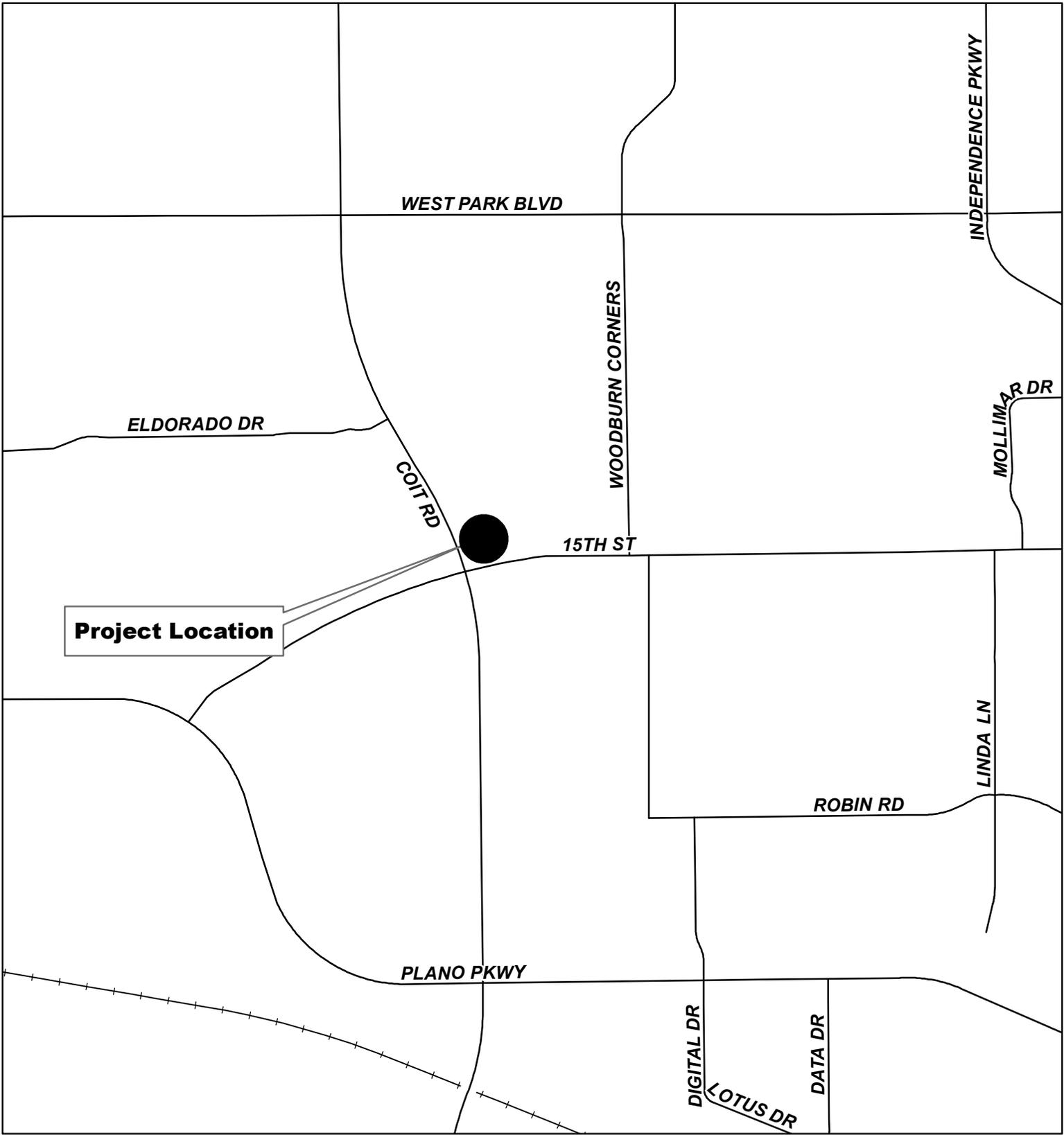


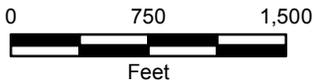


CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		12/14/2015		
Department:		Engineering		
Department Head		Caleb Thornhill		
Project		Plano Medical Plaza #6632		
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 portion of that certain 10-foot Sanitary Sewer Easement, recorded in Volume N, Page 538 - 539, of the Plat Records of Collin County, Texas and being situated in the Martha McBride Survey, Abstract No. 553, 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 owner of the property underlying the Easement, Columbia Medical Center of Plano Subsidiary, LP, 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 this Easement relates to the City's Goals of Financially Strong City with Service Excellence and Strong Local Economy.				
SUMMARY OF ITEM				
<p>A portion of the existing Sanitary Sewer Easement will be abandoned to allow the existing Sanitary Sewer that serves the existing building, which will be expanded, to become private and privately maintained.</p> <p>https://www.google.com/maps/place/The+Medical+Center+of+Plano/@33.0210134,-96.7665992,17.79z/data=!4m5!1m2!2m1!1splano+medical+center!3m1!1s0x864c226666ae1d4d:0xe7c67fddcf0fafb1</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Location Map Ordinance Petition for Abandonment		N/A		

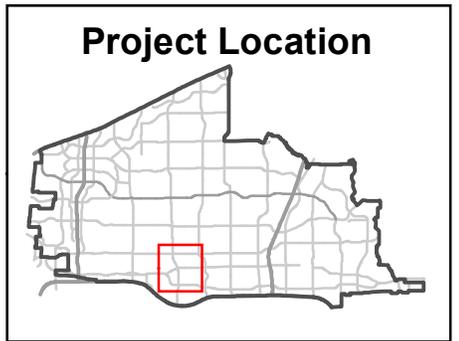


georgetau.C:\Projects\Engineering\Locator\Maps\10-09-2015_Plano Medical Plaza\Plano Medical Plaza.mxd



City of Plano GIS Division
October, 2015

Plano Medical Plaza Project No 6632



An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a portion of that certain 10-foot Sanitary Sewer Easement, recorded in Volume N, Page 538 - 539, of the Plat Records of Collin County, Texas and being situated in the Martha McBride Survey, Abstract No. 553, 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 owner of the property underlying the Easement, Columbia Medical Center of Plano Subsidiary, LP, 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 10-foot Sanitary Sewer Easement, recorded in Volume N, Page 538 - 539, of the Plat Records of Collin County, Texas (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 14th day of December, 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 **10-foot 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:

We are requesting abandonment of a portion of the easement in order to expand the existing building in the area where the existing easement is located.

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

A portion of the existing easement will be abandoned to allow the existing sanitary sewer that serves the existing building to become private, and privately maintained.

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:

COLUMBIA MEDICAL CENTER OF PLANO SUBSIDIARY, LP 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.

Columbia Medical Center of Plano Subsidiary, LP d/b/a
Medical Center of Plano
Justin Doss

Typed Name of Owner

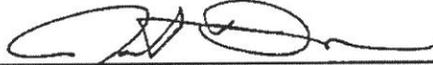
3901 West 15th Street

Address

Plano, TX,
75075

City, State and Zip

Dated: 10-5-15



Signature of Owner

Contact Person for Property Owners:

Name: Keith Klingsporn
Phone No: 972-519-1481

Exhibit "A-1"

LEGAL DESCRIPTION

0.026 ACRES

BEING a tract of land situated in the Martha McBride Survey, Abstract No. 553, City of Plano, Collin County, Texas and being part Lot 1R, Block 1, of the plat of Lot 1R, Block 1, Plano Medical Plaza, an addition to the City of Plano, Texas; recorded in Cabinet N, Page 538, Plat Records, Collin County, Texas; and being part of a 10-foot Sanitary Sewer Easement, shown on the plat of Plano Medical Plaza, an addition to the City of Plano, Texas; recorded in Cabinet G, Page 569, Plat Records, Collin County, Texas; and being more particularly described as follows:

COMMENCING at a 1-inch iron rod found in the north right-of-way line of West 15th Street, (a 120-foot right-of-way) and being the southeast corner of said Lot 1R, Block 1;

THENCE departing said north right-of-way line and with the east line of said Lot 1R, Block 1, North 00°14'09" East, a distance of 709.08 feet, to a point for corner at the intersection of the north line of said 10-foot sanitary sewer easement with said east line, from which a 3/8-inch iron rod found for a northeast corner of said Lot 1R, Block 1, bears North 00°14'09" East, a distance of 196.32 feet;

THENCE departing said east line and with said north line, North 37°53'47" West, a distance of 9.25 feet to the POINT OF BEGINNING;

THENCE departing said north line, South 52°06'13" West, a distance of 10.00 feet to a point for corner in the south line of said 10-foot easement;

THENCE with the south line of said easement, the following courses and distances, to wit:

North 37°53'47" West, a distance of 6.88 feet to a point for corner;

North 89°26'00" West, a distance of 102.72 feet to a point for corner for the southwest corner of said 10-foot easement;

THENCE departing said south line, North 0°34'00" East, a distance of 10.00 feet to a point for corner for the northwest corner of said 10-foot easement;

THENCE with the north line of said easement, the following courses and distances, to wit:

South 89°26'00" East, a distance of 107.55 feet to a point for corner;

South 37°53'47" East, a distance of 11.70 feet to the POINT OF BEGINNING and containing 1,144 square feet or 0.026 acres of land.

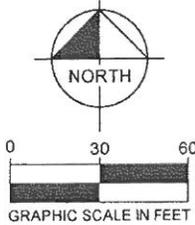
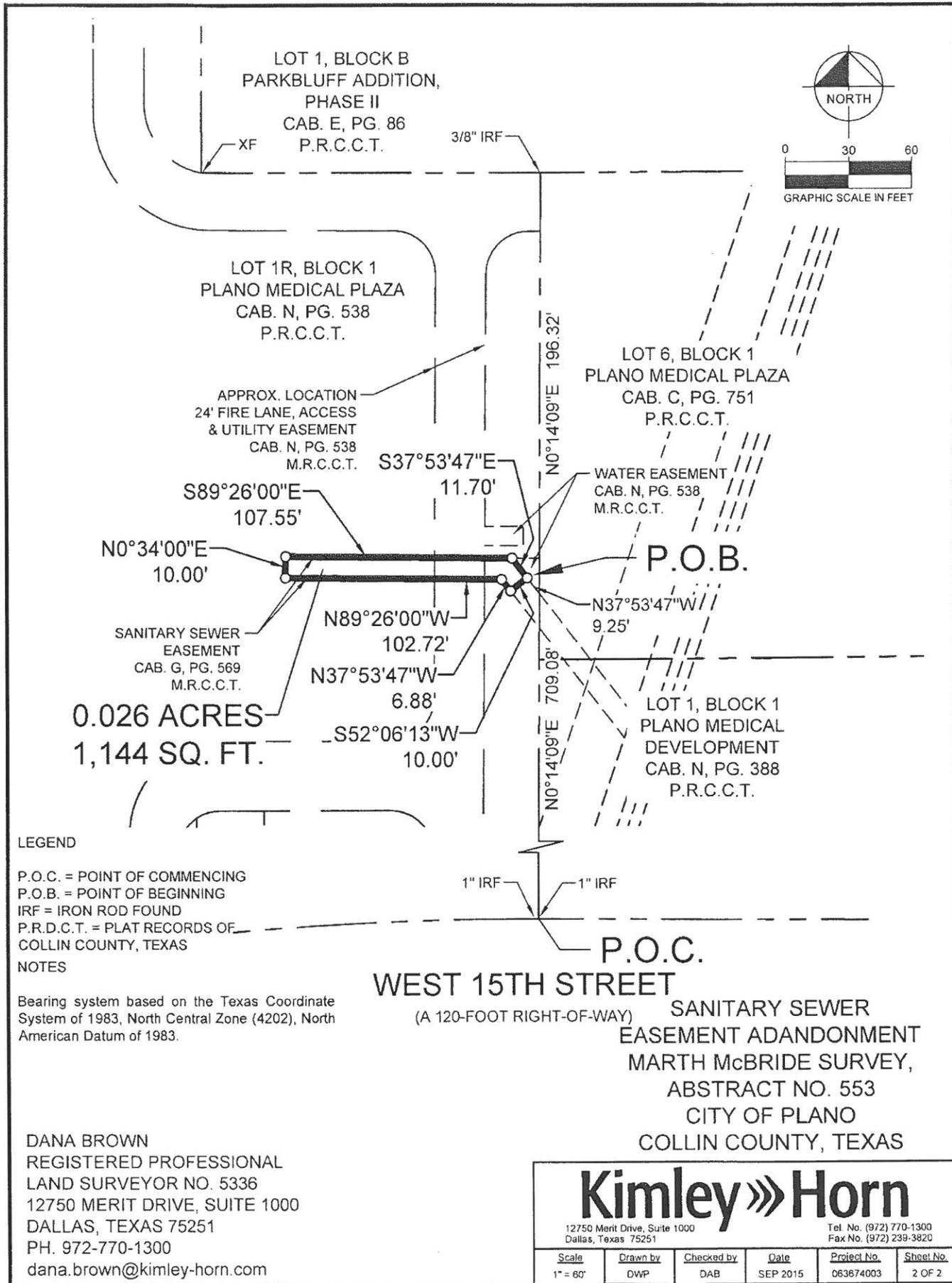
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

SANITARY SEWER
EASEMENT ADANDONMENT
MARTH 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		Tel No. (972) 770-1300 Fax No. (972) 239-3820	
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	SEP 2015	063674003	1 OF 2



0.026 ACRES
1,144 SQ. FT.

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRF = IRON ROD FOUND
P.R.D.C.T. = PLAT RECORDS OF COLLIN COUNTY, TEXAS

NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

WEST 15TH STREET

(A 120-FOOT RIGHT-OF-WAY)

**SANITARY SEWER
EASEMENT ADANDONMENT
MARTH McBRIDE SURVEY,
ABSTRACT NO. 553
CITY OF PLANO
COLLIN COUNTY, TEXAS**

DANA BROWN
REGISTERED PROFESSIONAL
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DALLAS, TEXAS 75251
PH. 972-770-1300
dana.brown@kimley-horn.com

		12750 Merit Drive, Suite 1000 Dallas, Texas 75251		Tel. No. (972) 770-1300 Fax No. (972) 239-3820	
		Scale 1" = 60'	Drawn by DWP	Checked by DAB	Date SEP 2015