



## 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:		05/10/2010		
Department:		Planning		
Department Head		P. Jarrell		
Agenda Coordinator (include phone #):     Tammy Stuckey - Ext 7156				
<b>CAPTION</b>				
An Ordinance of the City of Plano, Texas approving the terms and conditions of a Boundary Adjustment Agreement between the City of Plano, Texas and the City of Murphy, Texas; authorizing the City Manager or his authorized designee to execute the Agreement on behalf of the City of Plano; 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>2009-2010</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
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(s):     N/A</b>				
<b>COMMENTS:</b> This boundary adjustment will have no fiscal impact at this time. This item will adjust 1,900± feet of a right -of-way from the City of Plano to the City of Murphy.				
<b>STRATEGIC PLAN GOAL:</b> Boundary adjustments for responsibility clarification relate to the City's Goal of Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
This item is a Boundary Adjustment Agreement between the City of Plano, Texas and the City of Murphy, Texas establishing a mutual boundary along the southern F.M. 544 right-of-way between the eastern right-of-way of Dublin Road and 160± feet east of Heritage Parkway centerline. The reason for the adjustment is that when F.M. 544 was widened to six lanes, a portion of the roadway was split between Plano's jurisdiction and Murphy's. This Agreement clarifies responsibilities for this section of road and will result in the entire F.M. 544 right-of-way east of Dublin Road being in the City of Murphy's jurisdiction. The Agreement also provides for Murphy to grant Plano a water line easement from Dublin Road to Park Vista for Plano to install a water line.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Ordinance Boundary Adjustment Agreement				

**An Ordinance of the City of Plano, Texas approving the terms and conditions of a Boundary Adjustment Agreement between the City of Plano, Texas and the City of Murphy, Texas; authorizing the City Manager or, his authorized designee to execute the Agreement on behalf of the City of Plano; and providing an effective date.**

**WHEREAS**, the City Council has been presented a proposed Boundary Adjustment Agreement between the City of Plano, Texas and the City of Murphy, Texas establishing a mutual boundary along the southern F.M. 544 right-of-way between the eastern right-of-way of Dublin Road and 160± feet east of Heritage Parkway centerline, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

**WHEREAS**, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or, his authorized designee, is hereby authorized to execute it on behalf of the City of Plano.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

**Section II.** The City Manager, or his authorized designee, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

**Section III.** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED AND APPROVED THIS THE 10TH DAY OF MAY, 2010.**

\_\_\_\_\_  
Phil Dyer, MAYOR

ATTEST:

\_\_\_\_\_  
Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

## **BOUNDARY ADJUSTMENT AGREEMENT**

**THIS AGREEMENT** is made and entered into by and between the **CITY OF PLANO, TEXAS**, hereinafter referred to as "Plano," and the **CITY OF MURPHY, TEXAS**, hereinafter referred to as "Murphy."

**WHEREAS**, Plano's city limit boundary is in part contiguous with the city limit boundary of Murphy; and

**WHEREAS**, Section 43.031 of the Texas Government Code authorizes adjacent cities to enter into mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

**WHEREAS**, the existing city limits for both municipalities abut along F.M. 544 between the eastern right-of-way of Dublin Road and 160± feet east of Heritage Parkway centerline; and

**WHEREAS**, when F.M. 544 was widened to six lanes, a portion of the roadway was split between Plano's jurisdiction and Murphy's; and

**WHEREAS**, Plano and Murphy have agreed that to clarify responsibilities for this section of road, the two cities would enter into an adjustment agreement establishing a mutual boundary along the southern F.M. 544 right-of-way between the eastern right-of-way of Dublin Road and 160± feet east of Heritage Parkway centerline; and

**WHEREAS**, representatives of Plano and Murphy have met and agreed on a mutually acceptable boundary which is in the best interest of the citizens of each city.

**NOW, THEREFORE**, for and in consideration of the mutual covenants, conditions, and promises expressed herein, Plano and Murphy agree as follows:

**SECTION I.**  
**Statement of Intent**

It is the intent of Plano and Murphy to modify their respective boundaries in the manner shown on the map attached to and made a part of this Agreement as Exhibit "A." Said boundary line is the southern F.M. 544 right-of-way between the eastern right-of-way of Dublin Road and 160± feet east of Heritage Parkway centerline such that the main lanes of F.M. 544 and the right-of-way shall be in Murphy. The City of Murphy agrees to grant and execute a utility easement attached hereto as Exhibit "B" in favor of the City of Plano for the right to install and maintain utilities at the property located at the south parkway of F.M. 544 (14th Street) between Dublin Road and Park Vista road; and

**SECTION II.**  
**Relinquishment of Territory**

To accomplish the objective set forth in Section I above, Plano does hereby grant, relinquish, and apportion unto Murphy all land, if any, that is less than 1,000 feet in width currently within the city limits of Plano to Murphy that lies north of the southern F.M. 544 right-of-way between the eastern right-of-way of Dublin Road and 160± feet east of Heritage Parkway.

**SECTION III.**  
**Waiver of Extraterritorial Jurisdiction**

Murphy does hereby waive all of its extraterritorial jurisdiction in the property located south of the boundary line established in Sections I and II above. Plano does hereby waive all of its extraterritorial jurisdiction in the property located north of the boundary line established in Sections I and II above.

It is expressly agreed and understood that this waiver shall operate only in favor of the parties to this agreement, and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights, which either party may be able to assert against any other municipality.

**SECTION IV.**  
**Severability**

Should any provision of this Agreement be declared void by a court of competent jurisdiction, the remaining provisions of this Agreement shall remain in full force and effect.

**SECTION V.**  
**Effective Date**

Plano and Murphy agree that this Agreement shall take effect only upon ratification and adoption by the governing bodies of each city.

**SIGNED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

**CITY OF PLANO, TEXAS**

Date: \_\_\_\_\_

BY: \_\_\_\_\_  
Thomas H. Muehlenbeck  
CITY MANAGER

APPROVED AS TO FORM

\_\_\_\_\_  
Diane C. Wetherbee, CITY ATTORNEY

**CITY OF MURPHY, TEXAS**

Date: \_\_\_\_\_

BY: \_\_\_\_\_  
James Fisher  
CITY MANAGER

APPROVED AS TO FORM

\_\_\_\_\_  
CITY ATTORNEY

**ACKNOWLEDGMENTS**

**STATE OF TEXAS**       §  
                                  §  
**COUNTY OF COLLIN**   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2010 by **THOMAS H. MUEHLENBECK**, City Manager of the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

**STATE OF TEXAS**       §  
                                  §  
**COUNTY OF \_\_\_\_\_** §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2010 by **JAMES FISHER**, City Manager of the **CITY OF MURPHY, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

# Proposed City Boundary Adjustment

N



DATE: July 2009

SCOURCE: City of Plano, GIS Division

## Legend

- Current Plano City Limits
- Proposed Boundary
- Street ROW

HERITAGE PKWY

CITY OF MURPHY

FM 544

Exhibit "A"

DUBLIN RD

14TH ST

Right-of-way to be transferred from the City of Plano to the City of Murphy

CITY OF PLANO

PARK VISTA RD

GERBER TER

DATE: 11/11/2009 10:54 AM

**EXHIBIT "B"**

**ACCESS AND UTILITY EASEMENT**

**STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN       §**

**KNOW ALL MEN BY THESE PRESENTS:**

**THAT, THE CITY OF MURPHY, TEXAS.**, a home-rule municipal corporation, hereinafter called "Grantor," for and in consideration of the sum of **TEN DOLLARS (\$10.00)** and other good and valuable consideration to Grantor in hand paid by the **CITY OF PLANO, TEXAS**, a home-rule municipal corporation, hereinafter called "Grantee", the receipt and sufficiency of which are hereby acknowledged, does hereby GIVE, GRANT and CONVEY to Grantee, its successors and assigns, the non-exclusive, free and uninterrupted use, liberty and privilege of the passage in, along, upon and across the following described real property and the right to construct, reconstruct and perpetually maintain the utility facilities and a paved surface across the utility facilities (collectively the "Facilities"), together with all incidental improvements in, upon and across certain real property located in the City of Murphy, Collin County, Texas as more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference as if fully set forth herein (the "Easement Property").

**TO HAVE AND TO HOLD** the same perpetually unto Grantee and its successors and assigns, together with the right and privilege at all times to enter said Easement Property, or any part thereof, for the purpose of constructing, reconstructing and maintaining said Facilities, and all incidental improvements and for making connections therewith. The Grantee shall have the right to construct, reconstruct and perpetually

maintain additional Facilities at all times in the future, within the above described boundaries; PROVIDED, HOWEVER, Grantor shall have and retain the right to (i) install within the Easement Property such landscaping and paved areas as Grantor may deem necessary or desirable, (ii) grant other rights and easements within the Easement Property, and install other utilities, across, over or under the area of the easement granted herein such that they do not interfere with Grantors' right to use the property for the intended purpose. Further, that in the event that Grantee shall, in exercising its rights pursuant to this easement, damage or remove any landscaping, paved areas or utilities, Grantee will properly restore Grantor's land and any such damaged or removed areas or facilities to a reasonable condition.

The covenants of Grantor contained herein shall run with and follow the land with regard to the fee simple ownership of the land contained within the Easement Property and shall be binding upon the heirs, executors, successors and assigns of Grantor.

**SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**CITY OF MURPHY, TEXAS**

Date: \_\_\_\_\_

BY: \_\_\_\_\_  
James Fisher  
CITY MANAGER

APPROVED AS TO FORM

\_\_\_\_\_  
CITY ATTORNEY

**ACKNOWLEDGMENT**

**STATE OF TEXAS**           §  
  §  
**COUNTY OF \_\_\_\_\_** §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2010 by **JAMES FISHER**, City Manager of the **CITY OF MURPHY, TEXAS**, a home-rule municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

EXHIBIT "A"  
The Easement Property

8/10/2009

CITY OF MURPHY, TEXAS

FIELD NOTE DESCRIPTION  
FOR  
WATER LINE EASEMENT

BEING 0.69 acre tract of land for water line easement over, under and across a 0.8486 acre tract of land for street right-of-way of W. 14<sup>th</sup> Street in the Mary Scott Survey, Abstract No. 859 in Collin County, Texas originally conveyed to the City of Plano, Texas and recorded in County Clerk's File No. 96-0002469 of Collin County Texas, said tract of land being more particularly described as follows:

BEGINNING at the intersection of the existing south right-of-way line of W. 14th Street (a variable width right-of-way at this point with the west right-of-way line of Park Vista Road (an existing 40-foot wide right-of-way), said point being on the current city limits of the City of Murphy;

THENCE S 63°12'15" W, along said south right-of-way line of W. 14th Street, a distance of 259.90 feet to a point for a corner;

THENCE S 20°10'14" E, along said south right-of-way line of W. 14th Street, a distance of 20.00 feet to a point for a corner;

THENCE S 69°49'46" W, along said south right-of-way line of W. 14th Street, a distance of 80.00 feet to a point for a corner;

THENCE N 20°10'14" W, along said south right-of-way line of W. 14th Street, a distance of 20.00 feet to a point for a corner;

THENCE S 72°05'24" W, along said south right-of-way line of W. 14th Street, a distance of 296.68 feet to a point for a corner, said point being in the western most City Limit Line of the City of Murphy;

THENCE N 13°54'11" W along the western City Limit Line of the City of Murphy and the eastern City Limit Line of the City of Plano, a distance of 41.05 feet to a point for a corner;

THENCE N 69°49'46" E, leaving the said common boundary line of the City of Murphy and the City of Plano, and being at all times 10-foot perpendicular distance from and parallel with the back of the existing south curb line of W. 14<sup>th</sup> street, a distance of 624.71 feet to a point for a corner;

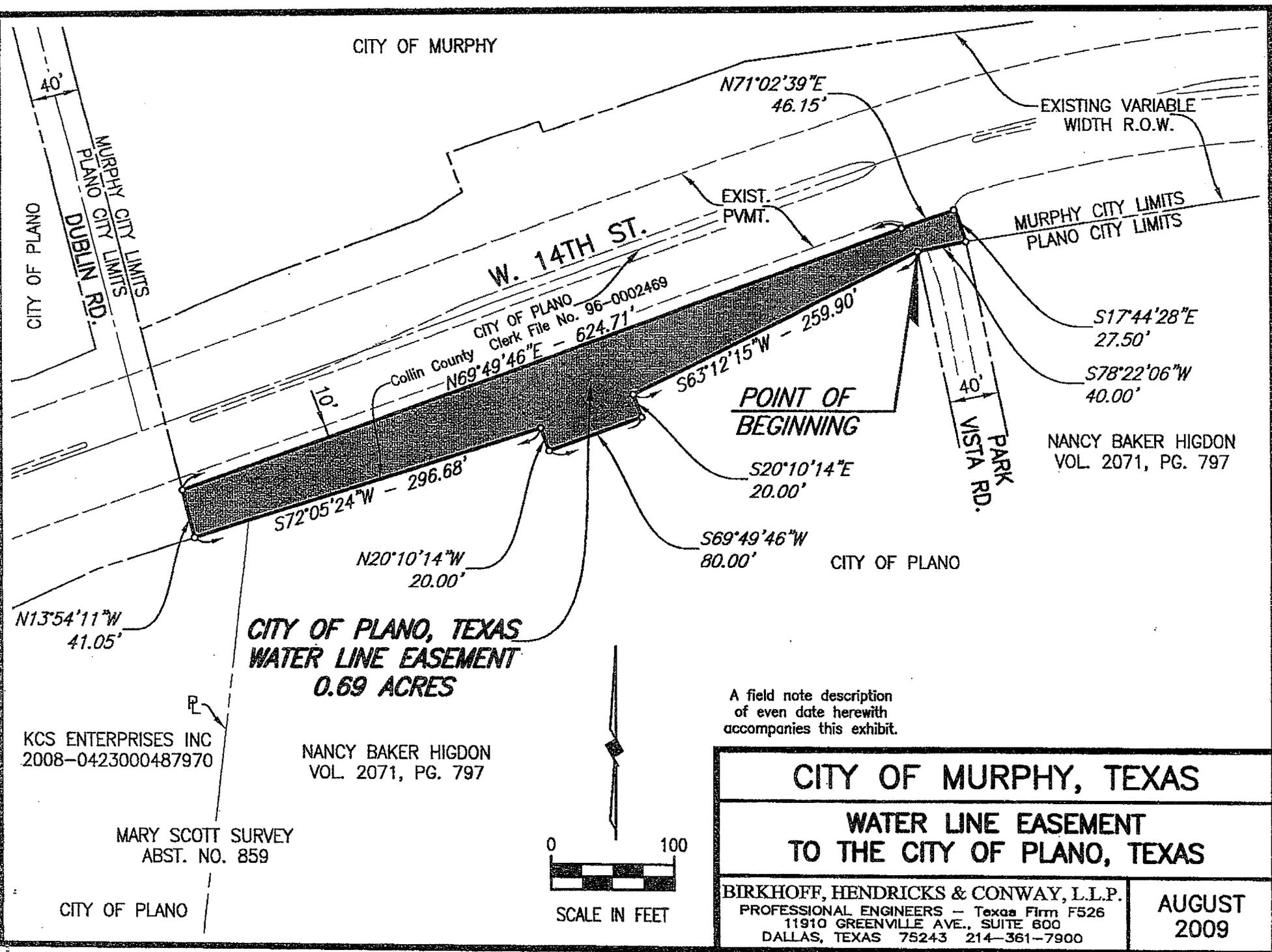
THENCE N 71°02'39" E a distance of 46.15 feet to a point for a corner, said point being the extension of the east right of way line of said Park Vista Road;

THENCE S 17°44'28" E, along the extension of the east right of way line of Park Vista Road, a distance of 27.50 feet to the intersection of the south right-of-way line of W. 14th Street with the east right-of-way line of Park Vista Road;

THENCE S 78°22'06" W, along the south right of way line of said W. 14<sup>th</sup> street, a distance of 40.00 feet to the POINT OF BEGINNING and containing 0.69 acres of land, more or less.

An exhibit of even date herewith accompanies this field note description.

H:\Projects\Murphy\_4025-116\Plano\_Water\_Line\_Easement.dwg  
REVISED: 8/10/09 - Wayne Hays



A field note description of even date herewith accompanies this exhibit.

<b>CITY OF MURPHY, TEXAS</b>	
<b>WATER LINE EASEMENT TO THE CITY OF PLANO, TEXAS</b>	
<b>BIRKHOFF, HENDRICKS &amp; CONWAY, L.L.P.</b> PROFESSIONAL ENGINEERS - Texas Firm F526 11910 GREENVILLE AVE., SUITE 600 DALLAS, TEXAS 75243 214-361-7900	<b>AUGUST 2009</b>

EXHIBIT "A"  
The Easement Property