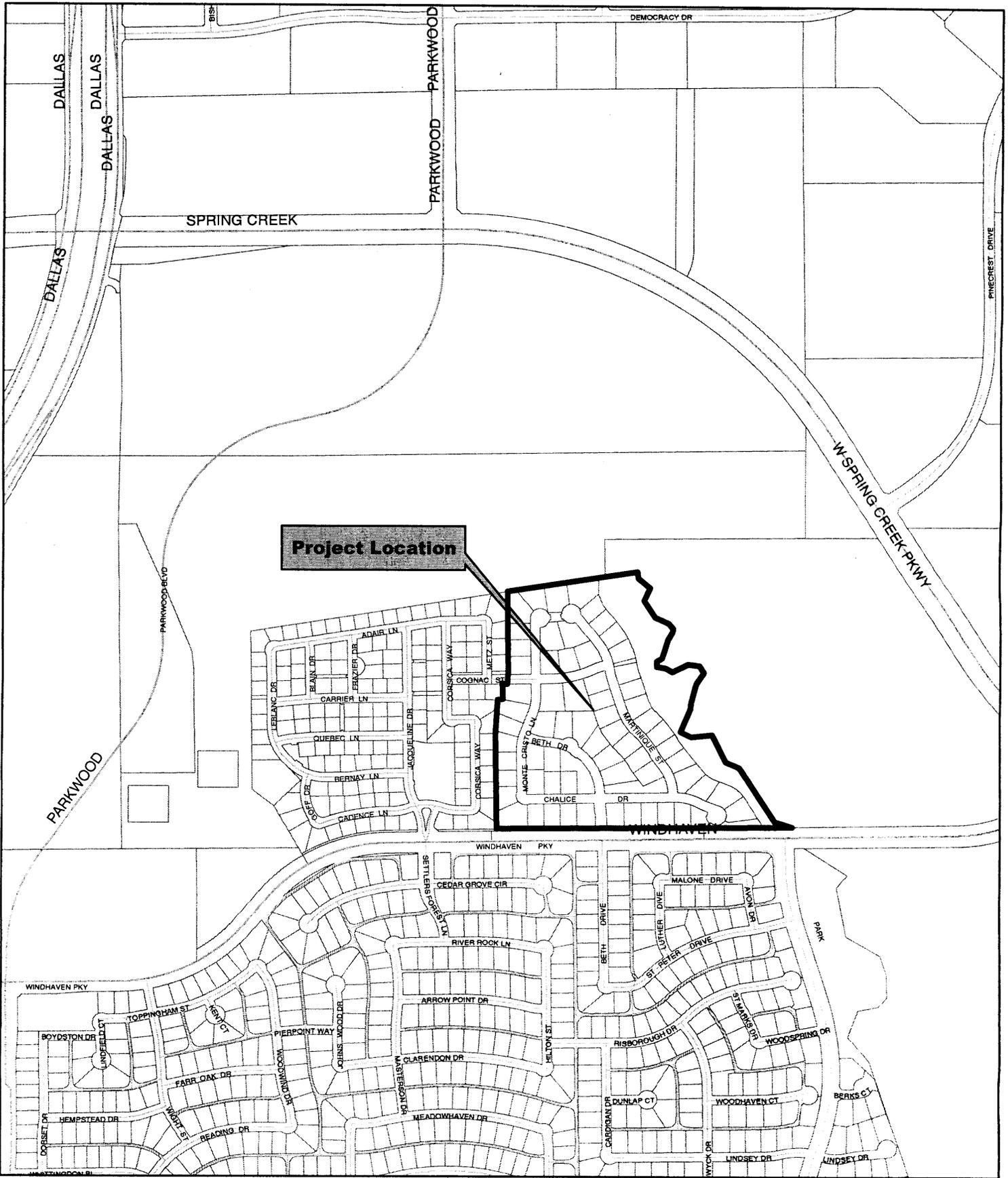




**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		10/10/11			
Department:	Public Works				
Department Head	Gerald Cosgrove				
Agenda Coordinator (include phone #): Irene Pegues (X-7152) Proj. #5597-5					
CAPTION					
<p>An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain drainage easement recorded in Volume 5949, Page 46, of the Land Records of Collin County, and to that certain drainage easement recorded in Instrument No. 20081113001330600, Official Public Records of Collin County, Texas, and to that certain temporary drainage easement recorded in Collin County Clerk's File No. 2005-0085575 of the Land Records of Collin County, Texas being situated in the M. C. Vela Survey, Abstract No. 935, located north of Windhaven Parkway and west of Spring Creek Parkway, 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 abutting property owner, Toll Dallas 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:	2010-11	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: No financial impact..					
STRATEGIC PLAN GOAL: Abandoning the drainage easements relates to the City's Goal of Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
<p>The drainage easements were dedicated to convey drainage through portions of the undeveloped property. Since the property is now being developed, storm drainage improvements will be constructed in dedicated right-of-way. Therefore, the drainage easements are not needed.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Location Map			N/A		

Easement Abandonment



Location Map

An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain drainage easement recorded in Volume 5949, Page 46, of the Land Records of Collin County, and to that certain drainage easement recorded in Instrument No. 20081113001330600, Official Public Records of Collin County, Texas, and to that certain temporary drainage easement recorded in Collin County Clerk's File No. 2005-0085575 of the Land Records of Collin County, Texas being situated in the M. C. Vela Survey, Abstract No. 935, located north of Windhaven Parkway and west of Spring Creek Parkway, 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 abutting property owner, Toll Dallas 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 that certain drainage easement recorded in Volume 5949, Page 46, of the Land Records of Collin County, and to that certain drainage easement recorded in Instrument No. 20081113001330600, Official Public Records of Collin County, Texas, and to that certain temporary drainage easement recorded in Collin County Clerk's File No. 2005-0085575 of the Land Records of Collin County, Texas being situated in the M. C. Vela Survey, Abstract No. 935, located north of Windhaven Parkway and west of Spring Creek Parkway, (hereinafter called "Easements"), which are located within the City Limits of Plano, Collin County, Texas, and which are more particularly described in Exhibits "A-1", "A-2", and "A-3" 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" (without attached Exhibits) 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 abutting Property Owner; 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 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 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 as set forth below.

DULY PASSED AND APPROVED this the 10th day of October, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Exhibit A-1

LEGAL DESCRIPTION

BEING a tract of land out of the M.C. Vela Survey, Abstract Number 935, in the City of Plano, Collin County, Texas, and being a part of a called 108.9 acre tract of land described in deed to Acres of Sunshine, Ltd., recorded in Volume 4227, Page 0835 of the Deed Records of Collin County, Texas, said tract being all of a tract of land described in Drainage Easement to the City of Plano recorded in Instrument No. 20081113001330600, Official Public Records of Collin County, Texas, said tract also being part of the same tract of land described in Special Warranty Deed to Toll Dallas TX LLC, recorded in Instrument No. 20110225000208080, Land Records of Collin County, Texas and being more particularly described as follows;

COMMENCING at a point for corner at the southeast corner of said Sunshine tract and the southwest corner of a tract of land described in deed to Haggard Enterprises Limited., Ltd., recorded in Volume 2523, Page 172 of the Land Records of Collin County, Texas the same being in the north line of Windhaven Parkway (a 55' wide public right-of-way);

THENCE North 00°00'21" West, leaving the north line of said Windhaven Parkway, along the common line of said Sunshine Tract and Haggard Tract, a distance of 669.54 feet to a point for corner in the southerly line of an existing Drainage Easement as recorded in Volume 5949, Page 0046 of the Land Records of Collin County, Texas and the POINT OF BEGINNING;

THENCE leaving said common line across said 108.9 acre tract, the following courses and distances to wit:

- North 83°54'05" West, along said Drainage Easement, a distance of 111.81 feet to a point for corner;
- South 66°01'38" West, leaving said Drainage Easement, a distance of 129.71 feet to a point for corner;
- South 31°36'43" West, a distance of 228.09 feet to a point for corner at the beginning of a curve to the right;
- Southwesterly, with the curve to the right, through a central angle of 76°47'49", having a radius of 180.00 feet, and a chord bearing and distance of South 70°00'38" West, 223.61 feet, an arc distance of 241.27 feet to a point for corner and the end of the curve;
- North 00°12'46" West, a distance of 61.88 feet to a point for corner at the beginning of a curve to the right;
- Southeasterly, with the curve to the right, through a central angle of 10°45'35", having a radius of 95.00 feet, and a chord bearing and distance of South 76°00'58" East, 17.81 feet, an arc distance of 17.84 feet to a point for corner and the beginning of a reverse curve to the left;
- Northeasterly, with the curve to the left, through a central angle of 77°45'06", having a radius of 120.00 feet, and a chord bearing and distance of North 70°29'16" East, 150.63 feet, an arc distance of 162.84 feet to a point for corner and end of curve;
- North 31°36'43" East, a distance of 232.31 feet to a point for corner at the beginning of a curve to the right;
- Northeasterly, with the curve to the right, through a central angle of 17°43'53", having a radius of 180.00 feet, and a chord bearing and distance of North 40°28'40" East, 55.48 feet, an arc distance of 55.70 feet to a point for corner at the beginning of a curve to the right;
- Northwesterly, with the curve to the right, through a central angle of 23°10'19", having a radius of 235.00 feet, and a chord bearing and distance of North 55°30'06" West, 94.39 feet, an arc distance of 95.04 feet to a point for corner at the beginning of a curve to the left;
- Northwesterly, with the curve to the left, through a central angle of 46°08'13", having a radius of 165.00 feet, and a chord bearing and distance of North 66°59'03" West, 129.30 feet, an arc distance of 132.86 feet to a point for corner;
- South 89°56'51" West, a distance of 40.03 feet to a point for corner;
- North 00°03'09" West, a distance of 20.00 feet to a point for corner;
- South 89°56'51" West, a distance of 9.96 feet to a point for corner;
- North 00°04'36" West, a distance of 30.00 feet to a point for corner;
- North 89°56'51" East, a distance of 9.98 feet to a point for corner;
- North 00°03'09" West, a distance of 20.00 feet to a point for corner;
- North 89°56'51" East, a distance of 40.03 feet to a point for corner an the beginning of a curve to the right;
- Southeasterly, with the curve to the right, through a central angle of 46°08'13", having a radius of 235.00 feet, and a chord bearing and distance of South 66°59'03" East, 184.16 feet, an arc distance of 189.23 feet to a point for corner at the beginning of a reverse curve to the left;
- Southeasterly, with the curve to the left, through a central angle of 37°23'45", having a radius of 165.00 feet, and a chord bearing and distance of South 62°36'49" East, 105.79 feet, an arc distance of 107.69 feet to a point for corner;
- South 83°43'07" East, a distance of 177.06 feet to a point for corner in the aforementioned common line;

THENCE South 00°00'21" East, along said common line, a distance of 70.40 feet to the POINT OF BEGINNING and containing 1.584 acres (69,016 square feet) of land, more or less.

Basis of bearing is the east line of Avignon Windhaven, Phase I, as recorded in Cabinet R, Slide 204, Map Records of Collin County, Texas, said bearing being South 00°04'36" East.

Dana Brown
Registered Professional
Land Surveyor No. 5336
Kimley-Horn and Associates, Inc.
12700 Park Central Drive, Suite 1800
Dallas, Texas 75251-1516

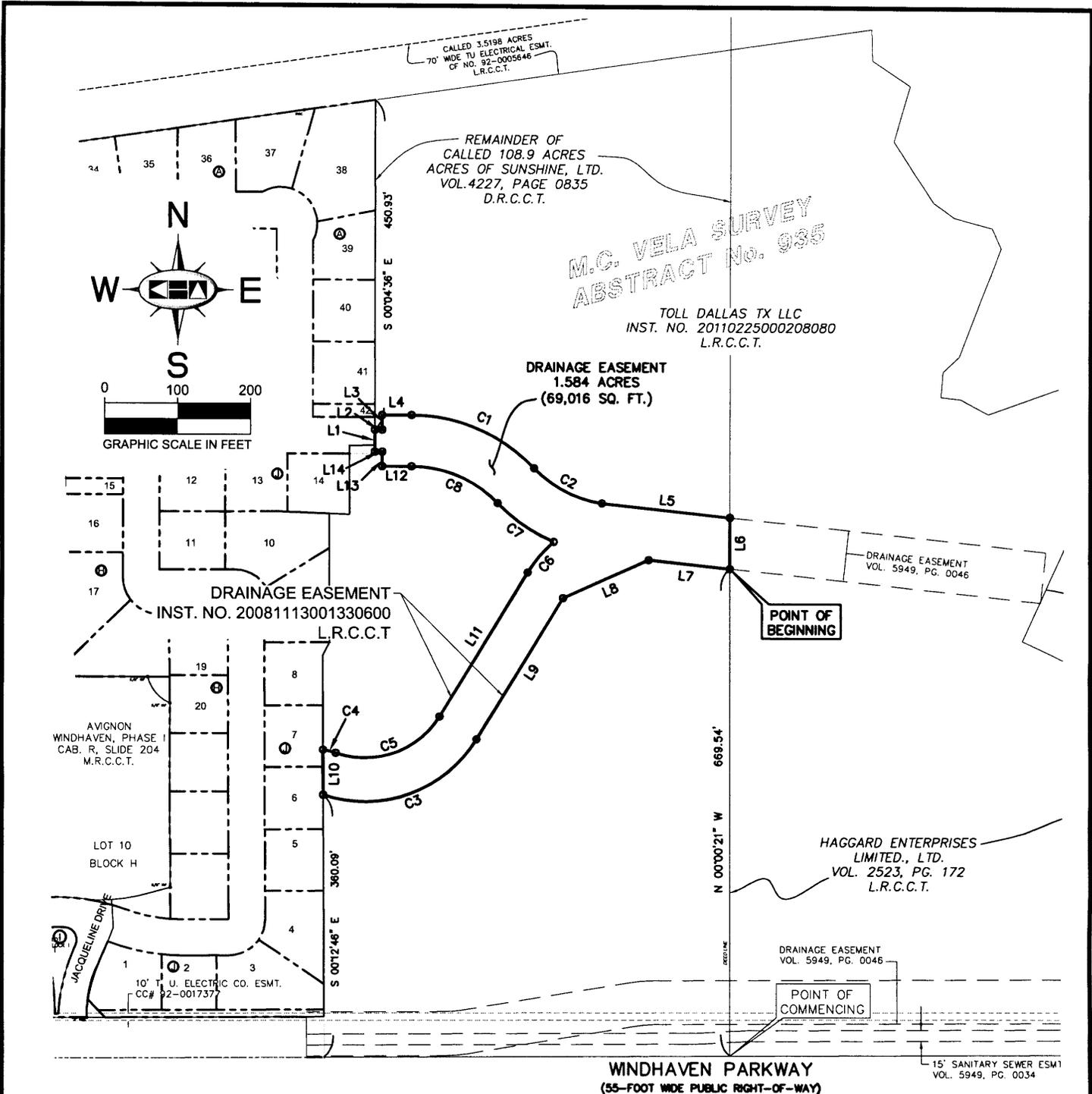


**VARIABLE WIDTH
DRAINAGE EASEMENT
ABANDONMENT**
M.C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS


12700 Park Central Drive, Suite 1800
Dallas, Texas 75251

**Kimley-Horn
and Associates, Inc.**
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = ###'	SRD	DAB	Feb. 2011	064041001	1 OF 3



Basis of bearing is the east line of Avignon Windhaven, Phase I, as recorded in Cabinet R, Slide 204, Map Records of Collin County, Texas, said bearing being South 00°04'36" East.

**VARIABLE WIDTH
DRAINAGE EASEMENT
ABANDONMENT**
M.C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS

		Kimley-Horn and Associates, Inc.									
		12700 Park Central Drive, Suite 1800 Dallas, Texas 75251									
Scale 1" = 200'		Drawn by SRD		Checked by DAB		Date Feb. 2011		Project No. 064041001		Sheet No. 2 OF 3	
						Tel. No. (972) 770-1300 Fax No. (972) 239-3820					

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00	N00°04'36"W
L2	9.98	N89°56'51"E
L3	20.00	N00°03'09"W
L4	40.03	N89°56'51"E
L5	177.06	S83°43'07"E
L6	70.40	S00°00'21"E
L7	111.81	N83°54'05"W
L8	129.71	S66°01'38"W
L9	228.09	S31°36'43"W
L10	61.88	N00°12'46"W
L11	232.31	N31°36'43"E
L12	40.03	S89°56'51"W
L13	20.00	N00°03'09"W
L14	9.96	S89°56'51"W

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	46°08'13"	235.00	189.23	S66°59'03"E	184.16
C2	37°23'45"	165.00	107.69	S62°36'49"E	105.79
C3	76°47'49"	180.00	241.27	S70°00'38"W	223.61
C4	10°45'35"	95.00	17.84	S76°00'58"E	17.81
C5	77°45'06"	120.00	162.84	N70°29'16"E	150.63
C6	17°43'53"	180.00	55.70	N40°28'40"E	55.48
C7	23°10'19"	235.00	95.04	N55°30'06"W	94.39
C8	46°08'13"	165.00	132.86	N66°59'03"W	129.30

VARIABLE WIDTH DRAINAGE EASEMENT ABANDONMENT

M.C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS



**Kimley-Horn
and Associates, Inc.**

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Dallas, Texas 75251

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = ###'	SRD	DAB	Feb. 2011	064041001	3 OF 3

LEGAL DESCRIPTION

BEING a tract of land out of the M.C. Vela Survey, Abstract Number 935, in the City of Plano, Collin County, Texas, and being a part of a tract of land described in Special Warranty Deed to Haggard Enterprises Limited., Ltd., recorded in Volume 2523, Page 172 of the Land Records of Collin County, Texas, said tract also being all of a tract of land described in Temporary Drainage Easement to the City of Plano recorded in Volume 5949, Page 46, Land Records of Collin County, Texas, said tract also being part of the same tract of land described in Special Warranty Deed to Toll Dallas TX LLC, recorded in Instrument No. 20110225000208080, Land Records of Collin County, Texas and being more particularly described as follows;

COMMENCING at a point for corner at the southeast corner of said Haggard Enterprises Limited., Ltd., tract and the southwest corner of a tract of land described in deed to Acres of Sunshine, Ltd., recorded in Volume 4227, Page 0835 of the Deed Records of Collin County, Texas, the same being in the north line of Windhaven Parkway (a 55' wide public right-of-way);

THENCE North 00°00'21" West, leaving the north line of said Windhaven Parkway, along the common line of said Sunshine Tract and Haggard Tract, a distance of 669.54 feet to a point for corner in the southerly line of an existing Drainage Easement as recorded in Volume 5949, Page 0046 of the Land Records of Collin County, Texas and the **POINT OF BEGINNING**;

THENCE with said common line, North 00°00'21" West, a distance of 70.40 feet to a point for corner;

THENCE departing said common line, South 83°54'05" East, a distance of 437.79 feet to a point for corner;

THENCE South 06°05'55" West, a distance of 70.00 feet to a point for corner;

THENCE North 83°54'05" West, a distance of 430.30 feet to the **POINT OF BEGINNING** and containing 0.698 acres (30,383 square feet) of land, more or less.

Basis of bearing is the east line of Avignon Windhaven, Phase I, as recorded in Cabinet R, Slide 204, Map Records of Collin County, Texas, said bearing being South 00°04'36" East.

Dana Brown
Registered Professional
Land Surveyor No. 5336
Kimley-Horn and Associates, Inc.
12700 Park Central Drive, Suite 1800
Dallas, Texas 75251-1516



**VARIABLE WIDTH
DRAINAGE EASEMENT
ABANDONMENT**
M.C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS

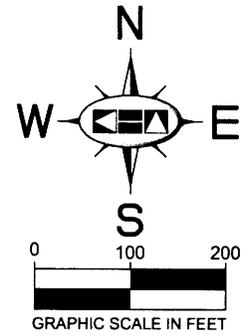
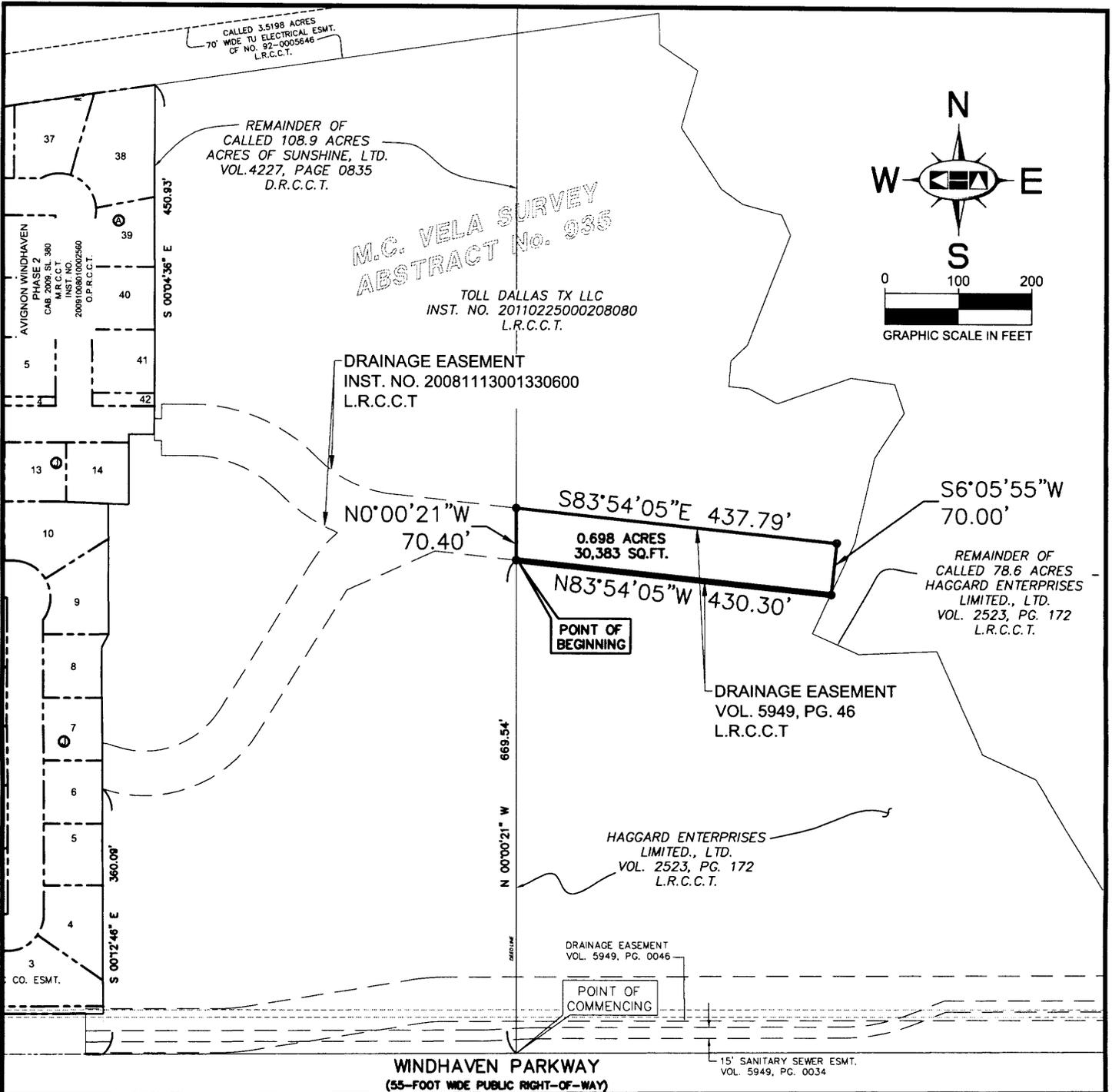


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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = ###'	SRD	DAB	Feb. 2011	064041001	1 OF 2



Basis of bearing is the east line of Avignon Windhaven, Phase I, as recorded in Cabinet R, Slide 204, Map Records of Collin County, Texas, said bearing being South 00°04'36" East.

VARIABLE WIDTH DRAINAGE EASEMENT ABANDONMENT

M.C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS

		Kimley-Horn and Associates, Inc.			
12700 Park Central Drive, Suite 1800 Dallas, Texas 75251		Tel. No. (972) 770-1300 Fax No. (972) 239-3820			
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	SRD	DAB	Feb. 2011	064041001	2 OF 2

LEGAL DESCRIPTION

BEING a tract of land situated in the M. C. Vela Survey, Abstract No. 935, in the City of Plano, Collin County, Texas, being all of a 60-foot wide Temporary Drainage Easement recorded in Collin County Clerk's File No. 2005-0085575 of the Land Records of Collin County, and being a part of a tract of land described in deed to Haggard Enterprises, Limited, Ltd., recorded in Volume 2523, Page 172 of the Land Records of Collin County, Texas and part of a tract of land described in deed to Acres of Sunshine, Ltd. recorded in Volume 4227, Page 835, Land Records of Collin County, Texas, said tract also being part of the same tract of land described in Special Warranty Deed to Toll Dallas TX LLC, recorded in Instrument No. 20110225000208080, Land Records of Collin County, Texas and being more particularly described as follows:

COMMENCING at a monument found in the northerly right-of-way line of Windhaven Parkway (a 55-foot wide right-of-way), dedicated to the City of Plano, according to the plat thereof recorded in Cabinet N, Page 582, of the Plat Records of Collin County, Texas for the northerly common corner of CASTLEMERE PHASE VI, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet K, Page 436 of the Plat Records of Collin County, Texas, and WINDHAVEN SECTION FIVE, an addition to the City of Plano, Collin County, Texas, according to the plat thereof recorded in Cabinet K, Page 36 of the Plat Records of Collin County, Texas; Thence leaving the common corner, North 36°11'12" East, a distance of 51.33 feet to the **POINT OF BEGINNING**;

THENCE with the south line of said Temporary Drainage Easement the following courses and distances:

South 80°44'21" West, a distance of 233.57 feet to a point for the beginning of a curve to the right; Southwesterly, with said curve to the right, through a central angle of 09°02'55", having a radius of 230.00, a chord bearing and distance of South 85°15'48" West, 36.29 feet, an arc distance of 36.32 feet to a point for corner in the south line of said Acres of Sunshine Ltd., tract;

THENCE with said south line, South 89°47'16" West, a distance of 186.73 feet to a point for corner;

THENCE departing said south line, North 00°12'44" West, a distance of 60.00 feet to a point for corner;

THENCE with the north line of said Temporary Drainage Easement, the following courses and distances:

North 89°47'16" East, a distance of 186.73 feet to a point for the beginning of a curve to the left; Northeasterly, with said curve to the left, through a central angle of 09°02'55", having a radius of 170.00, a chord bearing and distance of North 85°15'48" East, 26.82 feet, an arc distance of 26.85 feet to a point for corner; North 80°44'21" East, a distance of 233.57 feet to a point for the beginning of a curve to the right; Northeasterly, with said curve to the right, through a central angle of 09°02'55", having a radius of 230.00, a chord bearing and distance of North 85°15'48" East, 36.29 feet, an arc distance of 36.32 feet to a point for corner;; North 89°47'16" East, a distance of 959.66 feet to a point for corner;

THENCE with the east line of said Temporary Drainage Easement, South 00°12'44" East, a distance of 60.00 feet to a point for corner;

THENCE with the south line of said Temporary Drainage Easement, the following courses and distances:

South 89°47'16" West, a distance of 959.66 feet to a point the beginning of a curve to the left; Southwesterly, with said curve to the left, through a central angle of 09°02'55", having a radius of 170.00, a chord bearing and distance of South 85°15'48" West, a distance of 26.82, an arc distance of 26.85 feet to the **POINT OF BEGINNING** and containing 1.988 acres (86,588 sq. ft.) of land, more or less.

**ABANDONMENT OF 60-FOOT
TEMPORARY DRAINAGE EASEMENT
M.C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS**

Dana Brown
Registered Professional
Land Surveyor No. 5336
Kimley-Horn and Associates, Inc.
12700 Park Central Drive, Suite 1800
Dallas, Texas 75251-1516



**Kimley-Horn
and Associates, Inc.**
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Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	Feb. 2011	064041001	1 OF 3

REMAINDER OF
CALLED 78.6 ACRES
HAGGARD ENTERPRISES
LIMITED., LTD.
VOL. 2523, PG. 172
L.R.C.C.T.

TOLL DALLAS TX LLC
INST. NO. 20110225000208080
L.R.C.C.T.

HAGGARD ENTERPRISES
LIMITED, LTD.
VOL. 2523, PG. 172
L.R.C.C.T.

60' TEMPORARY
DRAINAGE EASEMENT
C.C.C.F. NO. 2005-0085575

SANITARY SEWER EASEMENT
C.C.C.F. NO. 2001-0041155

DRAINAGE EASEMENT
C.C.C.F. NO. 2001-0041152

N89°47'16"E 959.66'

10' TU ELECTRIC ESMT.
C.C.C.F. NO. 92-0017377
L.R.C.C.T.

S00°12'44"E
60.00'

S89°47'16"W 959.66'

WINDHAVEN PARKWAY
(55' WIDE PUBLIC RIGHT-OF-WAY)

M.C. VELA SURVEY
ABSTRACT NO. 935
R. BENFIELD SURVEY
ABSTRACT NO. 99

WINDHAVEN PARKWAY
(55' WIDE PUBLIC RIGHT-OF-WAY)

CASTLEMERE PHASE VI
CAB. K, PG. 436
P.R.C.C.T.

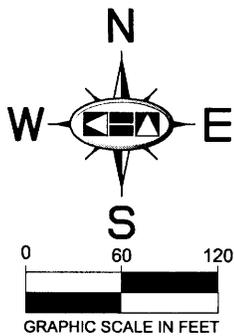
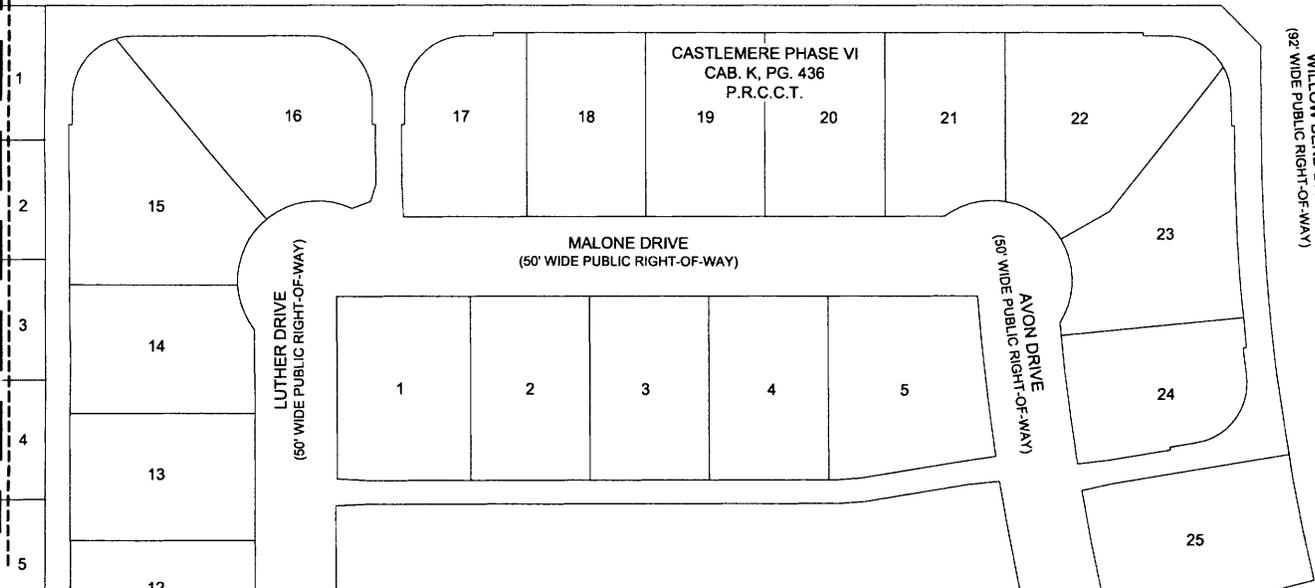
WILLOW BEND DRIVE
(92' WIDE PUBLIC RIGHT-OF-WAY)

MALONE DRIVE
(50' WIDE PUBLIC RIGHT-OF-WAY)

LUTHER DRIVE
(50' WIDE PUBLIC RIGHT-OF-WAY)

AVON DRIVE
(50' WIDE PUBLIC RIGHT-OF-WAY)

MATCHLINE
(SHEET 2)



**ABANDONMENT OF 60-FOOT
TEMPORARY DRAINAGE EASEMENT
M.C. VELA SURVEY, ABSTRACT NO. 935
CITY OF PLANO, COLLIN COUNTY, TEXAS**



**Kimley-Horn
and Associates, Inc.**

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Dallas, Texas 75251

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Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 120'	SRD	DAB	Feb. 2011	064041001	3 OF 3

EXHIBIT "B"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting Toll Dallas TX, LLC (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1", Exhibit "A-2" and Exhibit "A-3"** 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:
There is no longer a need for temporary drainage since we are installing permanent structures to accommodate design flows, and aligning these structures within dedicated right of way.
2. The following public interest will be served as a result of the abandonment:
By creating permanent structures, the public will receive a more manageable storm system.
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:

OWNED ENTIRELY BY TOLL DALLAS TX LLC.

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". **(NA)**
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". **(NA)**

[Remainder of page blank]

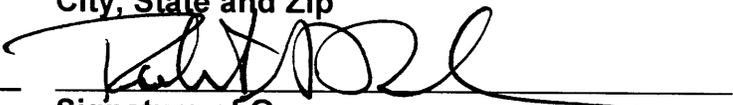
10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

Robert G. Paul
Typed Name of Owner

2557 SW Grapevine Pkwy #100
Address

Grapevine, TX 76051
City, State and Zip

Dated: 9-16-11


Signature of Owner

Contact Person for Property Owners:

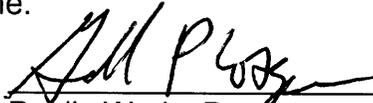
Name: Robert G. Paul

Phone No: 817-329-8770

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.



Public Works Department
City of Plano, Texas