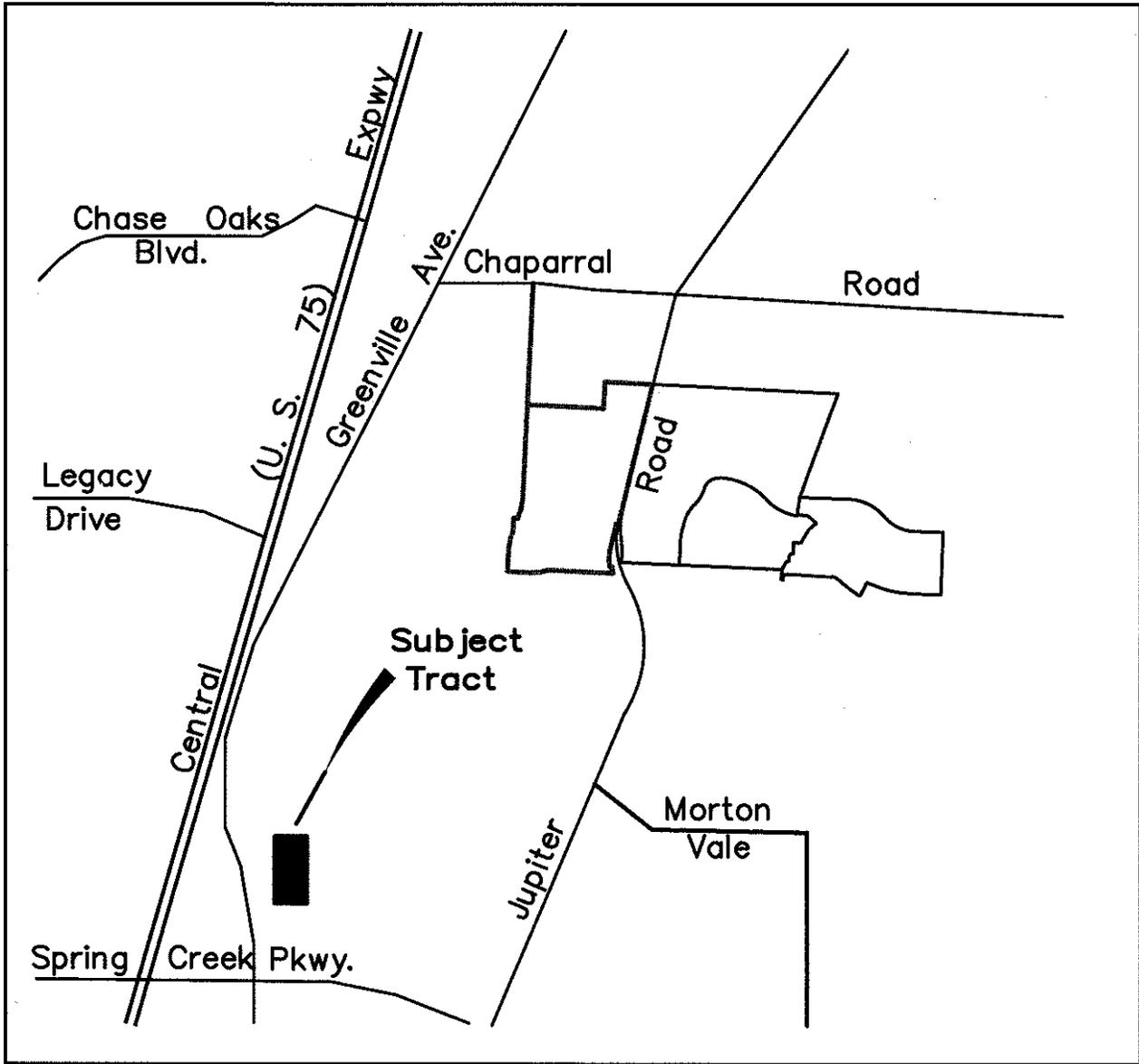




# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	6/23/14			
Department:	Engineering			
Department Head	Jack Carr			
Project	Oak Point Estates 2 - Proj #5499-3			
Agenda Coordinator (include phone #): <b>Kathleen Schonke X-7198</b>				
<b>CAPTION</b>				
<p>An Ordinance of the City Council of the City of Plano, Texas, abandoning all right, title and interest of the City, in: (1) a certain 60' and 15' Drainage &amp; Utility Easement, filed in Vol. 1654, Page 514; (2) a R.O.W Reservation, filed in Cab. H, Page 588; (3) a 10' Water Line Easement, filed in Vol. 927, Page 336; (4) a 50' Drainage Easement, filed in Vol. 5923, Page 47; (5) and a 0.271 acre Drainage Easement, filed in Vol. 5923, Page 37, of the Deed Records of Collin County, Texas and being situated in the Jeremiah Muncy Survey, Abstract No. 621, which are located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, JABEZ DEVELOPMENT, L.P., 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>				
<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>2013-14</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
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): <b>N/A</b>				
<b>COMMENTS:</b> This item has no financial impact.  STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to these easements and ROW reservation relates to the City's Goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
<p>The property is currently being developed as a residential subdivision, known as Oak Point Estates Phase 2. The five (5) easements proposed to be abandoned are no longer needed or will be replaced with new dedications on the Final Plat. Staff recommends approval of the abandonment of the easements.</p> <p><a href="https://maps.google.com/maps?q=Des+Moines+Drive,+Plano,+TX&amp;hl=en&amp;ll=33.061371,-96.685288&amp;spn=0.009154,0.013711&amp;sll=33.061262,-96.736625&amp;sspn=0.146457,0.219383&amp;oq=des+moines+drive&amp;hnear=Des+Moines+Dr,+Plano,+Texas+75074&amp;t=m&amp;z=16">https://maps.google.com/maps?q=Des+Moines+Drive,+Plano,+TX&amp;hl=en&amp;ll=33.061371,-96.685288&amp;spn=0.009154,0.013711&amp;sll=33.061262,-96.736625&amp;sspn=0.146457,0.219383&amp;oq=des+moines+drive&amp;hnear=Des+Moines+Dr,+Plano,+Texas+75074&amp;t=m&amp;z=16</a></p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map		N/A		
Ordinance				
Petition for Abandonment (5)				

# Vicinity Map



**VICINITY MAP**  
**NOT TO SCALE**

**An Ordinance of the City Council of the City of Plano, Texas, abandoning all right, title and interest of the City, in: (1) a certain 60' and 15' Drainage & Utility Easement, filed in Vol. 1654, Page 514; (2) a R.O.W Reservation, filed in Cab. H, Page 588; (3) a 10' Water Line Easement, filed in Vol. 927, Page 336; (4) a 50' Drainage Easement, filed in Vol. 5923, Page 47; (5) and a 0.271 acre Drainage Easement, filed in Vol. 5923, Page 37, of the Deed Records of Collin County, Texas and being situated in the Jeremiah Muncy Survey, Abstract No. 621, which are located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, JABEZ DEVELOPMENT, L.P., 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: (1) a certain 60' and 15' Drainage & Utility Easement, filed in Vol. 1654, Page 514; (2) a R.O.W Reservation, filed in Cab. H, Page 588; (3) a 10' Water Line Easement, filed in Vol. 927, Page 336; (4) a 50' Drainage Easement, filed in Vol. 5923, Page 47; (5) and a 0.271 acre Drainage Easement, filed in Vol. 5923, Page 37, of the Deed Records of Collin County, Texas (hereinafter called "Easements") being situated in the Jeremiah Muncy Survey, Abstract No. 621, which are located within the city limits of Plano, Collin County, Texas; and

**WHEREAS**, the Property Owner has filed with the City Petitions for Abandonment, copies of which are attached hereto as Exhibit "B-1", "B-2", "B-3", "B-4", and "B-5", 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 owner of the property underlying the easements, 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 owner of the property underlying the easements 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.

**DULY PASSED AND APPROVED** this the 23<sup>rd</sup> day of June, 2014.

\_\_\_\_\_  
Harry LaRosiliere, MAYOR

ATTEST:

\_\_\_\_\_  
Lisa C. Hendrson, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Paige Mims, CITY ATTORNEY

## EXHIBIT "B-1"

### PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **60' & 15' drainage and utility easement** (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:  
**\_parking lot has been removed drainage structures have been revised\_**
2. The following public interest will be served as a result of the abandonment:  
**\_construction has replaced existing structures for public improvements\_**
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"**.~~
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:

---

---

- ~~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"**.~~
- ~~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"**.~~

[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.

Jabez Development, L.P.  
**Typed Name of Owner**

9001 Airport Freeway  
**Address**

North Richland Hills, Texas 76180  
**City, State and Zip**

**Dated: June 6, 2014**



**Signature of Owner**

Vice President  
Jabez Development, L.P.  
By BNMJR, Inc. It's General Partner

**Contact Person for Property Owners:**

**Name:** Bruce French  
**Phone No:** 817-507-1100

**EXHIBIT A-1**  
**60' & 15' DRAINAGE EASEMENT ABANDONMENT**  
**0.912 ACRES**

Being a 0.912 acre tract of land situated in the Jeremiah Muncy Survey, Abstract No. 621 in the City of Plano, Collin County, Texas, being a part of a 60 foot and 15 foot Drainage Easement as recorded in Volume 1654, Page 514, Deed Records, Collin County, Texas and being part of the remainder of Lot 1 and 2, Block A of the Spring Creek Business Park Phase 1, an addition to the City of Plano according to the plat recorded in Cabinet H, Page 588, Plat Records, Collin County, Texas, said 0.912 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at An "X" Cut found for the southeast corner of said Spring Creek Business Park Phase 1, and the common northeast corner of Lot 1 Block A of Outlet Malls of America Plano, an addition to the City of Plano, according to the plat recorded in Cabinet Y, Page 410, Plat Records, Collin County, Texas;

THENCE North 86 Degrees 41 Minutes 22 Seconds West, along the south line of said Spring Creek Business Park Phase 1 addition, and the common north line of said Lot 1, Block A of said Outlet Malls of America Plano, a distance of 600.93 feet to a 5/8 inch iron rod found for the southwest corner of said Spring Creek Business Park Phase 1 addition and the common southeast corner of Lot 1, Block A of Levitz Furniture Plano, an addition to the City of Plano according to the plat recorded in Cabinet I, Page 339, Plat Records, Collin County, Texas;

THENCE North 01 Degrees 31 Minutes 00 Seconds East, along the west line of said Spring Creek Business Park Phase 1 addition and the common east line of said Levitz Furniture Plano addition, a distance of 14.98 feet;

THENCE over and across said remainder of Lots 1 and 2, Block A, Spring Creek Business Park Phase 1 addition, the following courses and distances:

South 86 Degrees 41 Minutes 22 Seconds East, a distance of 510.40 feet and the beginning of a tangent curve to the left having a central angle of 54 Degrees 26 Minutes 48 Seconds, a radius of 73.00 feet and a long chord that bears North 66 Degrees 05 Minutes 14 Seconds East, a distance of 66.79 feet;

Along said tangent curve to the left, an arc length of 69.37 feet;

North 01 Degrees 28 Minutes 30 Seconds East, a distance of 660.00 feet;

South 88 Degrees 31 Minutes 30 Seconds East, a distance of 60.00 feet to the east line of said Spring Creek Business Park Phase 1 addition and the common west line of Oak Point Estates, an addition to the City of Plano according to the plat recorded in Cabinet R, Page 59, Deed Records, Collin County, Texas;

THENCE along the east line of said Spring Creek Business Park Phase 1 addition, the following courses and distances:

South 01 Degrees 28 Minutes 30 Seconds West, a distance of 311.95 feet to an "X" Cut in concrete found for corner in the approximate centerline of Des Moines Drive ( a 62.5 feet right-of-way) as recorded in the final plat of said Oak Point Estates and in Cabinet F, Page 96, Plat Records Collin County, Texas;

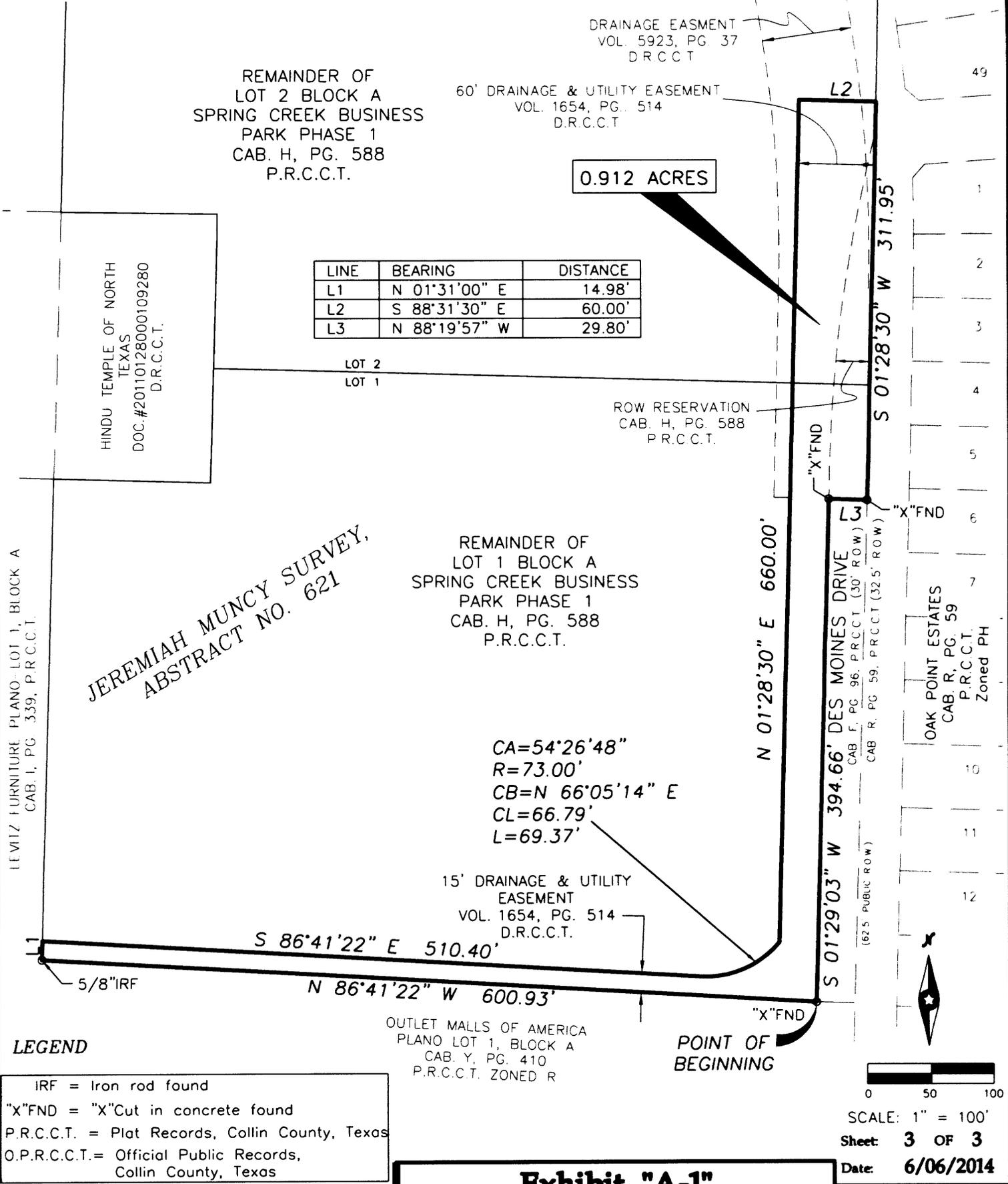
North 88 Degrees 19 Minutes 57 Seconds West, a distance of 29.80 feet to an "X" Cut in concrete found for the west right-of-way line of said Des Moines Drive;

THENCE South 01 Degrees 29 Minutes 03 Seconds West, along the east line of said Spring Creek Business Park addition and the common west right-of-way line of said Des Moines Drive, a distance of 394.66 feet to the **POINT OF BEGINNING** containing 0.912 acres of land more or less.



Harry L. Dickens  
Registered Professional  
Land Surveyor No. 5939





JEREMIAH MUNCY SURVEY,  
ABSTRACT NO. 621

LEVITZ FURNITURE PLANO-LOT 1, BLOCK A  
CAB. I, PG. 339, P.R.C.C.T.

HINDU TEMPLE OF NORTH  
TEXAS  
DOC. #20110128000109280  
D.R.C.C.T.

DRAINAGE EASEMENT  
VOL. 5923, PG. 37  
D.R.C.C.T.

60' DRAINAGE & UTILITY EASEMENT  
VOL. 1654, PG. 514  
D.R.C.C.T.

ROW RESERVATION  
CAB. H, PG. 588  
P.R.C.C.T.

REMAINDER OF LOT 1 BLOCK A  
SPRING CREEK BUSINESS  
PARK PHASE 1  
CAB. H, PG. 588  
P.R.C.C.T.

15' DRAINAGE & UTILITY  
EASEMENT  
VOL. 1654, PG. 514  
D.R.C.C.T.

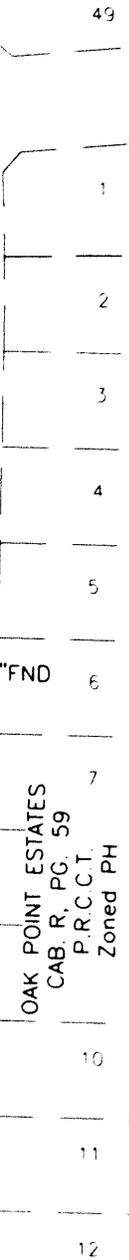
OUTLET MALLS OF AMERICA  
PLANO LOT 1, BLOCK A  
CAB. Y, PG. 410  
P.R.C.C.T. ZONED R

S 01°28'30" W 311.95'

N 01°28'30" E 660.00'

S 01°29'03" W 394.66' DES MOINES DRIVE  
CAB. F, PG. 96, P.R.C.C.T. (30' ROW)  
CAB. R, PG. 59, P.R.C.C.T. (32.5' ROW)

OAK POINT ESTATES  
CAB. R, PG. 59  
P.R.C.C.T.  
Zoned PH



Westwood Professional Services, Inc.  
2740 NORTH DALLAS PARKWAY,  
SUITE 280  
PLANO, TX 75038  
TBPLS FIRM NO. 10074301  
  
PHONE 214-473-4640  
TOLL FREE 1-888-937-5150  
www.westwoodps.com

**Exhibit "A-1"**  
**60' & 15' Drainage &  
Utility Easement Abandonment**  
in the  
Jeremiah Muncy Survey, Abstract No. 621  
City of Plano, Collin County, Texas

**Easement  
Abandonment**  
Exhibit

EXHIBIT "B-2"

**PETITION FOR ABANDONMENT**

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **R.O.W. Reservation** (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:  
**\_\_\_\_\_has been paved with new street\_\_\_\_\_**
2. The following public interest will be served as a result of the abandonment:  
**\_\_\_construction has widened existing street for public use\_\_**
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"**.~~
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:

---

---

~~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"**.~~

~~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"**.~~

[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.

Jabez Development, L.P.  
**Typed Name of Owner**

9001 Airport Freeway  
**Address**

North Richland Hills, Texas 76180  
**City, State and Zip**

**Dated: June 6, 2014**

  
**Signature of Owner**

Vice President  
Jabez Development, L.P.  
By BNMJR, Inc. It's General Partner

**Contact Person for Property Owners:**

**Name:** Bruce French

**Phone No:** 817-507-1100

**EXHIBIT A-1**  
**R.O.W. RESERVATION ABANDONMENT**  
**0.137 ACRES**

Being a 0.137 acre of land situated in the Jeremiah Muncy Survey, Abstract No. 621 in the City of Plano, Collin County, Texas and being part of the remainder of Lot 1, Block A of Spring Creek Business Park Phase 1, an addition to the City of Plano according to the Plat recoded in Cabinet H, Page 588, Plat Records, Collin County, Texas; said 0.137 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at an "X" cut in concrete found for an interior ell corner of said remainder of Lot 1, Block A and being on the west right-of-way line of Des Moines Drive (a 62.5 foot right-of-way) as recorded in Cabinet F, Page 96, and Cabinet R, Page 59, Plat Records, Collin County, Texas and being the beginning of a non-tangent curve to the right, having a central angle of 13 Degrees 39 Minutes 09 Seconds, a radius of 1221.42 feet and a long chord that bears North 07 Degrees 22 Minutes 12 Seconds East, a distance of 290.36 feet;

THENCE along said curve to the right, an arc length of 291.04 feet to the east line of said Remainder of Lot 1, Block A and the common west line of Oak Point Estates, an addition to the City of Plano according to the Plat recorded in Cabinet R, Page 59, Plat Records, Collin County, Texas;

THENCE South 01 Degrees 28 Minutes 45 Seconds West, along the east line of said remainder of Lot 1, Block A and the common west line of said Oak Point Estates addition, a distance of 288.92 feet to an "X" Cut in concrete found for corner on the approximate centerline of Des Moines Drive (a 62.5 foot right-of-way) as recorded in the final plat of said Oak Point Estates addition;

THENCE North 88 Degrees 19 Minutes 57 Seconds West, a distance of 29.80 feet to the **POINT OF BEGINNING** and containing 0.137 acres more or less.

*Harry L. Dickens*

Harry L. Dickens  
Registered Professional  
Land Surveyor No. 5939



DRAINAGE EASEMENT  
VOL. 5923, PG. 37  
D.R.C.C.T.

STREET EASEMENT  
VOL. 5923, PG. 42  
D.R.C.C.T.

60' DRAINAGE & UTILITY  
EASEMENT  
VOL. 1654, PG. 514  
D.R.C.C.T.

49

0.137 ACRES

REMAINDER OF  
LOT 1 BLOCK A  
SPRING CREEK BUSINESS  
PARK PHASE 1  
CAB. H, PG. 588  
P.R.C.C.T.

CA=13°39'09"  
R=1221.42'  
CB=N 07°22'12" E  
CL=290.36'  
L=291.04'

ROW RESERVATION CAB.  
H, PG. 588  
P.R.C.C.T.

S 01°28'45" W 288.92'

OAK POINT ESTATES  
CAB. R, PG. 59  
P.R.C.C.T.  
Zoned PH  
4

JEREMIAH MUNCY SURVEY,  
ABSTRACT NO. 621

"X" FND

POINT OF  
BEGINNING

"X" FND

N 88°19'57" W  
29.80'

DES MOINES DRIVE  
CAB. F, PG. 96, P.R.C.C.T.  
(30' R.O.W.)

CAB. R, PG. 59, P.R.C.C.T.  
(32.5' R.O.W.)

1

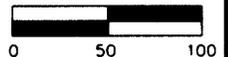
2

3

5

6

7



SCALE: 1" = 100'

Sheet: 2 OF 2

Date: 6/06/2014

**LEGEND**

"X" FND = "X" Cut in concrete found  
P.R.C.C.T. = Plat Records, Collin County, Texas  
O.P.R.C.C.T. = Official Public Records,  
Collin County, Texas

**Exhibit "A-1"**  
**R.O.W. Reservation  
Easement Abandonment**  
in the  
Jeremiah Muncy Survey, Abstract No. 621  
City of Plano, Collin County, Texas

**Easement  
Abandonment**

Exhibit



Westwood Professional Services, Inc.  
2740 NORTH DALLAS PARKWAY,  
SUITE 280  
PLANO, TX 75038  
TBPLS FIRM NO. 10074301  
  
PHONE 214-473-4640  
TOLL FREE 1-888-937-5150  
www.westwoodps.com



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:

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- ~~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"**.~~
- ~~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"**.~~

[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.

Jabez Development, L.P.  
**Typed Name of Owner**

9001 Airport Freeway  
**Address**

North Richland Hills, Texas 76180  
**City, State and Zip**

**Dated: June 6, 2014**



**Signature of Owner**

Vice President  
Jabez Development, L.P.  
By BNMJR, Inc. It's General Partner

**Contact Person for Property Owners:**

**Name:** Bruce French

**Phone No:** 817-507-1100

**EXHIBIT A-1**  
**10' WATERLINE EASEMENT ABANDONMENT**  
**0.129 Acres**

Being a 0.129 acre tract of land situated in the Jeremiah Muncy Survey, Abstract No. 621 in the City of Plano, Collin County, Texas and being all of a 10 foot wide waterline Easement to Jupiter Water System according to the deed recorded in Volume 927, Page 336, Deed Records, Collin County, Texas, said easement being located in the remainder of Lot 2, Block A of Spring Creek Business Park Phase 1, an addition to the City of Plano according to the plat recorded in Cabinet H, Page 588, Plat Records, Collin County, Texas, said 0.219 acres of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod with cap found for the northwest corner of said Lot 2, Block A of Spring Creek Business Park Phase 1 and the common southwest corner of a tract of land conveyed to Patricia L. Kiedinger by deed recorded in Volume 749, Page 511, Deed Records, Collin County, Texas, same being on the east line of Lot 1, Block A, All Storage Plano Addition, according to deed recorded in Volume 2010, Page 200, Deed Records, Collin County, Texas;

THENCE South 89 Degrees 06 Minutes 50 Seconds East, along the north line of said remainder of Lot 2, Block A and the common south line of said Patricia L. Kiedinger, a distance of 149.98 feet;

THENCE over and across said remainder of Lot 2 Block 1, the following courses and distances:

South 00 Degrees 53 Minutes 10 Seconds West, a distance of 10.00 feet;

North 89 Degrees 06 Minutes 50 Seconds West, a distance of 139.91 feet;

South 00 Degrees 31 Minutes 41 Seconds West, a distance of 143.79 feet;

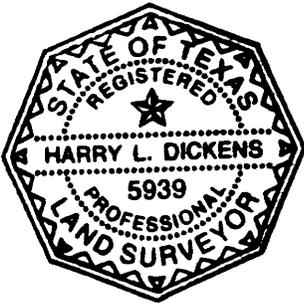
South 00 Degrees 39 Minutes 00 Seconds West, a distance of 267.91 feet;

North 89 Degrees 25 Minutes 57 Seconds West, a distance of 10.00 feet to a 1/2 inch iron rod found for corner on the west line of said remainder of Lot 2, Block 1 and the common east line of a tract of land conveyed as "Tract 1" to Hindu Temple of North Texas by deed recorded in Document No. 20071018001430260, Deed Records, Collin County, Texas.

THENCE North 00 Degrees 39 Minutes 00 Seconds East, along the west line of said remainder of Lot 2, Block A and the common east line of said Hindu Temple of North Texas "Tract 1" and the east line of a tract of land conveyed as "Tract 2" to Hindu Temple of Texas by deed recorded in Document No. 20071018001430260, Deed Records, Collin County, Texas, a distance of 267.91 feet to a 1/2 inch iron rod with cap found for corner;

THENCE North 00 Degrees 31 Minutes 41 Seconds East, continuing along the west line of said Lot 2, Block 1 and the common east line of said Hindu Temple of North Texas "Tract 2" and the east line of aforementioned All Storage Plano Addition Lot 1, Block A, a distance of 153.85 feet to the **POINT OF BEGINNIG** and containing 0.129 acres of land more or less.

*Harry L. Dickens*  
\_\_\_\_\_  
Harry L. Dickens  
Registered Professional  
Land Surveyor No. 5939



PATRICIA L. KIEDINGER  
VOL. 749, PG. 511  
D.R.C.C.T.  
ZONED PD-95-SF-20

MARY EDDIE MAXWELL  
VOL. 677, PG. 392  
D.R.C.C.T.  
ZONED PD-95-SF-20

POINT OF BEGINNING

S 89°06'50" E 149.98'

1/2" CIRF

N 89°06'50" W 139.91'

S 00°53'10" W 10.00'

ALL STORAGE PLANO ADDITION LOT  
1, BLOCK A  
VOL. 2010, PG. 200  
D.R.C.C.T.  
ZONED LC

N 00°31'41" E 153.85'

S 00°31'41" W 143.79'

10' WATERLINE EASMENT  
VOL. 927, PG. 336  
D.R.C.C.T.

0.129 ACRES

JEREMIAH MUNCY SURVEY,  
ABSTRACT NO. 621

1/2" CIRF

N 00°39'00" E 267.91'

S 00°39'00" W 267.91'

HINDU TEMPLE OF NORTH TEXAS  
TRACT 2  
DOC.#20071018001430260  
D.R.C.C.T.  
ZONED LC

REMAINDER OF  
LOT 2 BLOCK A  
SPRING CREEK BUSINESS  
PARK PHASE 1  
CAB. H, PG. 588  
P.R.C.C.T.

HINDU TEMPLE OF NORTH TEXAS  
TRACT 1  
DOC.#20071018001430260  
D.R.C.C.T.

ZONED LC

1" IRF

N 89°25'57" W 10.00'

LEGEND

IRF = Iron rod found  
CIRF = Capped iron rod found  
P.R.C.C.T. = Plat Records, Collin County, Texas  
O.P.R.C.C.T. = Official Public Records,  
Collin County, Texas



SCALE: 1" = 60'

Sheet: 3 OF 3

Date: 6/06/2014



Westwood

Westwood Professional Services, Inc.  
2740 NORTH DALLAS PARKWAY,  
SUITE 280  
PLANO, TX 75038  
TBPLS FIRM NO. 10074301

PHONE 214-473-4640  
TOLL FREE 1-888-937-5150  
www.westwoodps.com

**Exhibit "A-1"**  
**Waterline Easement**  
**0.129 acres**  
in the  
Jeremiah Muncy Survey, Abstract No. 621  
City of Plano, Collin County, Texas

**Easement  
Abandonment**

Exhibit

## EXHIBIT "B-4"

### PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **50' DRAINAGE EASEMENT** (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:  
**\_\_\_\_\_existing ditch has been replaced with pipes and structures.\_\_\_\_\_**
2. The following public interest will be served as a result of the abandonment:  
**\_construction has replaced open ditch for public improvements \_\_\_\_\_**
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"**.~~
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:

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~~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"**.~~

~~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"**.~~

[Remainder of page blank]

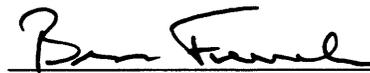
10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

Jabez Development, L.P.  
**Typed Name of Owner**

9001 Airport Freeway  
**Address**

North Richland Hills, Texas 76180  
**City, State and Zip**

**Dated: June 6, 2014**



**Signature of Owner**

Vice President  
Jabez Development, L.P.  
By BNMJR, Inc. It's General Partner

**Contact Person for Property Owners:**

**Name:** Bruce French

**Phone No:** 817-507-1100

**EXHIBIT A-1**  
**50' DRAINAGE EASEMENT ABANDONMENT**

Being a 0.477 acres of land situated in the Jeremiah Muncy Survey, Abstract No. 621 in the City of Plano, Collin County, Texas and being all of a 50 foot Drainage easement granted to the City of Plano by deed recorded in Volume 5923, Page 47, Deed Records, Collin County, Texas, and being located in the Remainder of Lot 2 , Block A of Spring Creek Business Park Phase 1, an addition to the City of Plano according to the Plat recorded in Cabinet H, Page 588, Plat Records, Collin County, Texas, said 0.477 acres of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a concrete monument found for the northeast corner of said 50 foot Drainage easement, same being the common northeast corner of said Remainder of Lot 2, Block A and the common northwest corner of Oak Point Estates, an addition to the City of Plano according to the plat recorded in Cabinet R, Page 59, Plat Records, Collin County, Texas, and being in the south line of a tract of land conveyed to Kenneth D, Fullerton and wife Ruth Fullerton by deed recorded in Volume 1352, Page 385, Deed Records, Collin County, Texas;

THENCE South 01 Degrees 29 Minutes 35 Seconds West, along the East line of said Remainder of Lot 2, Block A and the common west line of said Oak Point Estates, a distance of 404.05 feet;

THENCE over and across said remainder of Lot 2, Block A, the following courses and distances:

South 78 Degrees 18 Minutes 22 Seconds West, a distance of 34.99 feet and the beginning of a non-tangent curve to the right having a central angle of 00 Degrees 54 Minutes 30 Seconds, a radius of 1197.32 feet and a long chord that bears South 11 Degrees 15 Minutes 36 Seconds East, a distance of 18.98 feet;

Along said non-tangent curve to the right, an arc length of 18.98 feet;

North 88 Degrees 30 Minutes 25 Seconds West, a distance of 20.11 feet;

North 01 Degrees 29 Minutes 35 Seconds East, a distance of 429.93 feet to the north line of said remainder of Lot 2, Block A and the south line of said Kenneth D. Fullerton tract;

THENCE South 89 Degrees 12 Minutes 24 Seconds East, along the north line of said remainder of Lot 2, Block A and the common south line of said Kenneth D. Fullerton tract, a distance of 50.00 feet to the **POINT OF BEGINNING** and containing 0.477 acres of land more or less.

  
Harry L. Dickens  
Registered Professional  
Land Surveyor No. 5939



MARY EDDIE MAXWELL  
VOL. 677, PG. 392  
D.R.C.C.T.  
ZONED PD-95-SF-20

KENNETH D. FULLERTON AND WIFE  
CHARLENE RUTH FULLERTON  
VOL. 1352, PG. 385  
D.R.C.C.T.  
ZONED PD-95-SF-20

S 89°12'24" E  
50.00'

CONC.  
MONUMENT  
FOUND

0.477 ACRES

POINT OF  
BEGINNING

REMAINDER OF  
LOT 2 BLOCK A  
SPRING CREEK BUSINESS PARK  
PHASE 1  
CAB. H, PG. 588  
P.R.C.C.T.

JEREMIAH MUNCY SURVEY,  
ABSTRACT NO. 621

N 01°29'35" E 429.93'

50' DRAINAGE EASEMENT  
VOL. 5923, PG. 47  
D.R.C.C.T.

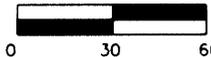
S 01°29'35" W 404.05'

OAK POINT ESTATES  
CAB. R, PG. 59  
P.R.C.C.T.  
Zoned PH

TEXANA WAY

LINE	BEARING	DISTANCE
L1	S 78°18'22" W	34.99'
L2	N 88°30'25" W	20.11'

CA=00°54'30"  
R=1197.32'  
CB=S 11°15'36" E  
CL=18.98'  
L=18.98'



SCALE: 1" = 60'  
Sheet: 2 OF 2  
Date: 6/6/2014

**LEGEND**

P.R.C.C.T. = Plat Records, Collin County, Texas  
O.P.R.C.C.T.= Official Public Records,  
Collin County, Texas

**Exhibit "A-1"**  
**50' Drainage Easement  
Abandonment**

in the  
Jeremiah Muncy Survey, Abstract No. 621  
City of Plano, Collin County, Texas

**Easement  
Abandonment**

Exhibit



**Westwood**

Westwood Professional Services, Inc.  
2740 NORTH DALLAS PARKWAY,  
SUITE 280  
PLANO, TX 75038  
TBPLS FIRM NO. 10074301

PHONE 214-473-4640  
TOLL FREE 1-888-937-5150  
www.westwoodps.com

## EXHIBIT "B-5"

### PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting **0.271 acre DRAINAGE EASEMENT** (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:  
**\_pipes and headwalls have been removed and covered with street pavement'-----**
2. The following public interest will be served as a result of the abandonment:  
**\_construction has replaced easement for public improvements\_\_\_\_\_**
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"**.~~
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:

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~~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"**.~~

~~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"**.~~

[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.

Jabez Development, L.P.  
**Typed Name of Owner**

9001 Airport Freeway  
**Address**

North Richland Hills, Texas 76180  
**City, State and Zip**

**Dated: June 6, 2014**



**Signature of Owner**

Vice President  
Jabez Development, L.P.  
By BNMJR, Inc. It's General Partner

**Contact Person for Property Owners:**

**Name:** Bruce French

**Phone No:** 817-507-1100

**EXHIBIT A-1**  
**DRAINAGE EASEMENT ABANDONMENT**  
**0.271 ACRES**

Being a 0.271 acre tract of land situated in the Jeremiah Muncy Survey, Abstract No. 621 in the City of Plano, Collin County, Texas and being all of a Drainage Easement recorded in Volume 5923, Page 37, Deed Records, Collin County, Texas and being a part of the remainder of Lot 1 and Lot 2, Block A of Spring Creek Business Park Phase 1, an addition to the City of Plano as recorded in Cabinet H, Page 588. Plat Records, Collin County, Texas, said 0.271 acre tract being more particularly described by metes and bounds as follows:

**COMMENCING** at a concrete monument found for the northeast corner of said Spring Creek Business Park Phase 1 addition and the common northwest corner of Oak Point Estates, an addition to the City of Plano according to the Plat recorded in Cabinet R, Pg. 59, Plat Records, Collin County, Texas;

THENCE over and across said remainder of Lot 1 and 2, Block A of said Spring Creek Business Park Phase 1 addition, the following courses and distances:

South 05 Degree 27 Minutes 48 Seconds West, a distance of 431.58 feet to the **POINT OF BEGINNING** and being the beginning of a non-tangent curve to the right, having a central angle of 05 Degrees 15 Minutes 12 Seconds, a radius of 1197.50 feet and a long chord that bears South 08 Degrees 09 Minutes 36 Seconds East, a distance of 109.76 feet;

Along said non-tangent curve to the right, an arc length of 109.80 feet;

North 88 Degrees 30 Minutes 28 Seconds West, a distance of 48.51 feet;

South 01 Degrees 29 Minutes 32 Seconds West, a distance of 312.93 feet;

North 88 Degrees 24 Minutes 54 Seconds West, a distance of 12.50 feet;

North 01 Degrees 29 Minutes 32 Seconds East, a distance of 166.44 feet and the beginning of a tangent curve to the left, having a central angle 12 Degrees 29 Minutes 13 Seconds and a radius of 1127.50 feet and a long chord that bears North 04 Degrees 45 Minutes 05 Seconds West, a distance of 245.24 feet;

Along said tangent curve to the left, an arc length of 245.73 feet;

North 79 Degrees 00 Minutes 19 Seconds East, a distance of 50.36 feet;

South 88 Degrees 30 Minutes 48 Seconds East, a distance of 20.11 feet to the **POINT OF BEGINNING** and containing 0.271 acres more or less.

*Harry L. Dickens*

Harry L. Dickens  
Registered Professional  
Land Surveyor No. 5939



KENNETH D. FULLERTON AND WIFE  
 CHARLENE RUTH FULLERTON  
 VOL. 1352, PG. 385  
 D.R.C.C.T.  
 ZONED PD-95-SF-20

CONC.  
 MONUMENT  
 FOUND

POINT OF  
 COMMENCING

POINT OF  
 BEGINNING

DRAINAGE EASEMENT  
 VOL. 5923, PG. 37  
 D.R.C.C.T.

CA=12'29'13"  
 R=1127.50'  
 CB=N 04'45'05" W  
 CL=245.24'  
 L=245.73'

CA=05'15'12" 48  
 R=1197.50'  
 CB=S 08'09'36" E  
 CL=109.76'  
 L=109.80'

STREET EASEMENT  
 VOL. 5923, PG. 42  
 D.R.C.C.T.

60' DRAINAGE &  
 UTILITY EASEMENT  
 VOL. 1654, PG. 514  
 D.R.C.C.T.

LEATHERWOOD DRIVE

SPRING CREEK BUSINESS  
 PARK PHASE 1  
 CAB. H, PG. 588  
 P.R.C.C.T.

0.271 ACRES

REMAINDER OF  
 LOT 2  
 BLOCK A

REMAINDER OF  
 LOT 1 BLOCK A

LINE	BEARING	DISTANCE
L1	S 05'27'48" W	431.58'
L2	N 88'30'28" W	48.51'
L3	S 01'29'32" W	312.93'
L4	N 88'24'54" W	12.50'
L5	N 01'29'32" E	166.44'
L6	N 79'00'19" E	50.36'
L7	S 88'30'48" E	20.11'

**LEGEND**

P.R.C.C.T. = Plat Records, Collin County, Texas  
 O.P.R.C.C.T. = Official Public Records,  
 Collin County, Texas

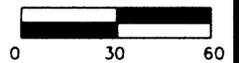
ROW RESERVATION  
 CAB. H, PG. 588  
 P.R.C.C.T.

DES MOINES DRIVE

JEREMIAH MUNCY SURVEY,  
 ABSTRACT NO. 621

OAK POINT ESTATES  
 CAB. R, PG. 59  
 P.R.C.C.T.  
 Zoned PH

TEXANA WAY



SCALE: 1" = 60'  
 Sheet: 3 OF 3  
 Date: 6/06/2014

**Exhibit "A-1"**  
**Drainage Easement**  
**Abandonment**  
 in the  
**Jeremiah Muncy Survey, Abstract No. 621**  
 City of Plano, Collin County, Texas

**Easement**  
**Abandonment**  
 Exhibit



Westwood Professional Services, Inc.  
 2740 NORTH DALLAS PARKWAY,  
 SUITE 280  
 PLANO, TX 75038  
 TBPLS FIRM NO. 10074301  
 PHONE 214-473-4640  
 TOLLFREE 1-888-937-5150  
 www.westwoodps.com

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**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