements, is hereby quitclaimed to the Property Owners. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim of the Right-of-Way subject to utilities 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 Right-of-Way. Any such utility to have the continued right to locate, maintain, repair, reconstruct, preserve, or relocate improvements, facilities, equipment or lines in such portion of the Right-of-Way.

**SECTION III:** The City Council hereby finds and determines that the abandonment of the Right-of-Way 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:** The City Manager, or his designee, is authorized to execute all documents as necessary on behalf of the City of Plano, substantially according to the terms and conditions set forth in this Ordinance.

**SECTION V:** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED** this the 13<sup>th</sup> day of June, 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 "F" AVENUE (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:

PROPERTY TO BE USED TO JOIN TOGETHER TWO TRACTS OF LAND BEING DEVELOPED AS ONE MULTIFAMILY PROJECT IN THE CITY OF PLANO

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

WITH THE ABANDONMENT OF THE R.O.W., THE LAND CAN BE UTILIZED TO BRING A COHESIVE DEVELOPMENT TO AN UNDERUTILIZED AREA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:  

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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.

Central and 14th Series,  
a series of Willow Group, LLC

**Typed Name of Owner**

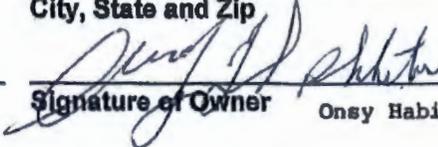
2600 Manana

**Address**

Dallas, TX 75220

**City, State and Zip**

Dated: 5/16/16

  
**Signature of Owner**

Onsy Habib-Shehata

**Contact Person for Property Owners:**

**Name:** Thurston Witt

**Phone No:** 214-252-1153

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.

Holy Temple Church of God in Christ

**Typed Name of Owner**

909 W. Spring Creek Pkwy., Suite 350

**Address**

Plano, TX 75023

**City, State and Zip**

Dated:

5-16-16

**Signature of Owner**

*Raymond Jones* For

Rev. Raymond Jones

**Contact Person for Property Owners:**

**Name:** Rick Fambro

**Phone No:** 972-985-0500

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.

The Rhonda Gibson Revocable Listing Trust

**Typed Name of Owner**

1498 CK 4430

**Address**

Whitewright, Tx 75491

**City, State and Zip**

**Dated:** 5-17-16

  
**Signature of Owner** Rhonda Gibson

**Contact Person for Property Owners:**

**Name:** Chet Wilke

**Phone No:** 972-618-1047

**ABANDONMENT OF  
A PORTION OF F AVENUE**

**Located in the  
Joseph Klepper Survey,  
Abstract No. 213  
City of Plano, Collin County, Texas**



**Coombs Land Surveying, Inc.**

P. O. Box 11370 Fort Worth, Texas 76110

(817) 920-7600 (817) 920-7617 FAX

T.B.P.L.S. FIRM No. 10111800

CLS JOB No. 16-0027

BASIS OF BEARINGS: WEST RIGHT-OF-WAY LINE  
OF F AVENUE AS SHOWN ON PLAT RECORDED IN  
CABINET K, PAGE 747, P.R.C.C.T.

**LEGAL DESCRIPTION**

BEING a portion of F Avenue (a called 50-foot wide right-of-way) located in the JOSEPH KLEPPER SURVEY, ABSTRACT No. 213, City of Plano, Collin County, Texas and more particularly described by metes and bounds as follows:

BEGINNING at a 1-inch iron rod found at the most Easterly Northeast corner of Lot 2R, Block 1, Millennium Addition to the City of Plano, Collin County, Texas according to the plat recorded in Cabinet K, Page 747 of the Plat Records of Collin County, Texas, being the Southeast corner of Lot 5R, Original Donation Block 28, an addition to the City of Plano, Collin County, Texas according to the plat recorded in Cabinet P, Page 738 of the Plat Records of Collin County, Texas and lying in the West right-of-way line of said F Avenue;

THENCE S 89° 53' 48" E, 47.39 feet to a 1/2-inch iron rod set with orange plastic cap stamped "R. W. COOMBS RPLS 5294" in the East right-of-way line of said F Avenue lying in the West boundary line of that certain tract of land described in deed to The Rhonda Gibson Revocable Living Trust recorded in Clerk's File No. 20150625000768140 of the Deed Records of Collin County, Texas;

THENCE along the East right-of-way line of said F Avenue as follows:

S 00° 55' 03" E, at 18.03 feet passing a 1/2-inch iron rod found at the Southwest corner of said Gibson Tract being the Northwest corner of that certain tract of land described in deed to Rhonda Gibson, Trustee of the Rhonda Gibson Revocable Living Trust dated July 17, 2008 recorded in Clerk's File No. 20081118001340140 of the Deed Records of Collin County, Texas and continuing in all a total distance of 84.44 feet to a 5/8-inch iron rod found at the Northwest corner of that certain tract of land described in deed to Raymond Jones, Melinda D. High, Dora Denson and Melanie High, as Trustees of Holy Temple Church of God in Christ recorded in Volume 4169, Page 2737 of the Deed Records of Collin County, Texas;

S 00° 46' 47" E, 310.43 feet to a 1-inch iron rod found;

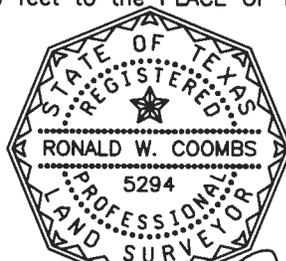
S 46° 55' 37" E, 14.09 feet to a 1-inch iron rod found at the most Southerly Southwest corner of said Church Tract lying in the North right-of-way line of 13Th Street (a variable width right-of-way);

THENCE S 80° 41' 11" W, 81.23 feet to a 1-inch iron rod found at the most Southerly Southwest corner of aforesaid Lot 2R lying in the West right-of-way line of aforesaid F Avenue;

THENCE along the East boundary line of said Lot 2R with the said West right-of-way line of F Avenue as follows:

N 44° 33' 19" E, 28.34 feet to a 1-inch iron rod found;

N 00° 25' 52" W, 397.50 feet to the PLACE OF BEGINNING, containing 0.465 acre (20,251 square feet) of land.



*Ronald W. Coombs*

# ABANDONMENT OF A PORTION OF F AVENUE

Located in the  
**Joseph Klepper Survey,  
Abstract No. 213  
City of Plano, Collin County, Texas**

**14TH STREET**

## Coombs Land Surveying, Inc.

P. O. Box 11370 Fort Worth, Texas 76110

(817) 920-7600 (817) 920-7617 FAX

T.B.P.L.S. FIRM No. 10111800

CLS JOB No. 16-0027

TEXAS STATE AFFORDABLE HOUSING CORPORATION  
CC# 20120604000659050  
D.R.C.C.T.

BASIS OF BEARINGS: WEST RIGHT-OF-WAY LINE OF F AVENUE AS SHOWN ON PLAT RECORDED IN CABINET K, PAGE 747, P.R.C.C.T.

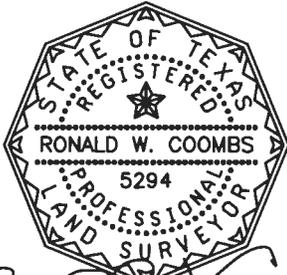
IRF DENOTES IRON ROD FOUND  
IRS DENOTES IRON ROD SET  
W/ORANGE PLASTIC CAP STAMPED  
"R. W. COOMBS RPLS 5294"  
C.M. DENOTES CONTROLLING MONUMENT

**S 89°53'48" E  
47.39'**

**PLACE OF BEGINNING**

**ABANDONMENT AREA  
0.465 Ac.  
(20,251 S.F.)**

LOT 2R, BLOCK 1  
MILLENNIUM ADDITION  
CAB. K, PG. 747  
P.R.C.C.T.



*Ronald W. Coombs*

**N 00°25'52" W 397.50'**

**F AVENUE**  
ASPHALT PAVEMENT  
CALLED 50' R.O.W.

**S 00°46'47" E 310.43'**

**S 00°55'03" E  
84.44'**

J. F. KENDRICKS 1ST ADDITION  
VOL. 23, PG. 494  
P.R.C.C.T.

RAYMOND JONES, MELINDA D. HIGH,  
DORA DENSON & MELANIE HIGH AS TRUSTEES OF  
HOLY TEMPLE CHURCH OF GOD IN CHRIST  
VOL. 4169, PG. 2737  
D.R.C.C.T.

THE RHONDA GIBSON REVOCABLE LIVING TRUST  
CC# 20150625000768140  
D.R.C.C.T.

RHONDA GIBSON, TRUSTEE  
OF THE RHONDA GIBSON  
REVOCABLE LIVING TRUST  
DATED JULY 17, 2008  
CC# 20081118001340140  
D.R.C.C.T.

**N 44°33'19" E  
28.34'**

**S 46°55'37" E  
14.09'**

**S 80°41'11" W**

**13TH STREET 81.23'**  
VARIABLE WIDTH R.O.W.

SCALE: 1" = 60'