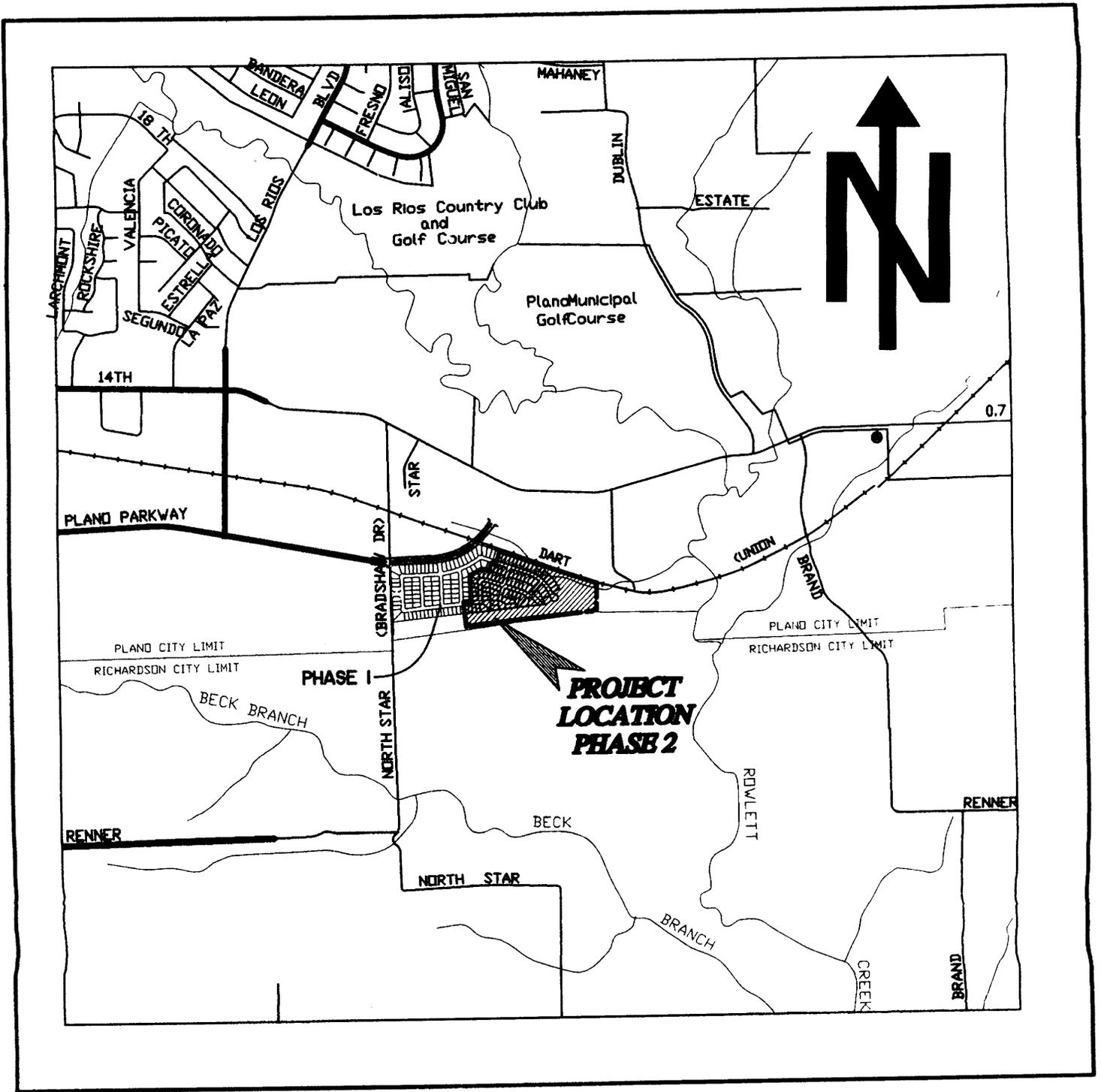




CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	6/23/14			
Department:	Engineering			
Department Head	Jack Carr			
Project	Parkway Heights, Phase 2 – Project #6049-1			
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 a portion of that certain 15-foot Water Line Easement within Parkway Heights, Phase 2, recorded in Volume 4746, Page 481, of the Deed Records of Collin County, Texas and being situated in the M. R. Foster Survey, Abstract No. 332, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, GSW Land Investors, 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: 2013-14	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: COMMENTS: This item has no financial impact.				
STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to this easement relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
<p>The 12" water line has been removed from private property and placed within the public right-of-way of Mulholland Drive within Parkway Heights Phase 2.</p> <p>https://maps.google.com/maps?q=Mulholland+Dr,+Plano,+TX&hl=en&ll=33.006783,-96.644669&spn=0.00458,0.006856&sl=33.061262,-96.736625&sspn=0.146457,0.219383&oq=mulholla&t=m&hnear=Mulholland+Dr,+Plano,+Texas+75074&z=17</p>				
List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies			
Location Map	N/A			
Ordinance				
Petition for Abandonment				



VICINITY MAP
N.T.S.

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 15-foot Water Line Easement within Parkway Heights, Phase 2, recorded in Volume 4746, Page 481, of the Deed Records of Collin County, Texas and being situated in the M. R. Foster Survey, Abstract No. 332, which is located within the city limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, GSW Land Investors, 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 a portion of that certain 15-foot Water Line Easement, recorded in Volume 4746, Page 481, of the Deed Records of Collin County, Texas (hereinafter called "Easement") being situated in the M. R. Foster Survey, Abstract No. 332, which is located within the city limits of Plano, 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" 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 Easement is abandoned and quitclaimed to the abutting Property Owner; and has advised that the Easement 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 Easement is hereby abandoned, and all right, title and interest of the City in and to the Easement 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 Easement 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 Easement. 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 Easement.

Section III. The City Council hereby finds and determines that the abandonment of the Easement 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.

DULY PASSED AND APPROVED this the 23rd day of June, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "B"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **City of Plano 15' Water Line Easement, Vol. 4746, Pg. 481 D.R.C.C.T.** (hereinafter called "Easement"), 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 Easement.

1. The Owners are requesting the abandonment of the Easement for the following reasons:
The 12" water line within this easement has been relocated to Mulholland Drive in Parkway Heights, Phase 2.

2. The following public interest will be served as a result of the abandonment:
The 12" water line has been removed from private property and placed within the public right-of-way of Mulholland Drive within Parkway Heights, Phase 2.

- ~~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:

807.50 LINEAR FEET

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]

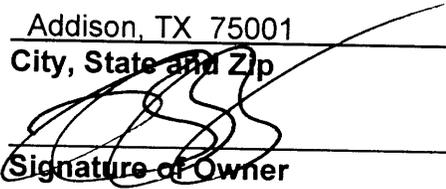
10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

GSW Land Investors
Typed Name of Owner

15455 Dallas Parkway Suite 1000
Address

Addison, TX 75001
City, State and Zip

Dated: 5/28/14


Signature of Owner

Contact Person for Property Owners:
Name: Beau Brooks
Phone No: (972) 387-6054

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.

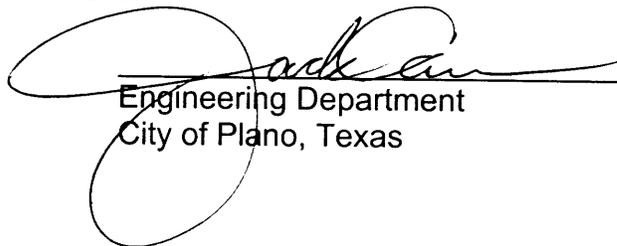

Engineering Department
City of Plano, Texas

EXHIBIT "A-1"

EASEMENT ABANDONMENT

PROPERTY DESCRIPTION

STATE OF TEXAS:
COUNTY OF COLLIN:

BEING a tract of land situated in the M.R. Foster Survey, Abstract No. 332, City of Plano, Collin County, Texas, being a portion of a tract of land as described in deed to GSW Land Investors, L.P., recorded in 20120509000545850, Deed Records, Collin County, Texas (DRCCT), being a portion of a Permanent 15' Water Line Easement to the City of Plano, Texas as recorded in Volume 4746, Page 481, DRCCT, and being more particularly described as follows:

COMMENCING at a 1/2" rebar capped Goodwin & Marshall set at the intersection of the southerly line of Plano Parkway (110' R.O.W. per Volume 5596, Page 1362, DRCCT), with the southerly line of a tract of land as described in deed to Dallas Area Rapid Transit Property Acquisition Corporation (DART), recorded in Volume 3424, Page 126, DRCCT, being the most northerly corner of Lot 33X, Block G of the final plat of Parkway Heights, Phase 1, an addition to the City of Plano, Collin County, Texas as recorded in 20120410010000760, Plat Records, Collin County, Texas;

THENCE S 69°33'31" E, along the southerly line of said DART tract and a northerly line of said Parkway Heights, Phase 1, at a distance of 305.72 feet passing a 1/2" rebar capped Goodwin & Marshall set at the northeast corner of said Parkway Height, Phase 1, continuing a total distance of 525.72 feet to a point in the north line of said GSW Land Investors, L.P. tract at the northeast corner of a water line easement abandonment per Ordinance No. 2012-7-10 as recorded in 20120810000989700, DRCCT, being the POINT OF BEGINNING of the herein described tract of land;

THENCE S 69°33'31" E, along the southerly line of said DART tract and the north line of said GSW Land Investors, L.P. tract and said Permanent 15' Water Line Easement to the City of Plano, Texas as recorded in Volume 4746, Page 481, DRCCT, a distance of 226.88 feet to an angle point in the north line of said water line easement, from which a 1/2" rebar found at the northeast corner of said GSW Land Investors, L.P. tract bears S 69°33'31" E, 972.45 feet;

THENCE departing the southerly line of said DART tract and the north line of said GSW Land Investors, L.P. tract, along the northerly line of said water line easement, as follows:

S 64°11'09" E, a distance of 220.67 feet;

S 69°33'31" E, a distance of 95.53 feet;

S 04°21'35" E, a distance of 68.45 feet;

S 36°18'41" E, a distance of 200.30 feet to the most easterly corner of the herein described tract of land;

THENCE traversing across said water line easement as follows:

N 81°37'23" W, a distance of 2.73 feet;

S 10°28'25" W, a distance of 15.01 feet to the south line of said water line easement;

THENCE along the southerly line of said water line easement, as follows:

N 81°37'23" W, a distance of 2.98 feet;

N 36°18'41" W, a distance of 210.86 feet

N 04°21'35" W, a distance of 63.15 feet;

<p style="text-align: center;">GOODWIN <small>AND</small> MARSHALL <small>INC.</small></p> <hr/> <p style="text-align: center;">CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS</p> <hr/> <p style="text-align: center;">2405 Mustang Drive, Grapevine, TX. 76051 Metro (817) 329-4373 TBPLS FIRM No. 10021700</p>		Scale : NONE		Sheet
		Date : 5/16/2014		1
		Job No. : 10434		of
		Drafted: T. J. M.		4
		Checked: J. S. B.		

E:\10434\Cogo\ESMTS\PH2 WATER ESMT ABAND .pro

EXHIBIT "A-1"
EASEMENT ABANDONMENT

N 69°33'31" W, a distance of 86.65 feet;

N 64°11'09" W, a distance of 220.67 feet;

N 69°33'31" W, a distance of 226.17 feet to the southeast corner of said water line easement abandonment per Ordinance No. 2012-7-10;

THENCE N 20°26'29" E, along the east line of said water line easement abandonment per Ordinance No. 2012-7-10, a distance of 15.00 feet to the POINT OF BEGINNING and containing 12,147 square feet or 0.279 acre of land.

NOTE:

The bearings shown hereon are referenced to the Street Dedication Plat for Shiloh Road and Plano Parkway, and Los Rios Boulevard recorded in Cabinet F, Slide 18, Plat Records, Collin County, Texas.

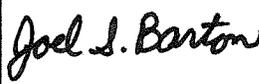
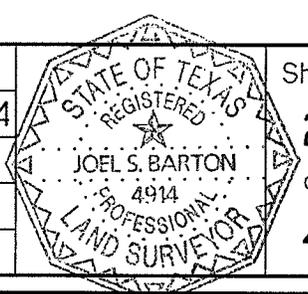
<p style="text-align: center;">GOODWIN <small>AND</small> MARSHALL <small>INC</small></p> <hr/> <p style="text-align: center;">CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS</p> <hr/> <p style="text-align: center;">2405 Mustang Drive, Grapevine, TX. 76051 Metro (817) 329-4373 TBPLS FIRM No. 10021700</p>		Scale: NONE		Sheet
		Date: 5/16/2014		2
		Job No. : 10434		of
		Drafted: T. J. M.		4
		Checked: J. S. B.		

EXHIBIT "A-1"
EASEMENT ABANDONMENT

SEE SHEET 4

GRAPHIC SCALE 1"=100'



0 100



POINT OF BEGINNING

CITY OF PLANO, TEXAS
PERMANENT 15' WATER
LINE EASEMENT
VOL. 4746, PG. 481
D.R.C.C.T.

A-332
A-700

LB

DALLAS AREA RAPID TRANSIT PROPERTY
(DART), VOL. 3424 PG. 126, D.R.C.C.T.
(100 R.O.W.)

CITY OF PLANO, TEXAS
PERMANENT 15' WATER
LINE EASEMENT
VOL. 4746, PG. 481
ABANDONED BY
ORD. NO. 2012-7-10
20120810000989700
D.R.C.C.T.

APPROXIMATE
LOCATION

POINT OF COMMENCING
1/2" R.C.S. (G&M)

GSW LAND INVESTORS, L.P.
20120509000545850
D.R.C.C.T.

MULHOLLAND DRIVE
QUEST COMMUNICATIONS
CORPORATION 15' EASEMENT
VOL. 4714, PG. 2321
D.R.C.C.T.

G. H. PEGUES SURVEY
ABSTRACT No. 700

PARKWAY HEIGHTS, PHASE 1
20120410010000760, P.R.C.C.T.

PLANO PARKWAY
VOL. (140' R.O.W.)
5596, PG. 2321
D.R.C.C.T.

SEE SHEET 4 FOR
LINE DATA

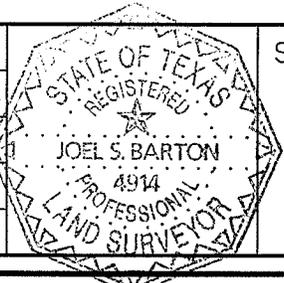
GOODWIN AND MARSHALL INC.

CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS

2405 Mustang Drive, Grapevine, TX. 76051
Metro (817) 329-4373
TBPLS FIRM No. 10021700

Joel S. Barton

Scale: 1"=100'
Date: 5/16/2014
Job No.: 10434
Drafted: T. J. M.
Checked: J. S. B.



Sheet
3
of
4

EXHIBIT "A-1"

EASEMENT ABANDONMENT

GRAPHIC SCALE 1"=100'



0 100



TEXAS POWER & LIGHT
COMPANY
VOL. 595 PG. 403
D.R.C.C.T.

1/2"R.F.

GSW LAND INVESTORS, L.P.
20120509000545850
D.R.C.C.T.

CITY OF PLANO, TEXAS
PERMANENT 15' WATER
LINE EASEMENT
VOL. 4746, PG. 481
D.R.C.C.T.

CITY OF RICHARDSON
60' WIDE
DRAINAGE EASEMENT
VOL. 4804, PG. 1052
D.R.C.C.T.

PORTION OF CITY OF PLANO
WATER LINE EASEMENT
TO BE ABANDONED
12,147 SQ. FT.
0.279 AC.

M.R. FOSTER SURVEY
ABSTRACT No. 332

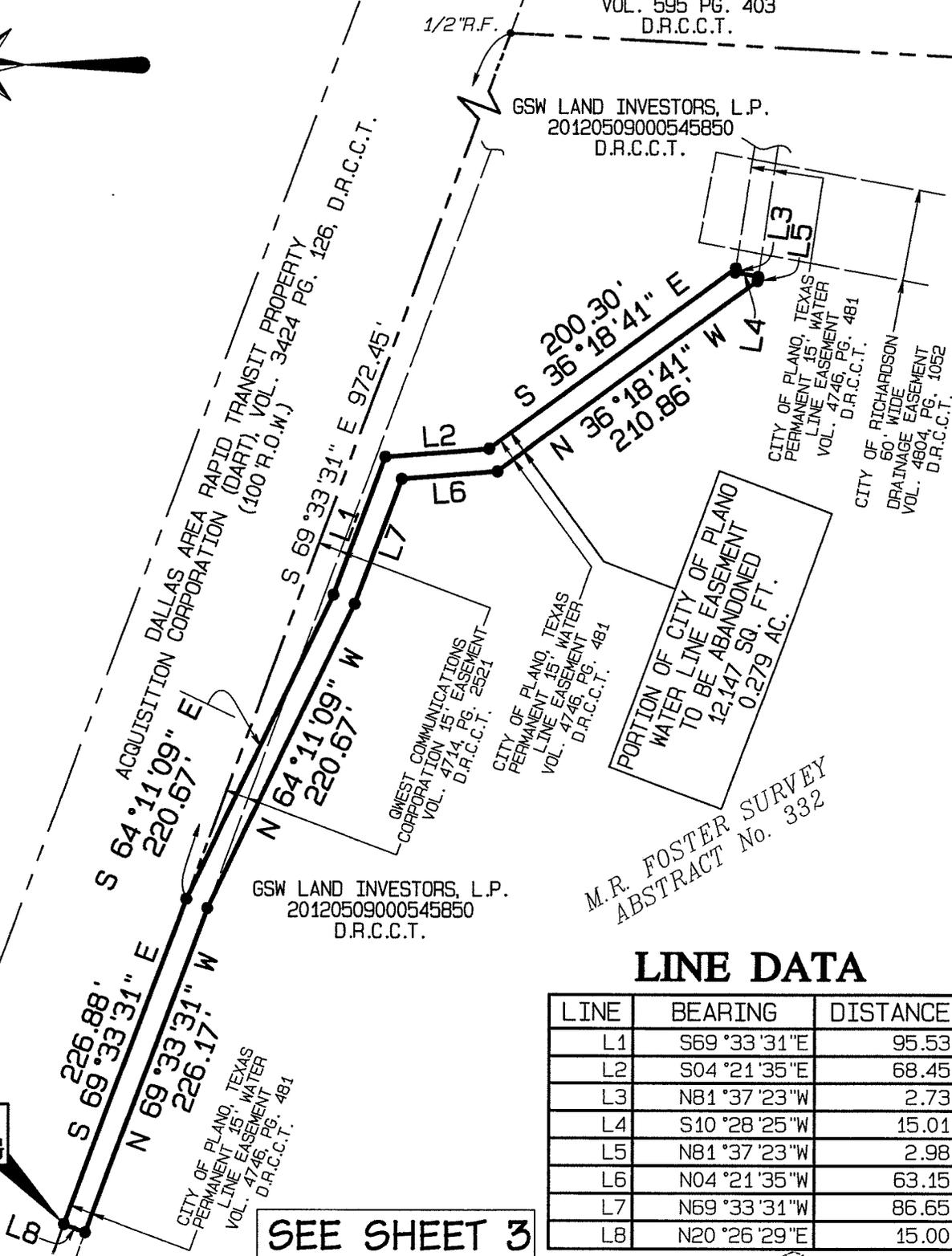
GSW LAND INVESTORS, L.P.
20120509000545850
D.R.C.C.T.

DALLAS AREA RAPID TRANSIT PROPERTY
(DART), VOL. 3424 PG. 126, D.R.C.C.T.

QUEST COMMUNICATIONS
CORPORATION 15' EASEMENT
VOL. 4714, PG. 2521
D.R.C.C.T.

CITY OF PLANO, TEXAS
PERMANENT 15' WATER
LINE EASEMENT
VOL. 4746, PG. 481
D.R.C.C.T.

POINT OF BEGINNING



SEE SHEET 3

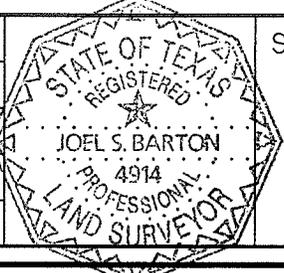
LINE DATA

LINE	BEARING	DISTANCE
L1	S69°33'31"E	95.53'
L2	S04°21'35"E	68.45'
L3	N81°37'23"W	2.73'
L4	S10°28'25"W	15.01'
L5	N81°37'23"W	2.98'
L6	N04°21'35"W	63.15'
L7	N69°33'31"W	86.65'
L8	N20°26'29"E	15.00'

GOODWIN AND MARSHALL INC.
CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS
2405 Mustang Drive, Grapevine, TX. 76051
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Sheet
4
of
4