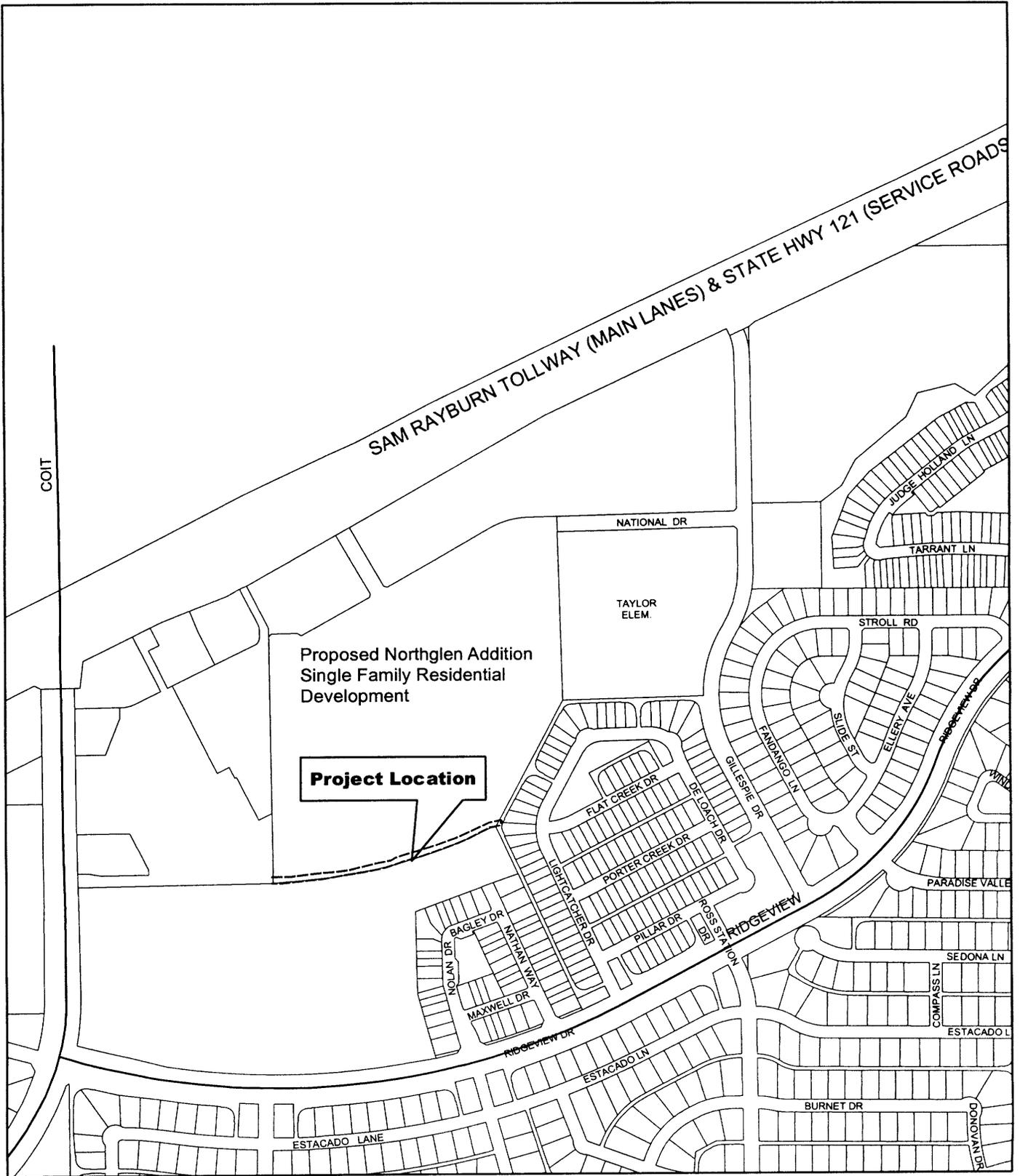




**CITY OF PLANO  
COUNCIL AGENDA ITEM**

<b>CITY SECRETARY'S USE ONLY</b>					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		11/26/12			
Department:	Public Works				
Department Head	Gerald Cosgrove				
Agenda Coordinator (include phone #): <b>Kathleen Schonne X-7198</b> <b>Proj. #6189</b>					
<b>CAPTION</b>					
An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain 15' Water Easement recorded in Volume 640, Page 7072, of the Land Records of Collin County, Texas and being situated in the McKinney and Williams Survey, Abstract No. 650, 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, Hallmark Land Holdings, 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.					
<b>FINANCIAL SUMMARY</b>					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	<b>2012-2013</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
<b>FUND(s):</b> N/A					
<b>COMMENTS:</b> This item has no fiscal impact.					
<b>STRATEGIC PLAN GOAL:</b> Abandoning all right, title and interest of the City to the easement relates to the City's Goal of Financially Strong City with Service Excellence.					
<b>SUMMARY OF ITEM</b>					
The waterline in this easement will be abandoned as approved in the construction plans for the Northglen Addition. It has been replaced by another waterline. As a result, the city will not need an easement within the future rear lots.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Ordinance			N/A		
Location Map					

# 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 15' Water Easement recorded in Volume 640, Page 7072, of the Land Records of Collin County, Texas and being situated in the McKinney and Williams Survey, Abstract No. 650, 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, Hallmark Land Holdings, 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 15' Water Easement recorded in Volume 640, Page 7072, of the Land Records of Collin County, Texas (hereinafter called "Easement") being situated in the McKinney and Williams Survey, Abstract No. 650, 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 Public Works 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 as set forth below.

**DULY PASSED AND APPROVED** this the 26<sup>th</sup> day of November, 2012.

\_\_\_\_\_  
Phil Dyer, 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 **15' WATER EASEMENT C.C.C.F.#2004-0045813 L.R.C.C.T** (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:  
We will be removing this waterline as approved in the construction plans for Northglen Addition.

2. The following public interest will be served as a result of the abandonment:  
Because this waterline will no longer exist, the city will not need an easement within the future rear lots.

~~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:  
N/A
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]

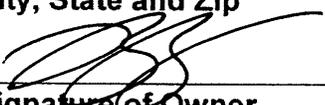
10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

Hallmark Land Holdings  
Typed Name of Owner

15455 Dallas Parkway Ste 1000  
Address

Addison, Texas 75001  
City, State and Zip

Dated: 10/30/12

  
Signature of Owner

Contact Person for Property Owners:

Name: Beau Brooks

Phone No: 214 750 6528

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**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

**EXHIBIT A-1**  
**15' WATER EASEMENT ABANDONMENT**

**LEGAL DESCRIPTION**

BEING a parcel of land located in the City of Plano, Collin County, Texas, a part of the McKinney and Williams Survey, Abstract Number 650, and being a part of that called 27.460 acre tract of land described as Tract 1 in a special warranty deed from Hagggar-Jezzeen Partners to Hallmark Land Holdings, Inc. as recorded in Collin County Clerk's File Number 20120420000462060, Land Records of Collin County, Texas, and being a part of a 15' water easement from Hagggar-Jezzen Partners to the City of Plano as described in Collin County Clerk's File Number 2004-0045813, Land Records of Collin County, Texas, and being further described as follows:

BEGINNING at a monument set at the southwest corner of said 27.460 acre tract, said point also being the southeast corner of Lot 1, Block A, Signature Plaza Addition, an addition to the City of Plano as recorded in Cabinet Q, Page 158, Map Records of Collin County, Texas, said point also being in the north line of Lot 1R, Block 1, Coit/Ridgeview Apartments Addition, an addition to the City of Plano as recorded in Volume 2008, Page 282, Map Records of Collin County, Texas;

THENCE North 00 degrees 45 minutes 04 seconds West, 15.00 feet along the west line of said 27.460 acre tract and the east line of said Lot 1, Block A to a point for corner;

THENCE Northeasterly, 912.34 feet along a curve to the left having a central angle of 26 degrees 20 minutes 03 seconds, a radius of 1985.00 feet, a tangent of 464.37 feet, and whose chord bears North 75 degrees 23 minutes 58 seconds East, 904.33 feet to a point for corner in east line of said 27.460 acre tract, said point being in the west line Ridgeview Villas Addition, an addition to the City of Plano as recorded in Cabinet R, Page 174, Map Records of Collin County, Texas;

THENCE along the east line of said 27.460 acre tract and the east line of said Ridgeview Villas Addition as follows:

South 28 degrees 03 minutes 05 seconds West, 25.83 feet to a one-half inch iron rod found for corner;

South 24 degrees 48 minutes 45 seconds East, 0.38 feet to a one-half inch iron rod found at the southeast corner of said 27.460 acre tract, said point also being the northeast corner of said Lot 1R, Block 1;

THENCE Southwesterly, 898.03 feet along the south line of said 27.460 acre tract and the north line of said Lot 1R, Block 1 following a curve to the right having a central angle of 25 degrees 43 minutes 35 seconds, a radius of 2000.00 feet, a tangent of 456.71 feet, and whose chord bears South 75 degrees 42 minutes 30 seconds West, 890.50 feet to the POINT OF BEGINNING and containing 13,573 square feet or 0.312 acres of land.

SCALE:

DATE  
10-03-12

DRAWN  
MWH

PROJECT  
GRH002-ESMT-  
RELEASE WE1.DWG

16301 QUORUM DRIVE, SUITE 200B  
ADDISON, TEXAS 75001



# EXHIBIT C-1 15' WATER EASEMENT ABANDONMENT

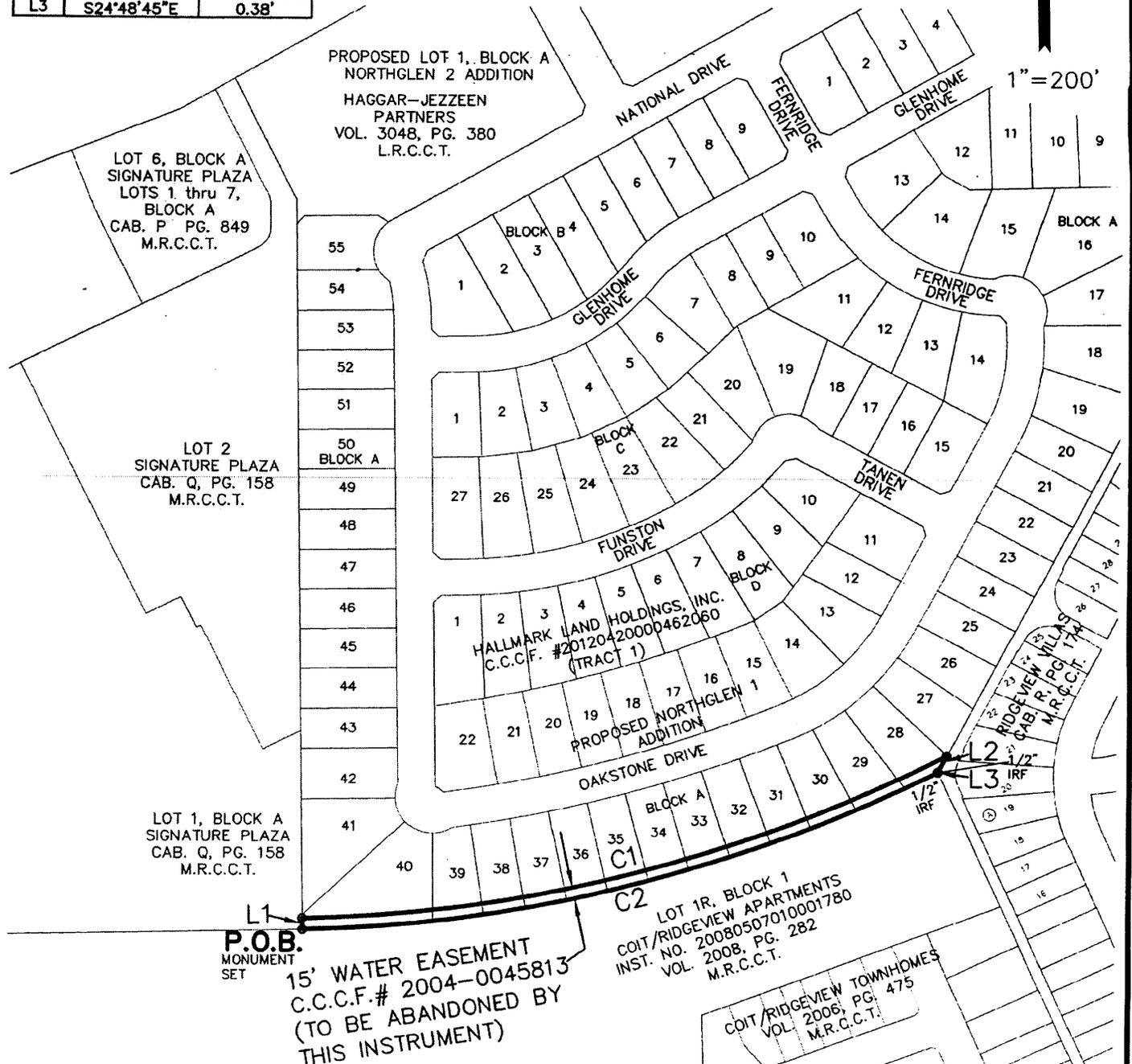
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°45'04"W	15.00'
L2	S28°03'05"W	25.83'
L3	S24°48'45"E	0.38'

## LEGEND

IRF      IRON ROD FOUND  
POB      POINT OF BEGINNING



1" = 200'



**L1**  
**P.O.B.**  
MONUMENT  
SET

**15' WATER EASEMENT**  
**C.C.C.F. # 2004-0045813**  
**(TO BE ABANDONED BY**  
**THIS INSTRUMENT)**

CURVE TABLE						
NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	26°20'03"	1985.00'	912.34'	464.37'	N75°23'58"E	904.33'
C2	25°43'35"	2000.00'	898.03'	456.71'	S75°42'30"W	890.50'