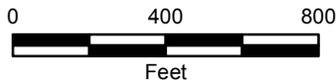
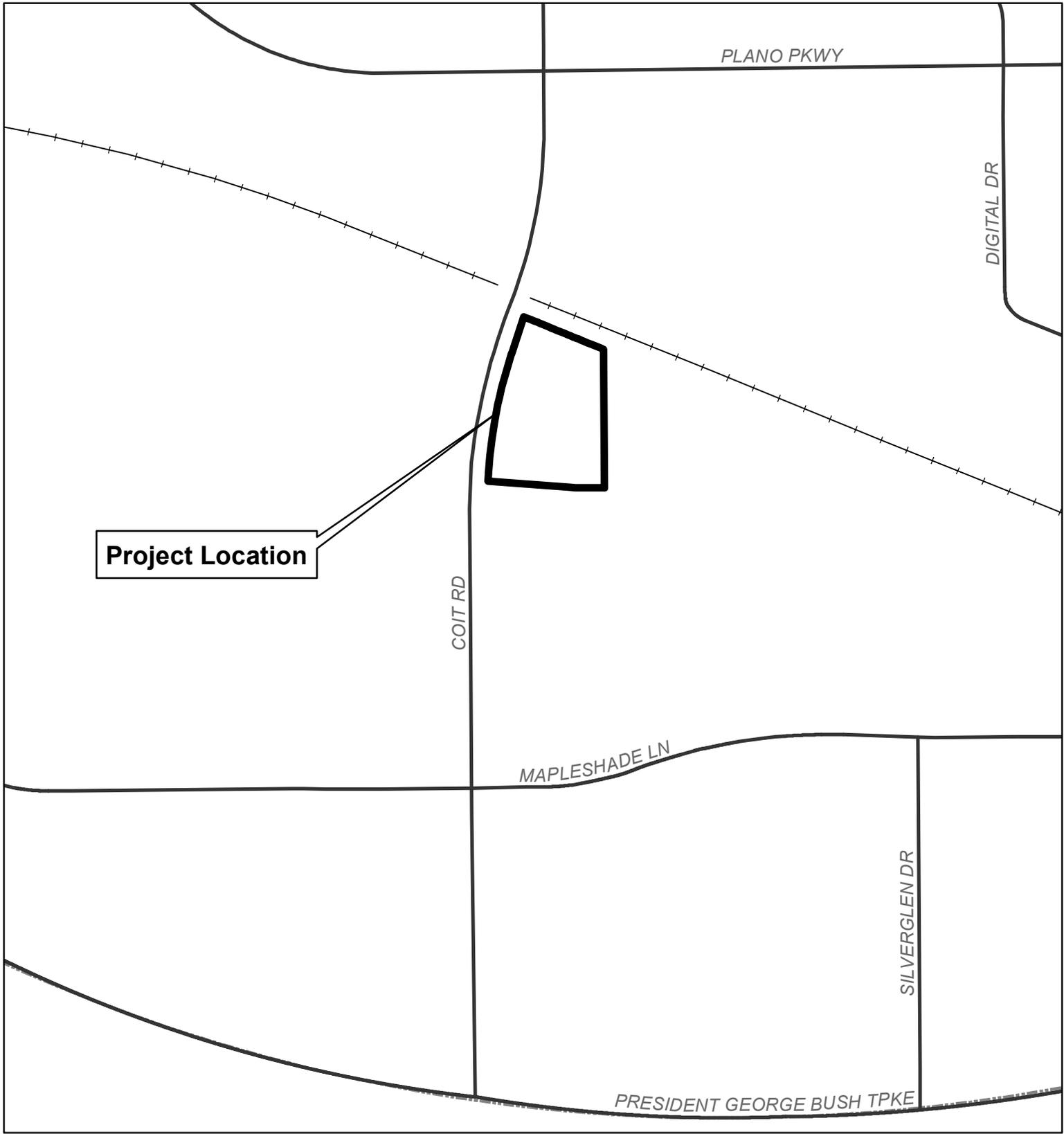




CITY OF PLANO COUNCIL AGENDA ITEM

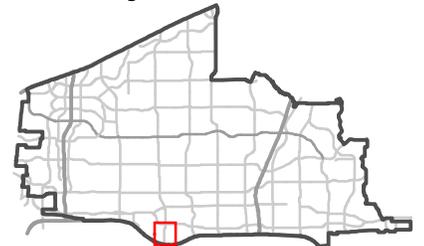
CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:	11/23/15				
Department:	Engineering				
Department Head	B. Caleb Thornhill				
Project	Coit Center Phase 3				
Agenda Coordinator (include phone #): 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 Water Easement recorded in Volume 2410, Page 346, and a portion of a certain Sanitary Sewer Easement recorded in Volume 2175, Page 683, of the Land Records of Collin County, Texas and being situated in the Martha McBride Survey, Abstract No. 553, 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, CRP-GREP COIT CENTER OWNER, 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>					
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					
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.					
SUMMARY OF ITEM					
<p>The developer is installing a new water line to serve the development and continue the City public main through the development. Existing sanitary sewer easement is in conflict with new proposed development improvements. No sanitary sewer line was installed in this easement.</p> <p>https://www.google.com/maps/@33.0064025,-96.7666407,305m/data=!3m1!1e3</p>					
List of Supporting Documents: Location Map, Ordinance, Petition for Abandonment			Other Departments, Boards, Commissions or Agencies n/a		



City of Plano GIS Division
November, 2015

Coit Center Phase 3 Project No. 5005-21

Project Location



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 Water Easement recorded in Volume 2410, Page 346, and a portion of a certain Sanitary Sewer Easement recorded in Volume 2175, Page 683, of the Land Records of Collin County, Texas and being situated in the Martha McBride Survey, Abstract No. 553, 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, CRP-GREP COIT CENTER OWNER, 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 and to a portion of that certain Water Easement recorded in Volume 2410, Page 346, and a portion of a certain Sanitary Sewer Easement recorded in Volume 2175, Page 683, of the Land Records of Collin County, (hereinafter called "Easement") being situated in the Martha McBride Survey, Abstract No. 553, 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 **WATER EASEMENT AND A SANITARY SEWER 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 EASEMENTS CONFLICT WITH PROPOSED DEVELOPMENT IMPROVEMENTS. THE DEVELOPER IS INSTALLING A NEW WATER LINE TO SERVE THE DEVELOPMENT AND CONTINUE THE CITY PUBLIC MAIN THROUGH THE DEVELOPMENT.

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

REMOVES UNNECESSARY OBSOLETE EASEMENTS FROM THE CITY RECORDS AND MAINTENANCE RESPONSIBILITIES, AND RE-ROUTES A PUBLIC MAIN THROUGH THE PROPOSED DEVELOPMENT TO CONTINUE THE CONNECTIVITY OF THE CITY 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".~~
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:

CRP-GREP COIT CENTER OWNER, L.P. – 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.

CRP-GREP COIT CENTER OWNER, L.P.
Typed Name of Owner

600 East Las Colinas Blvd., Suite 2100
Address

Dallas, Texas 75039
City, State and Zip

Dated: 10/28/2015


Signature of Owner

Contact Person for Property Owners:

Name: Laird Sparks

Phone No: (469) 417-6507

LEGADE: SRIPTION
4,329 SQ. FT.

BEING a tract of land situated in the Martha McBride Survey, Abstract No. 553, City of Plano, Collin County, Texas and being part of a 10' water easement described in Easement Dedication recorded in Volume 2410, Page 346, Land Records of Collin County, Texas; also being part of Lot 10, Block A, Coit Center, an addition to the City of Plano, Texas according to the Revised Conveyance Plat recorded in Volume 2014, Page 581, Map Records of Collin County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" iron rod with "JBI" cap found at the intersection of the southwest line of a Gulf, Colorado & Santa Fe Railroad (a 150-foot wide right-of-way) and the east right-of-way line of Coit Road (FM 3193; a variable width right-of-way) and the northwest corner of said Lot 10;

THENCE with said southwest line of the Gulf, Colorado & Santa Fe Railroad, South 67°36'30" East, a distance of 124.18 feet to a point at the northwest corner of a 10' sanitary sewer easement recorded in Volume 2175, Page 683, Land Records of Collin County, Texas;

THENCE departing said southwest line of the Gulf, Colorado & Santa Fe Railroad and with the west line of said sanitary sewer easement, South 23°14'10" West, a distance of 156.20 feet to the **POINT OF BEGINNING**;

THENCE continuing with the west line of said sanitary sewer easement, the following courses and distances:

- South 23°14'10" West, a distance of 230.21 feet to a point for corner;
- South 16°25'30" West, a distance of 201.21 feet to a point for corner in the north line of Faith Lane, a 58' quasi-public street easement as shown on the plat of said Coit Center recorded in Volume 2012, Page 233, Map Records of Collin County, Texas;

THENCE with said north line of Faith Lane, North 85°19'56" West, a distance of 10.21 feet to a point for corner in said west line of the 10' water easement;

THENCE departing said north line of Faith Lane and with said west line of the 10' water easement, the following courses and distances:

- North 16°25'30" East, a distance of 203.89 feet to a point for corner;
- North 23°14'10" East, a distance of 230.65 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 0°43'35", a radius of 44.00 feet, a chord bearing and distance of South 68°52'16" East, 0.56 feet;

THENCE departing said west line of the 10' water easement, the following courses and distances:

- In a southeasterly direction, with said curve to the right, an arc distance of 0.56 feet to a point for corner;
- Sou67° 36'19" East, a distance of 9.44 feet to the **POINT OF BEGINNING** and containing 4329 square feet or 0.099 acres of land.

Bearing system for this survey is based on a line oriented between City of Plano monuments H2 and 822 found in the field, whose positions are published on the Texas State Plane Coordinate System, North American Datum of 1983, North Central Zone 4202.

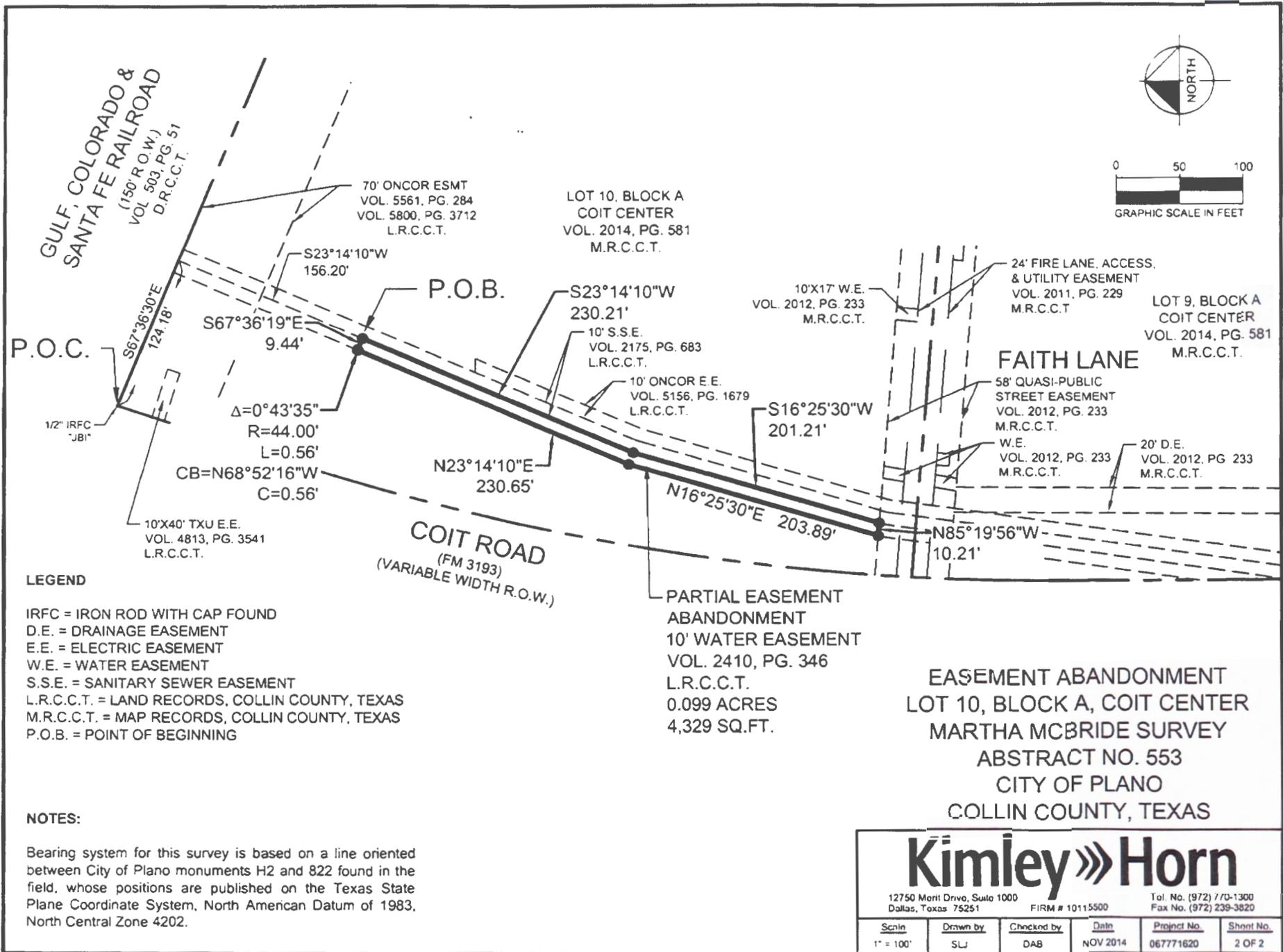
EASEMENT ABANDONMENT
LOT 10, BLOCK A, COIT CENTER
MARTHA MCBRIDE SURVEY
ABSTRACT NO. 553
CITY OF PLANO
COLLIN COUNTY, TEXAS

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
dana.brown@kimley-horn.com



Kimley»Horn
12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel No (972) 770-1300 Fax No (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
				067771620	1 OF 2



LEGAL DESCRIPTION

9,469 SQUARE FEET

BEING a tract of land situated in the Martha McBride Survey, Abstract No. 553, City of Plano, Collin County, Texas and being all of a 10' sanitary sewer easement described in Easement Dedication recorded in Volume 2175, Page 683, Land Records of Collin County, Texas; also being part of Lots 9 & 10, Block A, Coit Center, an addition to the City of Plano, Texas according to the plat recorded in Volume 2014, Page 581, Map Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a point for corner in the south line of the Gulf, Colorado & Santa Fe Railroad (a 150-foot wide right-of-way); said point being South 67°36'30" East, a distance of 124.18 feet from a 1/2" iron rod found at the intersection of the said south line of the Gulf, Colorado & Santa Fe Railroad and the east right-of-way line of Coit Road (FM 3193; a variable width right-of-way);

THENCE continuing with the said south line of the Gulf, Colorado & Santa Fe Railroad, South 67°36'30" East, a distance of 10.00 feet to a point for corner;

THENCE departing the said south line of the Gulf, Colorado & Santa Fe Railroad, South 23°14'10" West, passing at a distance of 247.56 feet the northwest corner of a 10' Oncor electric easement recorded in Volume 5156, Page 1679, Land Records of Collin County, Texas; continuing with the west line of said Oncor electric easement for a total distance of 385.96 feet to a point for corner;

THENCE with the said west line of the Oncor electric easement, the following courses and distances:

- South 16°25'30" West, a distance of 204.00 feet to a point for corner;
- South 7°55'30" West, a distance of 390.84 feet to a point for corner in the said east right-of-way line of Coit Road;

THENCE with the said east right-of-way line of Coit Road, North 0°11'15" West, a distance of 70.85 feet to a point for the southernmost corner of a water easement recorded in Volume 2410, Page 346, Land Records of Collin County, Texas;

THENCE departing the said east right-of-way line of Coit Road, with the west line of said water easement, the following courses and distances:

- North 7°55'30" East, a distance of 321.44 feet to a point for corner;
- North 16°25'30" East, a distance of 205.34 feet to a point for corner;
- North 23°14'10" East, a distance of 386.40 feet to the **POINT OF BEGINNING** and containing 9,469 square feet or 0.217 acres of land.

Bearing system for this survey is based on a line oriented between City of Plano monuments H2 and 822 found in the field, whose positions are published on the Texas State Plane Coordinate System, North American Datum of 1983, North Central Zone 4202.

**EASEMENT ABANDONMENT
LOTS 9 & 10, BLOCK A, COIT CENTER
MARTHA MCBRIDE SURVEY
ABSTRACT NO. 553
CITY OF PLANO
COLLIN COUNTY, TEXAS**

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<h1 style="margin: 0;">Kimley»Horn</h1>	
12750 Merit Drive, Suite 1000 Dallas, Texas 75251	Tel No (972) 770-1300 Fax No (972) 239-3820
Scale N/A	Drawn by SLJ
Checked by DAB	Date NOV 2014
Project No. 067771620	Sheet No. 1 OF 3

