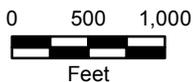
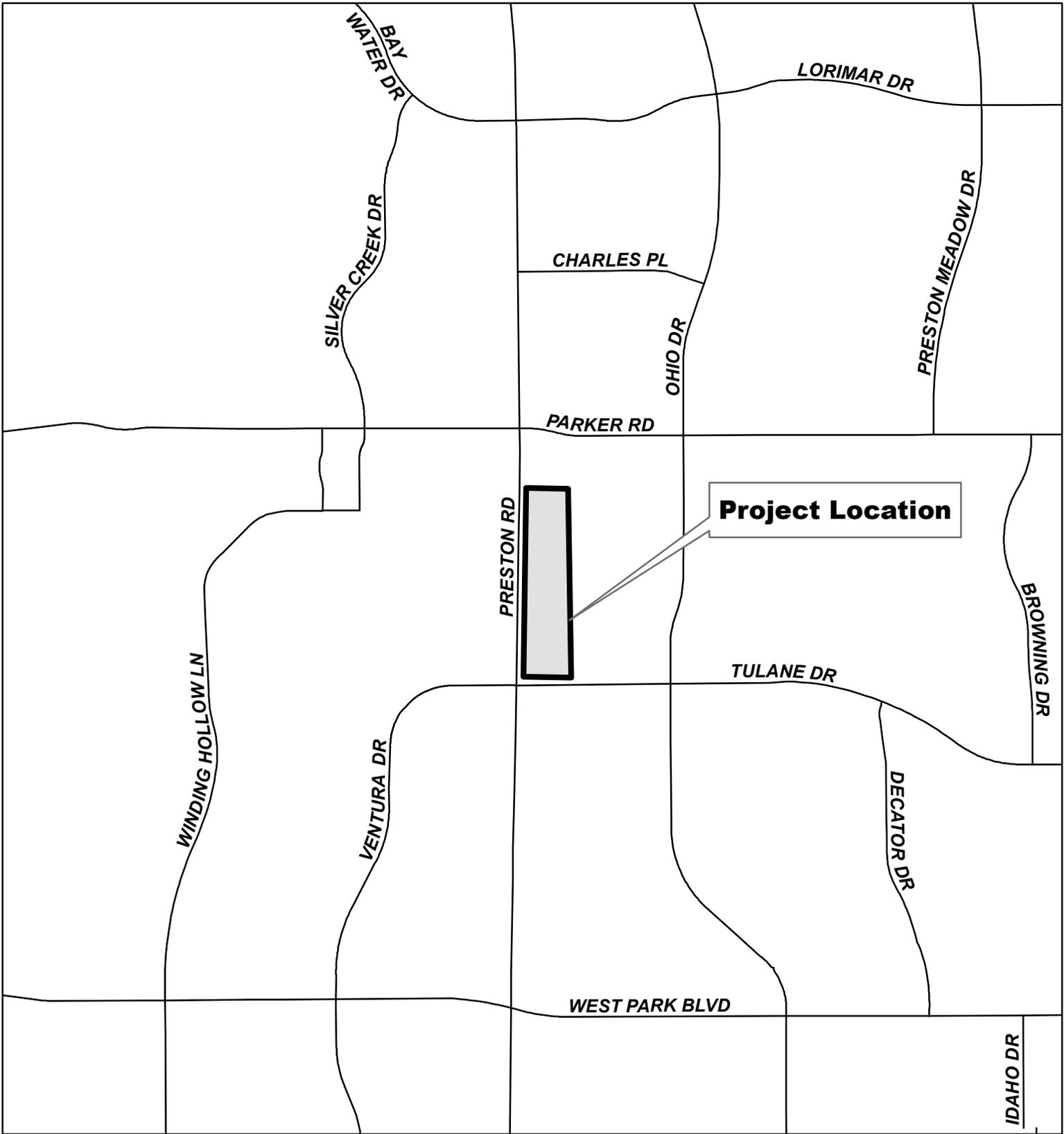




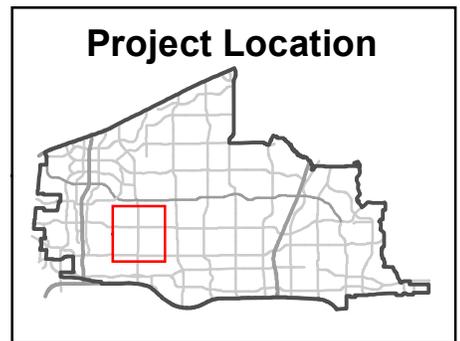
CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:	11/23/15				
Department:	Engineering				
Department Head	B. Caleb Thornhill				
Project	Central Park on Preston #6475				
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 a certain Drainage Easement recorded in Volume 2632, Page 961, and a portion of a certain Sanitary Sewer Easement recorded in Document No. 92-0022466 & 92-0022467, of the Deed Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, 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, CADG PLANO 17, 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:	2015-16	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					
<p>COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Abandoning all right, title and interest of the City to these easements relates to the City's Goal of Financially Strong City with Service Excellence.</p>					
SUMMARY OF ITEM					
<p>Drainage improvements have been made and a sanitary sewer system has been constructed as part of the new development and made these easements outdated. The abandonment of these easements will remove the encumbrances from the lots, thereby facilitating new development.</p> <p>https://www.google.com/maps/place/Tulane+Dr,+Plano,+TX+75093/@33.0388105,-96.7944119,17z/data=!4m2!3m1!1s0x864c22f9efd3b2e5:0x6ae48dab3fac24c7</p>					
List of Supporting Documents: Location Map, Ordinance, Petition for Abandonment			Other Departments, Boards, Commissions or Agencies		



**Central Park on Preston
Project No. 6475**

City of Plano GIS Division
October, 2015



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of a certain Drainage Easement recorded in Volume 2632, Page 961, and a portion of a certain Sanitary Sewer Easement recorded in Document No. 92-0022466 & 92-0022467, of the Deed Records of Collin County, Texas and being situated in the B.M. Craig Survey, Abstract No. 176, 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, CADG PLANO 17, 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 portion of that certain Drainage Easement recorded in Volume 2632, Page 961, and a portion of a certain Sanitary Sewer Easement recorded in Document No. 92-0022466 & 92-0022467, of the Deed Records of Collin County, (hereinafter called "Easement") being situated in the B.M. Craig Survey, Abstract No. 176, 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 "A" 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. 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 November, 2015.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "A"

PETITION FOR ABANDONMENT

[For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting a **DRAINAGE EASEMENT LOCATED ADJACENT TO PRESTON ROAD, 357 FEET NORTH OF TULANE, AND A SANITARY SEWER EASEMENT LOCATED ADJACENT TO PRESTON VILLAGE PHASE II** (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:

DRAINAGE IMPROVEMENTS HAVE BEEN MADE AND A SANITARY SEWER SYSTEM HAS BEEN CONSTRUCTED AS PART OF THE NEW DEVELOPMENT AND MADE THESE EASEMENTS OUTDATED.

2. The following public interest will be served as a result of the abandonment:

THE OPEN CHANNEL HAS BEEN ELIMINATED AND A BOX CULVERT ENCLOSED THE OPEN CHANNEL, CREATING A SAFER ENVIRONMENT AND TO ADD TAXABLE LOT TO THE CITY.

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".~~
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:

CADG PLANO 17, LLC – 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".~~

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".~~

[Remainder of page blank]

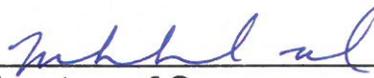
10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

MEHRDAD MOAYEDI
Typed Name of Owner

1800 Valley View Lane, Suite 300
Address

Farmers Branch, Texas 75234
City, State and Zip

Dated: 10/8/15


Signature of Owner

Contact Person for Property Owners:

Name: Brian Umberger, P.E.

Phone No: 469-964-5721

DRAINAGE EASEMENT ABANDONMENT

BEING a tract of land located in the City of Plano, Collin County, Texas, being part of Lot 3, Block A, Preston Parker Addition, an addition to the City of Plano as recorded in Volume 2007, Page 208, Map Records, Collin County, Texas, and being all of the remainder of an existing Permanent Drainage Easement awarded to the City of Plano by Agreed Judgment recorded in Volume 2632, Page 961, Deed Records in Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with cap stamped "RPLS 5199" set for the most westerly southwest corner of said Lot 3, Block A, being the northwest end of a right-of-way corner clip at the intersection of the east right-of-way line of Preston Road (State Highway 289, a 140' R.O.W.) and the north right-of-way line of Tulane Drive (variable width R.O.W.);

THENCE, along the west line of said Lot 3 and east right-of-way line of Preston Road, North 01 degrees 29 minutes 50 seconds East, a distance of 356.77 feet to the south line of said Permanent Drainage Easement, the **POINT OF BEGINNING**;

THENCE, continuing along the west line of said Lot 3 and the east right-of-way line of Preston Road, North 01 degrees 29 minutes 50 seconds East, a distance of 65.00 feet to a point in the north line of said Permanent Drainage Easement;

THENCE, departing the east line of Preston Road, over and across said Lot 3, and along the north east and south lines of said Permanent Drainage Easement as follows:

South 88 degrees 18 minutes 53 seconds East, a distance of 30.00 feet;

South 01 degrees, 29 minutes, 50 seconds West, a distance of 65.00 feet;

North 88 Degrees, 18 Minutes, 53 Seconds West, a distance of 30.00 feet to the **POINT OF BEGINNING** and containing 1,950 square feet or 0.0448 acres of land, more or less.



William J. Johnson
Registered Professional Land Surveyor No. 5426

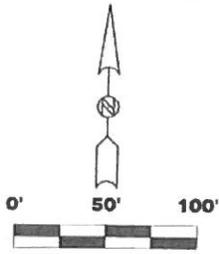


EASEMENT ABANDONMENT EXHIBIT
LOT 3, BLOCK A
PRESTON PARKER ADDITION
(VOLUME 2007, PAGE 208, M.R.C.C.T.)
B.M. CRAIG SURVEY, ABSTRACT NO. 176

Date: 10/26/2015 Scale: 1"=100' Project No. 1419001



903 N. Bowser Road, Suite 240
Richardson, Texas 75081
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com
TBPLS Firm No. 10139600



SCALE: 1"=100'

BASIS OF BEARINGS
EAST LINE OF PRESTON
ROAD (STATE HWY. 208)
N 01°29'50" E
(VOLUME 2007, PG. 289
M.R.C.C.T.)

LOT 3, BLOCK A
PRESTON PARKER ADDITION
BLOCK A, LOTS 1-3
(VOLUME 2007, PAGE 208, M.R.C.C.T.)

CEREMONY DR.
(50' R.O.W.)

20' SANITARY SEWER EASEMENT
(C.C.F. NO. 92-0022466, D.R.C.C.T.)
(C.C.F. NO. 92-0022467, D.R.C.C.T.)

EXISTING DRAINAGE EASEMENT
TO BE ABANDONED BY THIS DOCUMENT
1,950 S.F. OR 0.0448 ACRE
(VOLUME 2632, PAGE 961, D.R.C.C.T.)

P.O.B.

PRESTON ROAD (STATE HWY. 289)
(140' R.O.W.)

N 01°29'50" E 356.77'
LINE OF DIRECTIONAL CONTROL

P.O.C.
5/8" I.R.S.
(C.M.)

1/2" I.R.F.

BLOCK G
PRESTON LAKES PHASE 5
(CABINET Q, SLIDE 261, M.R.C.C.T.)

LOT 10

TULANE DRIVE
(VARIABLE-WIDTH R.O.W.)

LEGEND

5/8" I.R.S.	5/8" IRON ROD SET WITH PLASTIC CAP STAMPED "R.P.L.S. 5199"
CL	CENTERLINE
(CM)	CONTROLLING MONUMENT
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
I.R.F.	IRON ROD FOUND
M.R.C.C.T.	MAP RECORDS, COLLIN, COUNTY, TEXAS
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
VOL.	VOLUME

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 01°29'50" E	65.00'
L2	S 88°18'53" E	30.00'
L3	S 01°29'50" W	65.00'
L4	N 88°18'53" W	30.00'

EASEMENT ABANDONMENT EXHIBIT

LOT 3, BLOCK A
PRESTON PARKER ADDITION
(VOLUME 2007, PAGE 208, M.R.C.C.T.)
B.M. CRAIG SURVEY, ABSTRACT NO. 176

Date: 10/26/2015 Scale: 1"=100' Project No. 1419001



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SANITARY SEWER EASEMENT ABANDONMENT

BEING a tract of land located in the City of Plano, Collin County, Texas, being part of Lot 3, Block A, Preston Parker Addition, an addition to the City of Plano as recorded in Volume 2007, Page 208, Map Records, Collin County, Texas, and a portion of an existing 20 foot wide Sanitary Sewer Easement conveyed to the City of Plano by instruments recorded as County Clerk's File Nos. 92-0022466 & 92-022467, Deed Records in Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with cap stamped "RPLS 5199" set for the northeast corner of said Lot 3,, being the southeast corner of Lot 2, Block A, said Preston Parker Addition, being in west line of Lot 1, Block B, Preston Village Phase II, and being in the east line of said Sanitary Sewer Easement;

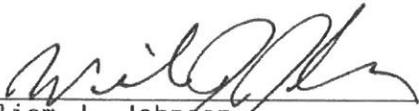
THENCE, along the east line of said Lot 3, the east line of said Sanitary Sewer Easement, and the west line of Preston Village Phase II, South 06 degrees 16 minutes 41 seconds East, a distance of 146.40 feet to the **POINT OF BEGINNING**;

THENCE, continuing along the east line of said Lot 3, the east line of said Sanitary Sewer Easement, and the west line of Block F, Preston Village Phase II as recorded in Volume 2011, Page 124, Map Records, Collin County Texas, South 00 degrees 16 minutes 41 seconds East, a distance of 404.06 feet;

THENCE, departing the west line of said Preston Village Phase II, over and across said Lot 3, South 89 degrees 43 minutes 19 seconds West, a distance of 20.00 feet to the west line of said Sanitary Sewer Easement;

THENCE, along the west line of said Sanitary Sewer Easement, North 00 degrees 16 minutes 41 seconds West, a distance of 404.06 feet;

THENCE, North 89 degrees 43 minutes 19 seconds East, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 8,081 square feet or 0.1855 acres of land more or less.



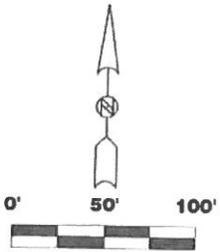
William J. Johnson
Registered Professional Land Surveyor No. 5426

EASEMENT ABANDONMENT EXHIBIT
LOT 3, BLOCK A
PRESTON PARKER ADDITION
(VOLUME 2007, PAGE 208, M.R.C.C.T.)
B.M. CRAIG SURVEY, ABSTRACT NO. 176

Date: 10/26/2015 Scale: 1"=100' Project No. 1419001



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SCALE: 1"=100'

BASIS OF BEARINGS
EAST LINE OF PRESTON
ROAD (STATE HWY. 208)
N 01°29'09" E
(VOLUME 2007, PG. 289
M.R.C.C.T.)

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 00°16'41" E	146.40'
L2	S 00°16'41" E	404.06'
L3	S 89°43'19" W	20.00'
L4	N 00°16'41" W	404.06'
L5	N 89°43'19" E	20.00'

LEGEND

- 5/8" I.R.S. 5/8" IRON ROD SET WITH PLASTIC CAP STAMPED "R.P.L.S. 5199"
- CL CENTERLINE
- (CM) CONTROLLING MONUMENT
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
- I.R.F. IRON ROD FOUND
- M.R.C.C.T. MAP RECORDS, COLLIN, COUNTY, TEXAS
- PG. PAGE
- R.O.W. RIGHT-OF-WAY
- VOL. VOLUME

LOT 2, BLOCK A
PRESTON PARKER ADDITION
BLOCK A, LOTS 1-3
(VOLUME 2007, PAGE 208, M.R.C.C.T.)

LOT 1, BLOCK A
PRESTON VILLAGE
ADDITION
(VOLUME 2006, 514
M.R.C.C.T.)

BLOCK B
PRESTON VILLAGE PHASE II
(VOLUME 2011, PAGE 124,
M.R.C.C.T.)

DURHAM DR.
(50' R.O.W.)

AURORA DRIVE
VARIABLE WIDTH R.O.W.)

CITY OF PLANO
CONC. MON. SET
(C.M.)

P.O.C.
5/8" I.R.S.
(C.M.)

P.O.B.

S 88°34'13" E 391.52'

PORTION OF EXISTING 20' SANITARY
SEWER EASEMENT TO REMAIN
(C.C.F. NO. 92-0022466, D.R.C.C.T.)
(C.C.F. NO. 92-0022467, D.R.C.C.T.)

PORTION OF EXISTING 20'
SANITARY SEWER EASEMENT
TO BE ABANDONED
8,081 S.F. OR 0.1855 ACRES

LOT 3, BLOCK A
PRESTON PARKER ADDITION
BLOCK A, LOTS 1-3
(VOLUME 2007, PAGE 208, M.R.C.C.T.)

PORTION OF EXISTING 20' SANITARY
SEWER EASEMENT TO REMAIN
(C.C.F. NO. 92-0022466, D.R.C.C.T.)
(C.C.F. NO. 92-0022467, D.R.C.C.T.)

PRESTON ROAD (STATE HWY. 289)
(140' R.O.W.)

N 01°29'09" E 1165.70'
LINE OF DIRECTIONAL CONTROL

EASEMENT ABANDONMENT EXHIBIT
LOT 3, BLOCK A
PRESTON PARKER ADDITION
(VOLUME 2007, PAGE 208, M.R.C.C.T.)
B.M. CRAIG SURVEY, ABSTRACT NO. 176
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