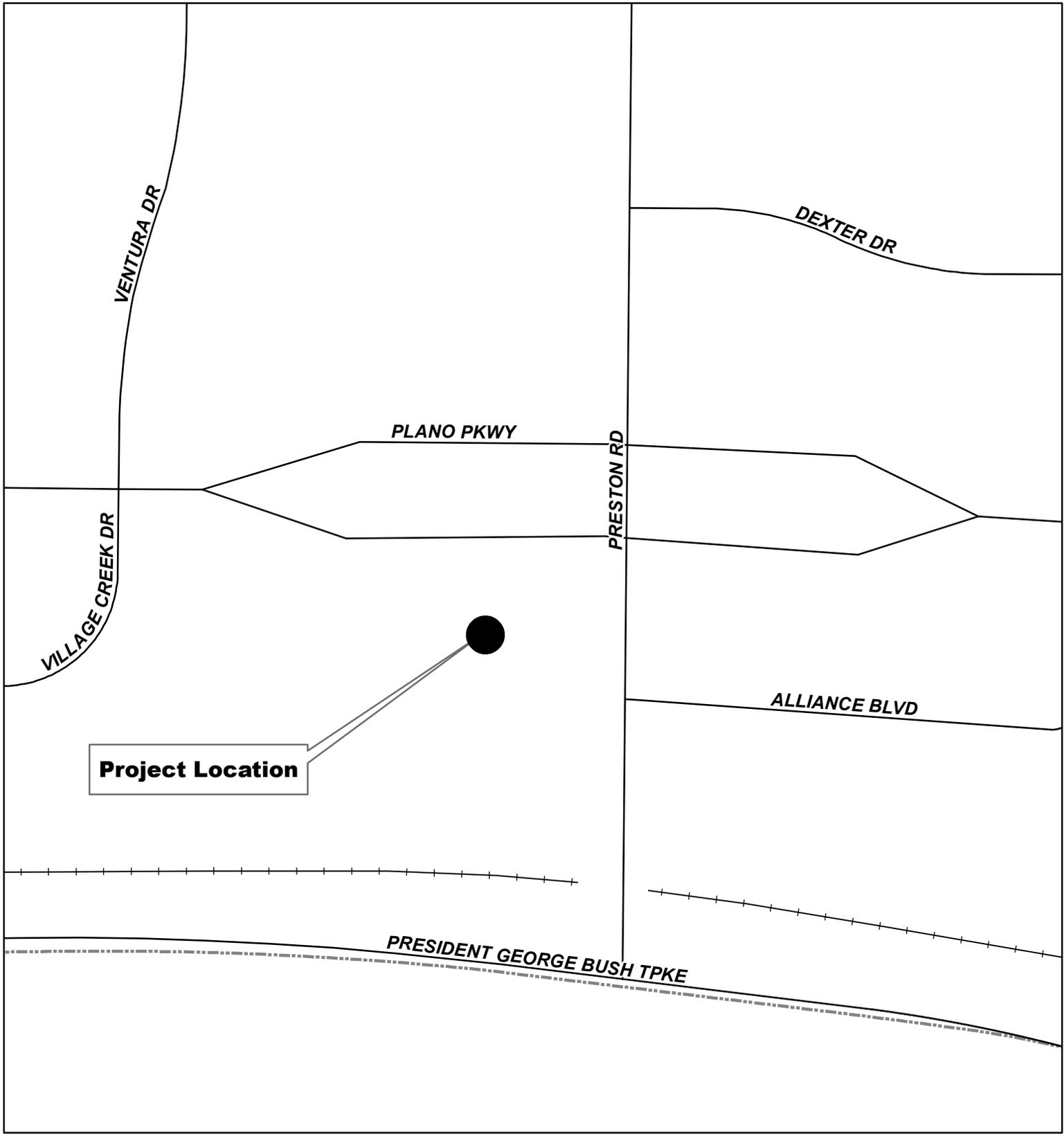


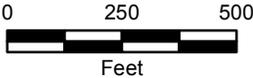


CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	9/28/15			
Department:	Engineering			
Department Head	Jack Carr			
Project	Park Place (Broadstone) #6578			
Agenda Coordinator (include phone #):	Kathleen Schonke 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 certain tract of land described as a Combination Fire Lane and Access Easement, recorded in Volume 3033, Page 317, and a Combination Fire Lane, Access, and Utility Easement, recorded in Volume 3310, Page 680, Deed Records of Collin County, Texas, being part of a tract of land as described in deed to Car Park PL TX, LLC as recorded under Instrument No. 20110228000213250 of the Deed Records of Collin County, Texas also being a part of Lot 1R, Block 1, of Park Place Addition Replat, as recorded in Volume 2008, Page 572, Plat Records of Collin County, Texas, and being situated in the Lewis Wetsel Survey, Abstract No. 971, which is located within the city limits of Plano, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, CAR PARK PL TX LLC, 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: 2014-15	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: 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 Goals of Financially Strong City with Service Excellence and Strong Local Economy.				
SUMMARY OF ITEM				
<p>The existing access drive/fire lane was relocated with the redevelopment of the property in 1991. The location described in the easement is no longer applicable to the existing access drive/fire lane location.</p> <p>https://www.google.com/maps/place/1025+Preston+Rd,+Plano,+TX+75093/@33.0154164,-96.7968999,18z/data=!3m1!1e3!4m2!3m1!1s0x864c23b233b50df1:0xf69e1375952e00f8</p>				
List of Supporting Documents:	Other Departments, Boards, Commissions or Agencies			
Location Map	N/A			
Ordinance				
Petition for Abandonment				



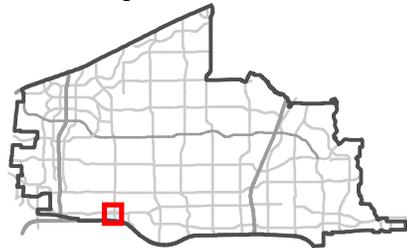
Project Location



City of Plano GIS Division
September, 2015

**Broadstone Park Place
Project No. 6578**

Project Location



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a certain tract of land described as a Combination Fire Lane and Access Easement, recorded in Volume 3033, Page 317, and a Combination Fire Lane, Access, and Utility Easement, recorded in Volume 3310, Page 680, Deed Records of Collin County, Texas, being part of a tract of land as described in deed to Car Park PL TX, LLC as recorded under Instrument No. 20110228000213250 of the Deed Records of Collin County, Texas also being a part of Lot 1R, Block 1, of Park Place Addition Replat, as recorded in Volume 2008, Page 572, Plat Records of Collin County, Texas, and being situated in the Lewis Wetsel Survey, Abstract No. 971, which is located within the city limits of Plano, Texas; quitclaiming all right, title and interest of the City in such easement to the owner of the property underlying the easement, CAR PARK PL TX LLC, 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 Combination Fire Lane and Access Easement, recorded in Volume 3033, Page 317, and a Combination Fire Lane, Access, and Utility Easement, recorded in Volume 3310, Page 680, of the Deed Records of Collin County, Texas, being part of a tract of land as described in deed to Car Park PL TX, LLC as recorded under Instrument No. 20110228000213250 of the Deed Records of Collin County, Texas also being a part of Lot 1R, Block 1, of Park Place Addition Replat, as recorded in Volume 2008, Page 572, Plat Records of Collin County, Texas, (hereinafter called "Easement"), which is located within the city limits of Plano, Texas; 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 owner of the property underlying the easement, 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 owner of the property underlying the Easement 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.

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 28th day of September, 2015.

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 Variable Width Fire Lane & Access 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 existing access drive/fire lane was re-located with re-development of the property in 1991. The location described in the easement is no long applicable.

2. The following public interest will be served as a result of the abandonment:
The Easement is no longer applicable to the existing access drive/fire lane location.

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:

The Easement is located on property with one ownership.

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".

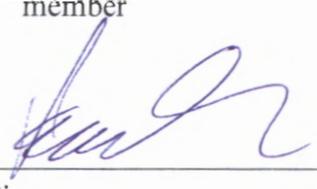
[Remainder of page blank]

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.

CAR PARK PL TX L.L.C., a Delaware limited liability company

By: EP Holding Company LLC, its managing member

By: Manageco OP LP LLC, its managing member

By:  _____

Name:

Title:

Paul McEvoy
Vice President

Contact Person for Property Owners:

Name: Jennifer Haynes, Cates-Clark & Associates, LLP
Phone No: (972) 385-2272

LOT 2R, BLOCK 1
PARK PLACE ADDITION
VOL. 2006, PG. 571
P.R.C.C.T.

Exhibit "A-1"

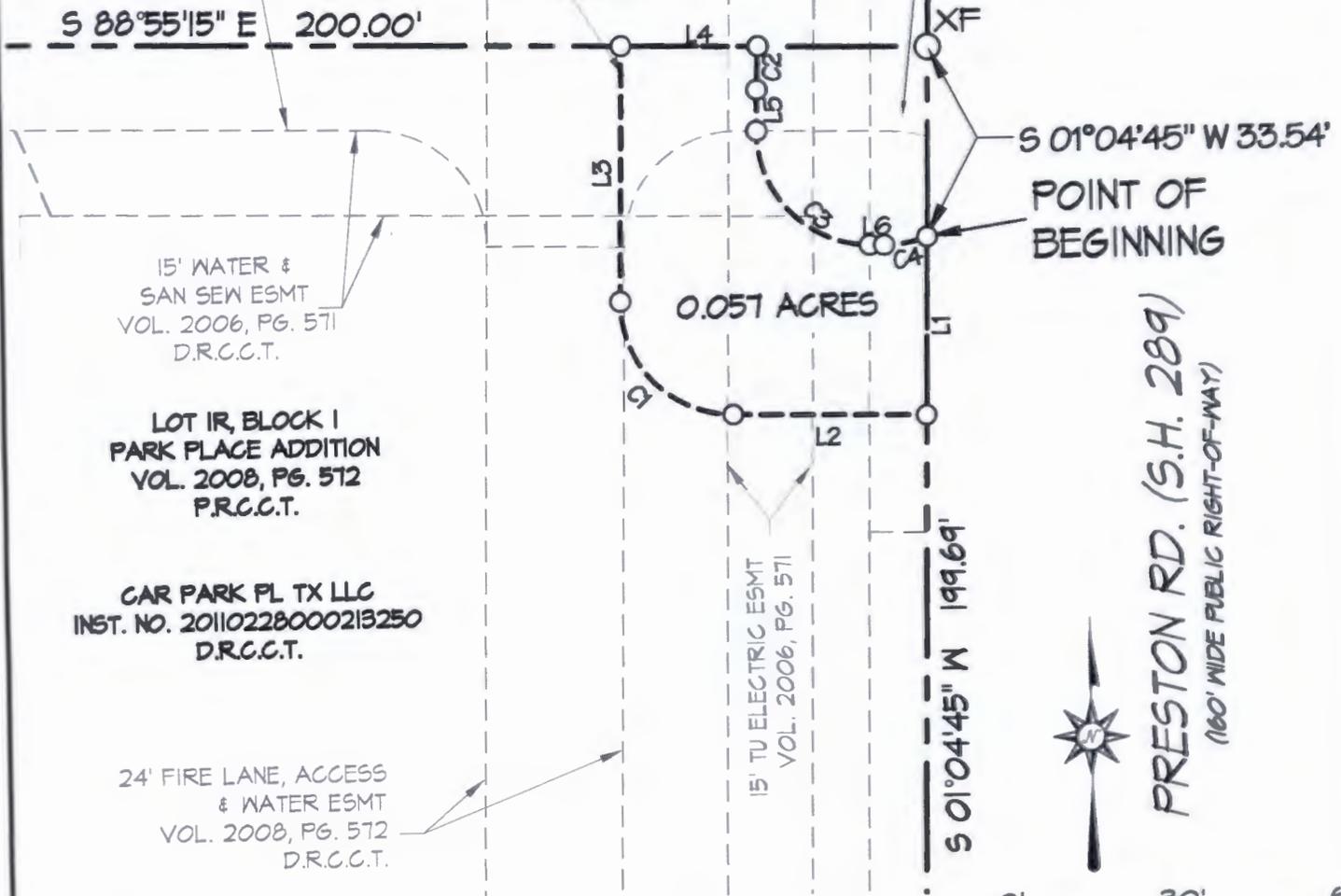
CCP 1101 PRESTON LP
INST. NO. 201306 7000837770
D.R.C.C.T.

24' FIRE LANE
& UTILITY ESMT
VOL. 2008, PG. 572
D.R.C.C.T.

VARIABLE WIDTH FIRE
LANE & ACCESS ESMT
VOL. 3033, PG. 317
D.R.C.C.T.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 01°04'45" W	31.48'
L2	N 88°55'15" W	34.00'
L3	N 01°04'45" E	48.00'
L4	S 88°55'15" E	24.20'
L5	S 01°04'45" W	7.50'
L6	S 88°55'15" E	2.50'



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00'	31.42'	28.29'	N 43°54'54" W	90°00'42"
C2	150.00'	7.71'	7.71'	S 02°33'00" W	2°56'43"
C3	20.00'	31.42'	28.28'	S 43°55'15" E	90°00'00"
C4	20.00'	7.69'	7.64'	N 80°04'12" E	22°01'06"

SHEET 1 OF 2

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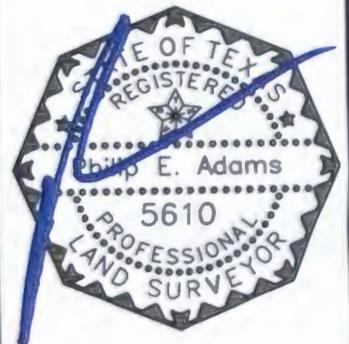
Adams
surveying company, LLC

COMBINATION FIRE LANE AND
ACCESS EASEMENT ABANDONMENT

LOT 1R, BLOCK 1

PARK PLACE ADDITION

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BH	PA	1" = 30'	5/21/2015	15034



Fire Lane and Access Easement Abandonment
 Lot 1R, Block 1
 Park Place Addition
 City of Plano, Collin County, Texas

BEING a tract of land situated in the Lewis Wetzel Survey, Abstract No. 971, City of Plano, Collin County, Texas, and being all of that tract of land as described in Combination Fire Lane and Access Easement recorded under Volume 3033, Page 317, Deed Records, Collin County, Texas, being part of a tract of land as described in deed to Car Park PL TX, LLC as recorded under Instrument No. 20110228000213250 of the Deed Records, Collin County, Texas, also being a part of Lot 1R, Block 1, of Park Place Addition Replat, as recorded in Volume 2008, Page 572, Plat Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner which bears South 01°04'45" West a distance of 33.54 feet from an "X" cut found for the Southerly Northeast corner of said Lot 1R, Block 1 of said Park Place Addition Replat, also being the Southeast corner of Lot 2R, Block 1 of said Park Place Addition Replat, said point also being in the West line of Preston Road, a 160 foot wide right-of-way;

THENCE South 01°04'45" West a distance of 31.46 feet to a point for corner;

THENCE North 88°55'15" West a distance of 34.00 feet to a point for corner at the beginning of a curve to the right whose chord bears North 43°54'54" West, 28.29 feet;

THENCE in a Northwesterly direction along said curve to the right having a central angle of 90°00'42", a radius of 20.00 feet, and an arc length of 31.42 feet to a point for corner;

THENCE North 01°04'45" East a distance of 45.00 feet to a point for corner;

THENCE South 88°55'15" East a distance of 24.20 feet to a point for corner at the beginning of a curve to the left whose chord bears South 02°33'00" West, 7.71 feet;

THENCE in a Southerly direction along said curve to the left having a central angle of 02°56'43", a radius of 150.00 feet, and an arc length of 7.71 feet to a point for corner;

THENCE South 01°04'45" West a distance of 7.30 feet to a point for corner at the beginning of a curve to the left whose chord bears South 43°55'15" East, 28.28 feet;

THENCE in a Southeasterly direction along said curve to the left having a central angle of 90°00'00", a radius of 20.00 feet, and an arc length of 31.42 feet to a point for corner;

THENCE South 88°55'15" East a distance of 2.50 feet to a point for corner at the beginning of a curve to the left whose chord bears North 80°04'12" East, 7.64 feet;

THENCE in an Easterly direction along said curve to the left having a central angle of 22°01'06", a radius of 20.00 feet, and an arc length of 7.69 feet to the POINT OF BEGINNING and containing 0.057 acres of land, more or less.

SHEET 2 OF 2

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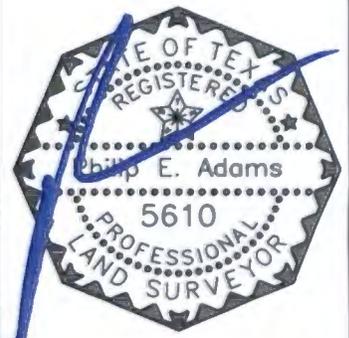


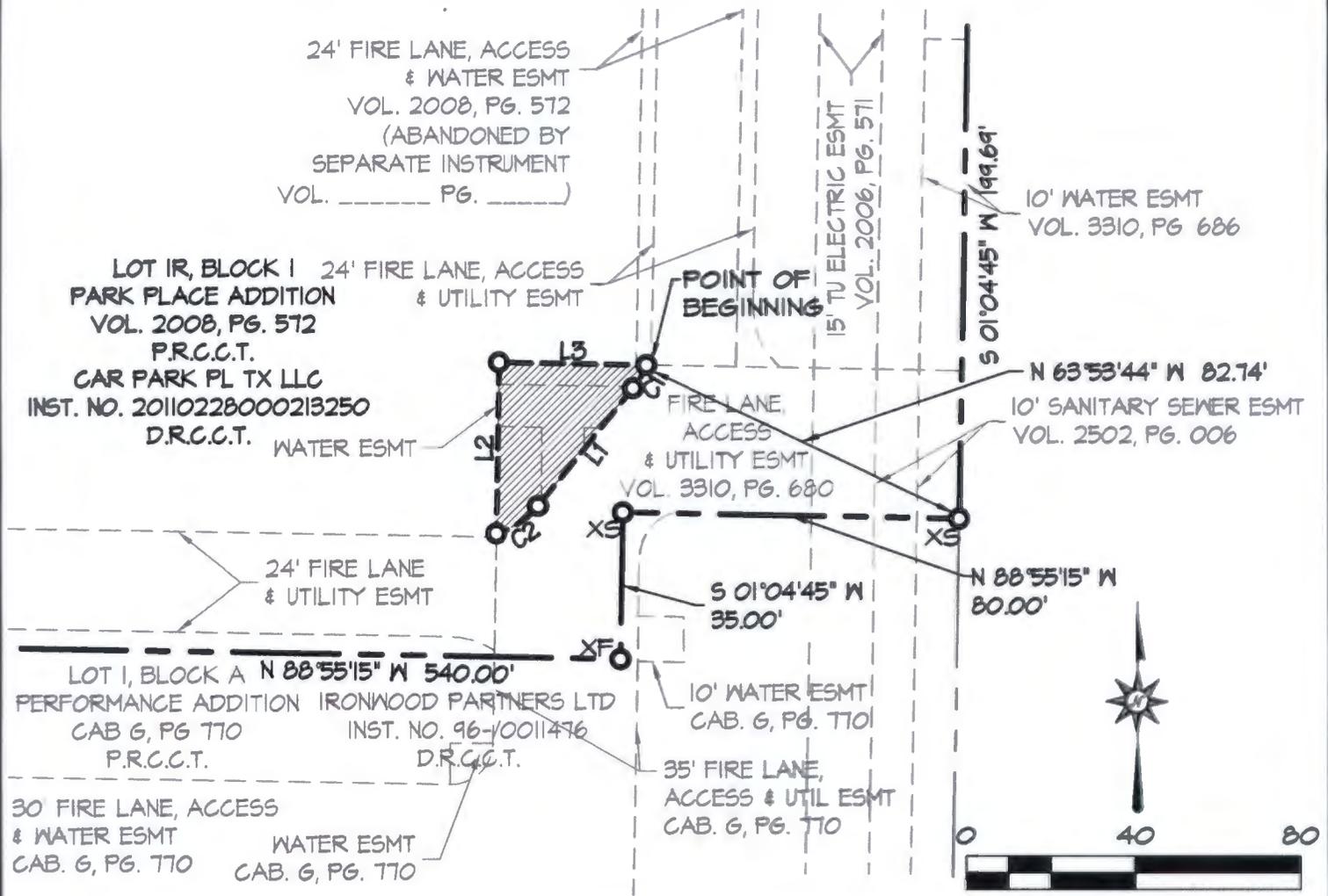
COMBINATION FIRE LANE AND
ACCESS EASEMENT ABANDONMENT

LOT 1R, BLOCK 1

PARK PLACE ADDITION

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BH	PA	1" = 30'	5/21/2015	15034





LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 39°11'08" W	35.88'
L2	N 01°00'39" E	40.60'
L3	S 88°55'15" E	35.08'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	20.00'	6.44'	6.41'	S 29°58'02" W	18°26'11"
C2	20.00'	12.08'	11.89'	S 56°29'05" W	34°35'54"

SHEET 1 OF 2

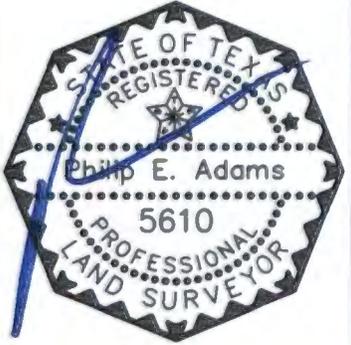
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COMBINATION FIRE LANE, ACCESS, AND UTILITY EASEMENT ABANDONMENT

LOT IR, BLOCK I

PARK PLACE ADDITON



DRAWN BY:	CHECKED BY:	SCALE:	DATE:	JOB NO.:
HH	PA	1"=40'	6/10/15	15034

Fire Lane, Access, and Utility Easement Abandonment
 Lot IR, Block I
 Park Place Addition
 City of Plano, Collin County, Texas

BEING a tract of land situated in the Lewis Wetzel Survey, Abstract No. 971, City of Plano, Collin County, Texas, and being a portion of that tract of land as described in Combination Fire Lane, Access, and Utility Easement recorded under Volume 3310, Page 680, Deed Records, Collin County, Texas, being part of a tract of land as described in deed to Car Park PL TX, LLC as recorded under Instrument No. 20110228000213250 of the Deed Records, Collin County, Texas, also being a part of Lot IR, Block I, of Park Place Addition Replat, as recorded in Volume 2008, Page 572, Plat Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner which bears North 63°53'44" West a distance of 82.74 feet from an "X" cut set for the Easterly Southeast corner of said Lot IR, Block I of said Park Place Addition Replat, also being the Northeast corner of Lot I, Block A, Performance Addition, as recorded in Cabinet 6, Page 770, Plat Records, Collin County, Texas, said point also being in the West line of Preston Road, a 160 foot wide right-of-way, and being at the beginning of a curve to the right whose chord bears South 29°58'02" West, 6.41:

THENCE in a Southerly direction along said curve to the right having a central angle of 18°26'11", a radius of 20.00 feet, and an arc length of 6.44 feet to a point for corner;

THENCE South 39°11'08" West a distance of 35.88 feet to a point for corner at the beginning of a curve to the right whose chord bears South 56°29'05" West, 11.89 feet;

THENCE in a Southerly direction along said curve to the right having a central angle of 34°35'54", a radius of 20.00 feet, and an arc length of 12.08 feet to a point for corner;

THENCE North 01°00'39" East along said Combination Fire Lane, Access, and Utility Easement a distance of 40.60 feet to a point for corner;

THENCE South 88°55'15" East along said Combination Fire Lane, Access, and Utility Easement a distance of 35.08 feet to the POINT OF BEGINNING and containing 0.019 acres, or 819.1 square feet of land, more or less.

SHEET 2 OF 2

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Adams
 surveying company, llc

COMBINATION FIRE LANE, ACCESS, AND
 UTILITY EASEMENT ABANDONMENT

LOT IR, BLOCK I

PARK PLACE ADDITON

DRAWN BY:	CHECKED BY:	SCALE	DATE:	JOB NO.
HH	PA	1"=40'	6/10/13	15034

