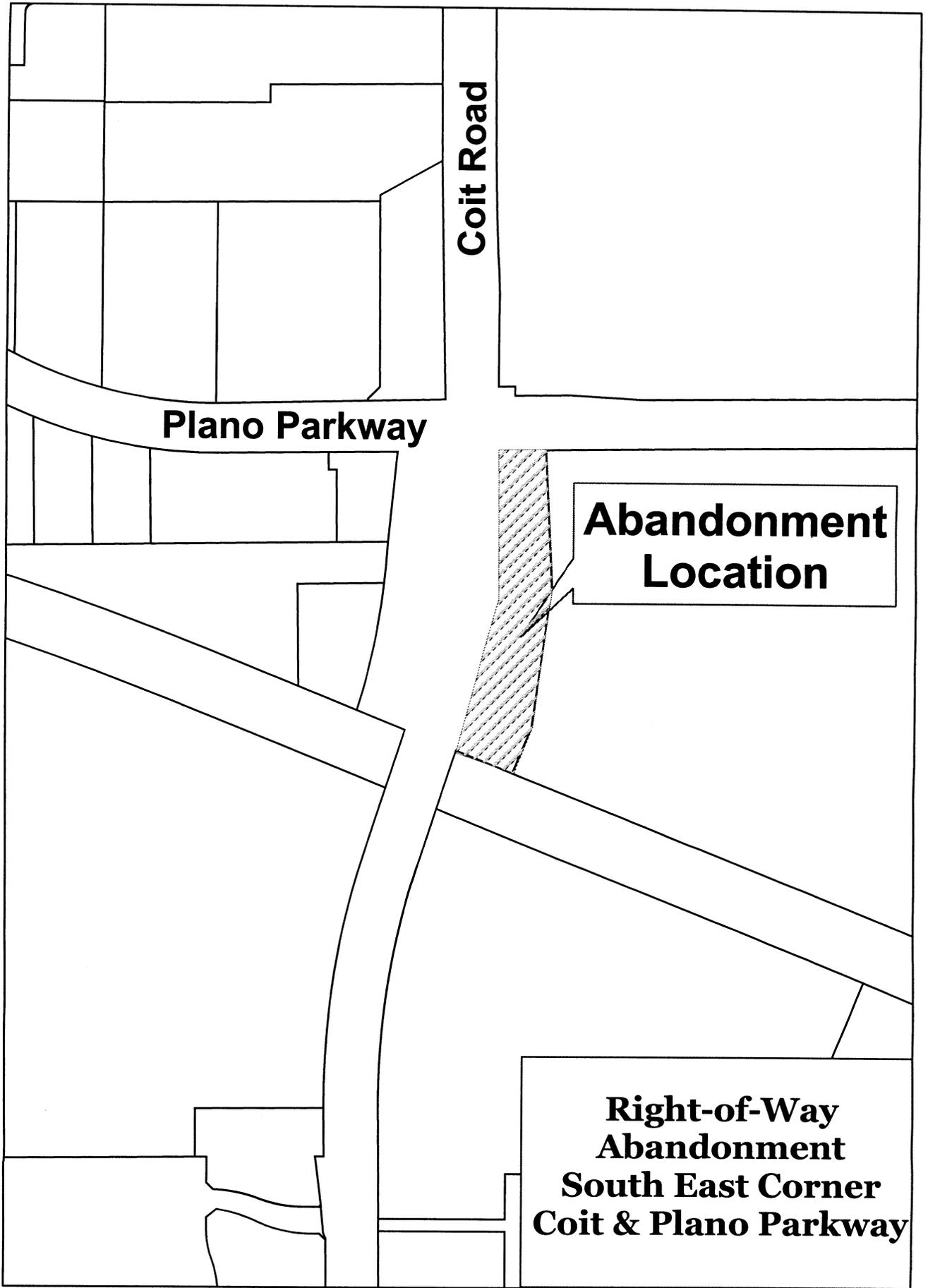




CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		6/14/10		
Department:		Public Works & Engineering		
Department Head		Alan L. Upchurch		
Agenda Coordinator (include phone #): Irene Pegues (X-7152)				
CAPTION				
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of that certain variable width Right-of-Way at the southeast corner of Coit Road and Plano Parkway, being situated in the Martha McBride Survey, Abstract No. 553, which is located within the City limits of Plano, Collin County, Texas; also being a 2.47 acre tract of land dedicated for Right-of-Way as recorded in Cabinet C, Page 697 in the Land Records of Collin County, Texas, quitclaiming all right, title and interest of the City in such Right-of-Way to the abutting property owner, The Dallas Morning News, Inc., to the extent of its interest; authorizing its execution by the City Manager or his authorized designee, and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2009-10	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 AND GENERAL OBLIGATION DEBT FUND				
<p>COMMENTS: This item will add 2.47 acres of land back on the tax rolls and subsequently, increase property tax receipts. The specific revenue increase associated with this property is undeterminable at this time.</p> <p>STRATEGIC PLAN GOAL: Right-of-Way adjustments relate to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.</p>				
SUMMARY OF ITEM				
<p>The Public Works & Engineering Department has determined that this parcel is no longer needed for a grade separated intersection; therefore there will be no detrimental effect on the City if the Right-of-Way is abandoned and quitclaimed to the abutting Property Owner.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map			N/A	



Coit Road

Plano Parkway

**Abandonment
Location**

**Right-of-Way
Abandonment
South East Corner
Coit & Plano Parkway**

An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of that certain variable width Right-of-Way at the southeast corner of Coit Road and Plano Parkway, being situated in the Martha McBride Survey, Abstract No. 553, which is located within the City limits of Plano, Collin County, Texas; also being a 2.47 acre tract of land dedicated for Right-of-Way as recorded in Cabinet C, Page 697 in the Land Records of Collin County, Texas, quitclaiming all right, title and interest of the City in such Right-of-Way to the abutting property owner, The Dallas Morning News, Inc., to the extent of its interest; authorizing its execution by the City Manager or his authorized designee, 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 a portion of that variable width Right-of-Way at the southeast corner of Coit Road and Plano Parkway, (hereinafter called "Right-of-Way") being situated in the Martha McBride Survey, Abstract No. 553, which is located within the City Limits of Plano, Collin County, Texas, also being a 2.47 acre tract of land dedicated for Right-of-Way as recorded in Cabinet C, Page 697 in the Land Records of 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 "B" (with attached Exhibit) and made a part hereof by reference; and

WHEREAS, the Public Works & Engineering Department has determined that there will be no detrimental effect on the City if the Right-of-Way is abandoned and quitclaimed to the abutting Property Owner; and has advised that the Right-of-Way 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 a portion of the Right-of-Way is hereby abandoned, and all right, title and interest of the City in and to a portion of the Right-of-Way 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 in his absence, 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 a portion of the Right-of-Way 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 shall 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 a portion 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. This Ordinance shall become effective immediately upon its passage as set forth below.

DULY PASSED AND APPROVED this the 14th day of June, 2010.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "A-1"

Being a 2.47 acre tract of land situated in the Martha McBride Survey, Abstract No. 553, City of Plano, Collin County, Texas, and being all that certain called 2.47 acre tract of land previously dedicated to the City of Plano for right-of-way by The Dallas Morning News North Plant, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet C, Page 697, of the Plat Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found for the northwest corner of Lot 1R, Block A, of Replat of The Dallas Morning News North Plant, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet J, Page 975, of said Plat Records, same being the northeast corner of said called 2.47 acre tract, same being the southeast intersection of the south right-of-way line of Plano Parkway (a 120' right-of-way) with the current east right-of-way line of Coit Road (a variable width right-of-way);

THENCE South 02 deg. 18 min. 15 sec. East, along the common line of said Lot 1R, said called 2.47 acre tract, and along the current east right-of-way line of said Coit Road, a distance of 337.44 feet to a 5/8 inch iron found for corner, said point being an angle point in the west line of said Lot 1R;

THENCE South 08 deg. 14 min. 30 sec. West, continuing along the common line of said Lot 1R, said called 2.47 acre tract, and along the current east right-of-way line of said Coit Road, a distance of 342.00 feet to a 5/8 inch iron rod found for corner, said point being an angle point in the west line of said Lot 1R;

THENCE South 23 deg. 18 min. 10 sec. West, continuing along the common line of said Lot 1R, said called 2.47 acre tract, and along the current east right-of-way line of said Coit Road, a distance 117.69 feet to a 5/8 inch iron rod found for the southwest corner of said Lot 1R, same being the southeast corner of said called 2.47 acre tract, same being the north right-of-way line of Gulf Colorado and Santa Fe Railroad (a 150' right-of-way);

THENCE North 67 deg. 34 min. 50 sec. West, along the common line of said called 2.47 acre tract, and the north right-of-way line of said Gulf Colorado and Santa Fe Railroad, a distance of 147.05 feet to a point for corner in the current right-of-way of said Coit Road, same being the beginning of a non-tangent curve to the left having a radius of 1974.86 feet, and a delta angle of 18 deg. 15 min. 22 sec.;

THENCE along the west line of said called 2.47 acre tract, and through the interior of the current right-of-way of Coit Road, and along said curve to the left, an arc distance of 629.24 feet, and a chord bearing and distance of North 09 deg. 00 min. 51 sec. East, 626.59 feet to a point for corner;

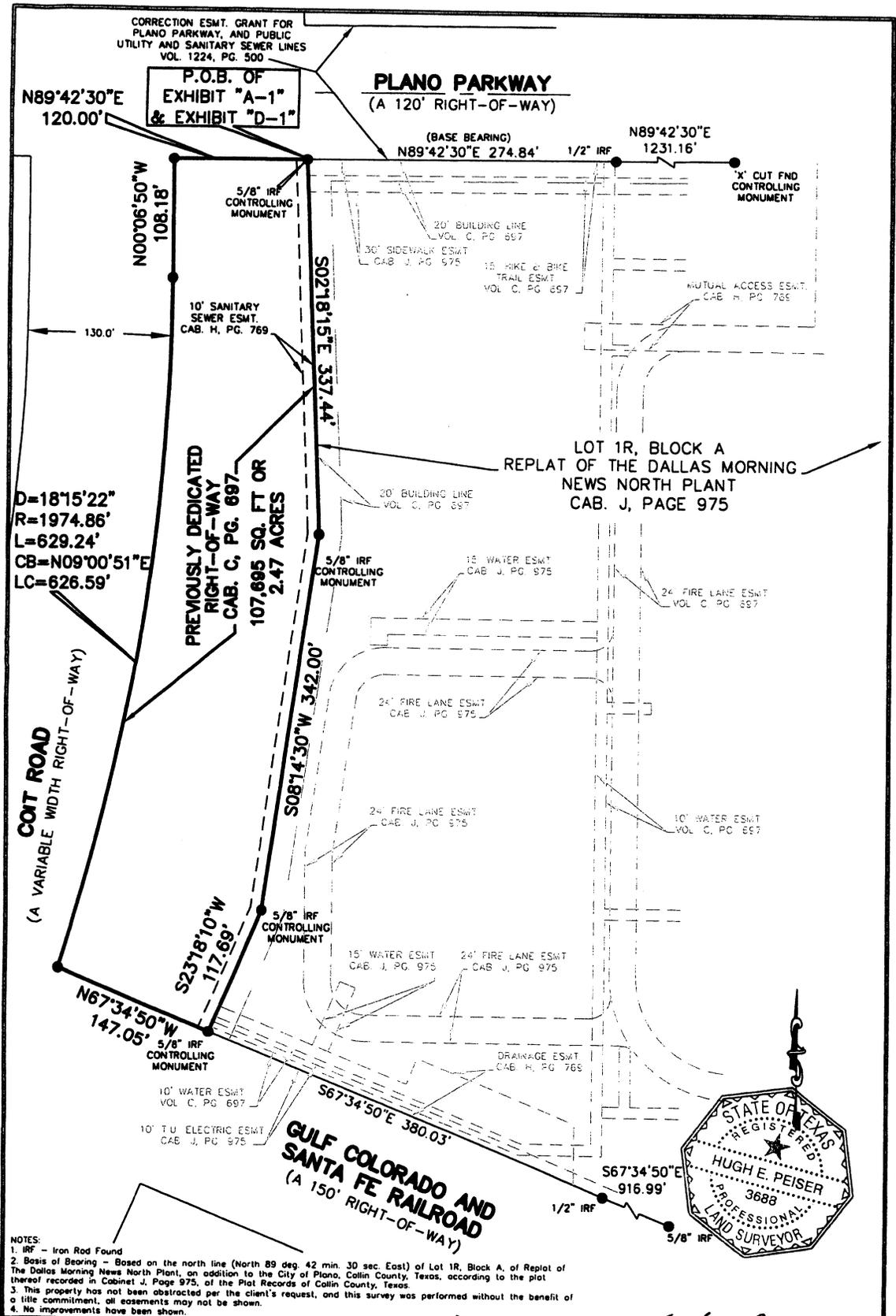
THENCE North 00 deg. 06 min. 50 sec. West, continuing along the west line of said called 2.47 acre tract, and through the interior of the current right-of-way of Coit Road, a distance of 108.18 feet to a point for corner, said point being the northwest corner of the herein described tract;

THENCE North 89 deg. 42 min. 30 sec. East, along the north line of said called 2.47 acre tract, and through the interior of the current right-of-way of Coit Road, a distance of 120.00 feet to the POINT OF BEGINNING and containing 107,695 square feet or 2.47 acres of computed land.



HUGH E. PEISER
PEISER SURVEYING CO.
623 E. DALLAS ROAD
GRAPEVINE, TX 76051
P-4561EX_A-1
05/21/2010

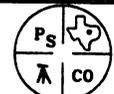




NOTES:
 1. IRF - Iron Rod Found
 2. Basis of Bearing - Based on the north line (North 89 deg. 42 min. 30 sec. East) of Lot 1R, Block A, of Replot of The Dallas Morning News North Plant, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet J, Page 975, of the Plat Records of Collin County, Texas.
 3. This property has not been obstructed per the client's request, and this survey was performed without the benefit of a title commitment, all easements may not be shown.
 4. No improvements have been shown.

JOB NO. P-4561EX_C-1	PEISER SURVEYING CO. www.peisersurveying.com
DATE: 05/20/2010	
SCALE: 1" = 100'	623 E. DALLAS ROAD GRAPEVINE, TEXAS 76031 817-481-1806 (O) 817-481-1809 (F)
DRAWN BY: T.R.M.	

Hugh E. Peiser
HUGH E. PEISER
 Registered Professional Land Surveyor No. 3688



COMMERCIAL BOUNDARIES
 RESIDENTIAL BOUNDARIES
 TOPOGRAPHY
 MORTGAGE

EXHIBIT "B"

PETITION FOR ABANDONMENT

[For Right-of-Way Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **COIT ROAD AT THE SE CORNER OF COIT AND PLANO PARKWAY** (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:

IT HAS BEEN DETERMINED BY THE CITY THAT THIS PARCEL IS NO LONGER NEEDED FOR A GRADE SEPARATED INTERSECTION.

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

THE PROPERTY WILL BE PUT ON THE TAX ROLLS AND SUBSEQUENTLY DEVELOPED, WHICH WILL INCREASE TAX RECEIPTS.

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-1"**. *(Not required)*
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.

EXHIBIT "B"

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% DALLAS MORNING NEWS

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-1"**. *(Not required)*
9. Owners shall also prepare a separate field note description for each portion of the Right-of-Way to be quitclaimed to each abutting property owner. This description shall be attached hereto and incorporated herein as **Exhibit "D-1"**. *(Not required)*

EXHIBIT "B"

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 Dallas Morning News, Inc.

Typed Name of Owner

508 Young Street

Address

Dallas, Texas 75202

City, State and Zip

Dated: 5/27/10

Signature of Owner

DAN BLIZZARD, EVP & SECRETARY

Typed Name of Owner

Address

City, State and Zip

Dated: _____

Signature of Owner

Contact Person for Property Owners:

Name: Todd Awe

Phone No: 214 747-0350

EXHIBIT "A-1"

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THENCE South 02 deg. 18 min. 15 sec. East, along the common line of said Lot 1R, said called 2.47 acre tract, and along the current east right-of-way line of said Coit Road, a distance of 337.44 feet to a 5/8 inch iron found for corner, said point being an angle point in the west line of said Lot 1R;

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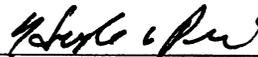
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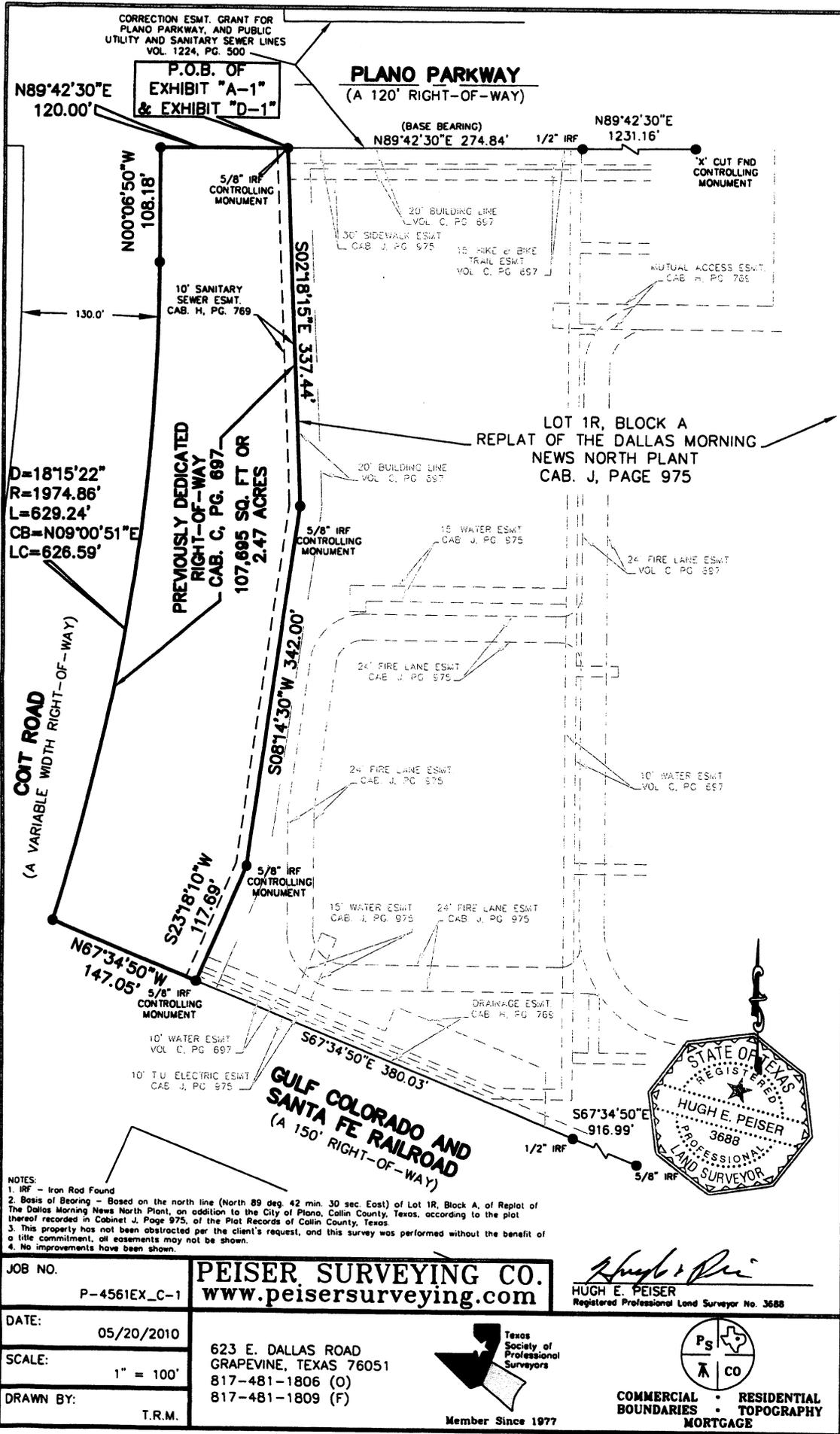
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PEISER SURVEYING CO.
623 E. DALLAS ROAD
GRAPEVINE, TX 76051
P-4561EX_A-1
05/21/2010





JOB NO. P-4561EX_C-1

DATE: 05/20/2010

SCALE: 1" = 100'

DRAWN BY: T.R.M.

PEISER SURVEYING CO.
www.peisersurveying.com

Hugh E. Peiser
HUGH E. PEISER
 Registered Professional Land Surveyor No. 3688

623 E. DALLAS ROAD
 GRAPEVINE, TEXAS 76031
 817-481-1806 (O)
 817-481-1809 (F)



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