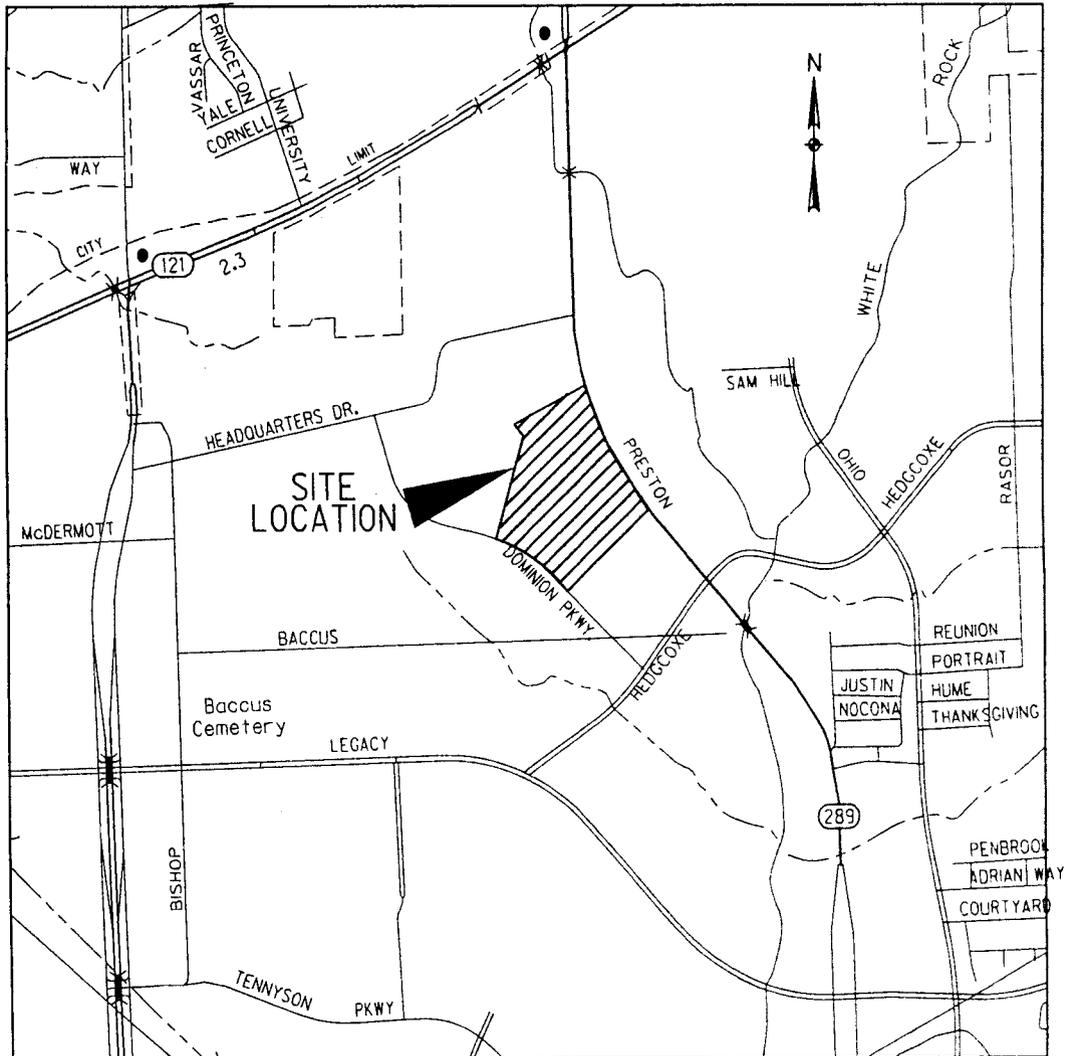




CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	09/23/13			
Department:	Engineering			
Department Head	Gerald Cosgrove			
Project	Capital One Addition, Proj #5773-6			
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 20-foot Drainage Easement within Capital One Addition, Lot 3R, Block 1, recorded in Volume 2012, Page 164, Official Public Records of Collin County, Texas and being situated in the Samuel Brown Survey, Abstract No. 108, 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 abutting property owner, Capital One National Bank, to the extent of its interest; authorizing the City Manager or his authorized designee to execute any documents deemed necessary; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s): GENERAL FUND				
COMMENTS: 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 easement is overlapping the location for a proposed monument sign. The proposed monument sign will provide an entry feature to the corporate offices. Since the drainage improvements located in the easement collect only onsite drainage, staff supports the abandonment of the easement. The property owner will be responsible for maintenance of the drainage improvements.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map Ordinance Petition for Abandonment		N/A		

LOCATION MAP
CAPITAL ONE ADDITION



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 20-foot Drainage Easement within Capital One Addition, Lot 3R, Block 1, recorded in Volume 2012, Page 164, Official Public Records of Collin County, Texas and being situated in the Samuel Brown Survey, Abstract No. 108, 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 abutting property owner, Capital One National Bank, 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 20-foot Drainage Easement within Capital One Addition, Lot 3R, Block 1, recorded in Volume 2012, Page 164, Official Public Records of Collin County, Texas (hereinafter called "Easement") being situated in the Samuel Brown Survey, Abstract No. 108, 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 September, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "B"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting A Storm 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:
THE EASEMENT IS OVERLAPPING THE LOCATION FOR A PROPOSED MONUMENT SIGN.
2. The following public interest will be served as a result of the abandonment:
THE PROPOSED MONUMENT SIGN WILL PROVIDE AN ENTRY FEATURE TO THE CORPORATE OFFICES WHICH WILL BE MORE AESTHETICALLY PLEASING.
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:

100%

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.

Capital One National Bank

Typed Name of Owner

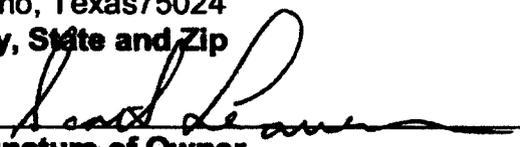
7933PrestonRoad

Address

Plano, Texas75024

City, State and Zip

Dated: 8/29/13



Signature of Owner

Contact Person for Property Owners:

Name: Scott Leavers

Phone No: 214-471-8488

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

DRAINAGE EASEMENT ABANDONMENT
IN CAPITAL ONE ADDITION LOT 3R, BLOCK 1
CITY OF PLANO, COLLIN COUNTY, TEXAS

BEING a tract of land situated in the Samuel Brown Survey, Abstract Number 108, City of Plano, Collin County, Texas, and being portions of existing drainage easements within Capital One Addition Lot 3R, Block 1, an addition to the City of Plano recorded in Volume 2012, Page 164, Official Public Records Collin County, Texas (O.P.R.C.C.T.), said tract also being part of that tract of land described in Special Warranty Deed to Capital One National Association, as recorded in Instrument No. 20070522000691320, O.P.R.C.C.T., and being more particularly described as follows:

COMMENCING at a found "X" cut in concrete for the most southerly southeast corner of Lot 3R and the most southerly southwest corner of Lot 2 of Capital One Addition Lot 2, Block 1, an addition to the City of Plano recorded in Vol. 2008, Pg. 224, O.P.R.C.C.T. and in the north right-of-way line of Dominion Parkway (a 92 foot wide right-of-way), and being the beginning of a non-tangent circular curve to the left having a radius of 1,446.00 feet, whose chord bears North 54 degrees 49 minutes 50 seconds West, a distance of 121.14 feet;

THENCE Northwesterly along the south line of Lot 3R and the said north right-of-way line of Dominion Parkway and along said curve, through a central angle of 04 degrees 48 minutes 05 seconds, an arc distance of 121.17 feet to the POINT OF BEGINNING of the herein described tract, said point being the southeast corner of an existing 15 foot wide drainage easement, and being the beginning of a non-tangent circular curve to the left having a radius of 1,446.00 feet, whose chord bears North 57 degrees 34 minutes 13 seconds West, a distance of 17.12 feet;

THENCE Northwesterly, continuing along the south line of Lot 3R and the said north right-of-way line of Dominion Parkway and along said curve, through a central angle of 00 degrees 40 minutes 42 seconds, an arc distance of 17.12 feet to a point for the southwest corner of said 15 foot drainage easement;

THENCE departing said south line of Lot 3R and north right-of-way line of Dominion Parkway and over and across said Lot 3R the following bearings and distances:

North 03 degrees 38 minutes 07 seconds East, along the west line of said 15 foot drainage easement, a distance of 30.09 feet to the northwest corner of said drainage easement, and being on the south line of an existing 20 foot wide drainage easement;

North 86 degrees 21 minutes 53 seconds West, along said south line, a distance of 2.63 feet to a point for corner;

North 02 degrees 41 minutes 18 seconds East, along the southwesterly line of said 20 foot drainage easement, a distance of 26.58 feet to the point of curvature of a tangent circular curve to the left having a radius of 70.00 feet, whose chord bears North 29 degrees 08 minutes 40 seconds West, a distance of 73.84 feet;

**DRAINAGE EASEMENT ABANDONMENT
IN CAPITAL ONE ADDITION LOT 3R, BLOCK 1
CITY OF PLANO, COLLIN COUNTY, TEXAS**

Northerly, continuing along said southwesterly line and along said curve, through a central angle of 63 degrees 39 minutes 55 seconds, an arc distance of 77.78 feet to the point of tangency;

North 60 degrees 58 minutes 37 seconds West, continuing along said southwesterly line, a distance of 272.54 feet to the point of curvature of a tangent circular curve to the right having a radius of 90.00 feet, whose chord bears North 40 degrees 03 minutes 18 seconds West, a distance of 64.28 feet;

Northwesterly, continuing along said southwesterly line and along said curve, through a central angle of 41 degrees 50 minutes 39 seconds, an arc distance of 65.73 feet to a point for the southwest corner of said 20 foot drainage easement;

North 17 degrees 55 minutes 19 seconds East, along the westerly line of said 20 foot drainage easement a distance of 36.38 feet to the northwest corner of same, said point being the beginning of a non-tangent circular curve to the left having a radius of 108.36 feet, whose chord bears South 31 degrees 00 minutes 41 seconds East, a distance of 77.39 feet;

Southerly, along the northeasterly line of said drainage easement and along said curve, through a central angle of 41 degrees 50 minutes 39 seconds, an arc distance of 79.14 feet to a point for corner;

South 60 degrees 58 minutes 37 seconds East, continuing along said northeasterly line, a distance of 272.54 feet to the point of curvature of a tangent circular curve to the right having a radius of 90.00 feet, whose chord bears South 29 degrees 08 minutes 40 seconds East, a distance of 94.94 feet;

Southeasterly, continuing along said northeasterly line and along said curve, through a central angle of 63 degrees 39 minutes 55 seconds, an arc distance of 100.01 feet to the point of tangency;

South 02 degrees 41 minutes 18 seconds West, a distance of 26.91 feet to a point for the southeast corner of said 20 foot drainage easement;

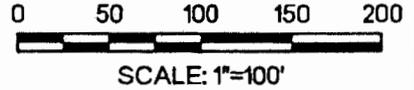
North 86 degrees 21 minutes 53 seconds West, along the southerly line of said drainage easement, a distance of 2.37 feet to a point for the northeast corner of the aforementioned 15 foot drainage easement;

South 03 degrees 38 minutes 07 seconds West, along the east line of said 15 foot drainage easement, a distance of 38.33 feet to the POINT OF BEGINNING AND CONTAINING 9,823 square feet or 0.2255 acres of land, more or less.

Basis of Bearing is the south line of Capital One Addition Lot 3R, Block 1 as recorded in Volume 2012, Page 164, O.P.R.C.C.T. PRELIMINARY; Not to be recorded for any purpose.

CURVE TABLE

CUV. NO.	DELTA	RADIUS	TANGENT	LENGTH	CHORD LENGTH	CHORD BEARING
C1	00°40'42"	1,446.00'	8.56'	17.12'	17.12'	N57°34'13"W
C2	63°39'55"	70.00'	43.46'	77.78'	73.84'	N29°08'40"W
C3	41°50'39"	90.00'	34.41'	65.73'	64.28'	N40°03'18"W
C4	41°50'39"	108.36'	41.43'	79.14'	77.39'	S31°00'41"E
C5	63°39'55"	90.00'	55.87'	100.01'	94.94'	S29°08'40"E



CAPITAL ONE ADDITION
LOT 4, BLOCK 1
VOL. 2012, PG. 42

SAMUEL BROWN SURVEY,
ABSTRACT NO. 108

CAPITAL ONE ADDITION
LOT 3R, BLOCK 1
VOL. 2012, PG. 164

DRAINAGE EASEMENT
ABANDONMENT
9,823 SQ. FT.
OR
0.2255 ACRE

CAPITAL ONE
ADDITION
LOT 2, BLOCK 1
VOL. 2008, PG. 224

Δ = 17°48'07"
R = 1446.00'
T = 226.46'
L = 449.28'
CL = 447.47'
CB = N66°48'38"W

LINE TABLE

NO.	BEARING	DIST.
L1	N03°38'07"E	30.09'
L2	N86°21'53"W	2.63'
L3	N02°41'18"E	26.58'
L4	N17°55'19"E	36.38'
L5	S02°41'18"W	26.91'
L6	N86°21'53"W	2.37'
L7	S03°38'07"W	38.33'

DOMINION PARKWAY
(92' ROW)

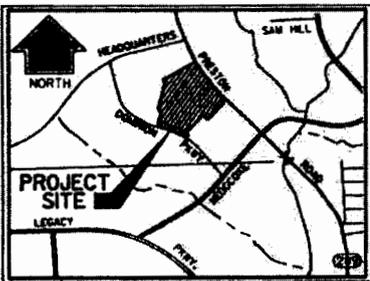
15' DRAINAGE EASEMENT
INST. NO. 20060719001009210
VOL. 2012, PG. 164

POINT OF BEGINNING

Δ = 04°48'05"
R = 1,446.00'
T = 60.62'
L = 121.17'
CL = 121.14'
CB = N54°49'50"W

POINT OF COMMENCING

"PRELIMINARY ONLY"
THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE.
8-21-2013



LOCATION MAP
NOT TO SCALE

BASIS OF BEARING IS THE SOUTH LINE
OF LOT 3R, BLOCK 1 CAPITAL ONE ADDITION
LOT 3R, BLOCK 1 AS RECORDED IN VOL. 2012,
PG. 164.

LEGEND

- 1/2" FIR ONE HALF INCH FOUND IRON ROD
- W/CAP WITH PLASTIC CAP STAMPED 'HALFF'
- C.M. CONTROL MONUMENT
- INST. NO. INSTRUMENT NUMBER

DRAINAGE EASEMENT ABANDONMENT
(9,823 SQ. FT. OR 0.2255 ACRE)
CAPITAL ONE ADDITION
LOT 3R, BLOCK 1

SITUATED IN THE
SAMUEL BROWN SURVEY, ABSTRACT NO. 108
CITY OF PLANO, COLLIN COUNTY, TEXAS
PREPARED BY



HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS - 75081-2275
SCALE: 100' (214)346-6200 AVO. 24448 AUGUST, 2013

8/23/2013 9:54:33 AM ahr028 HALFF I:\24000\124448\cadd\Multi-Purpose Building\VECH-DRAINAGE-ABAND-24448.DGN