

**An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to a drainage easement on a 0.0052 acre (225 square feet) parcel of land situated in the Collin County School Land Survey, Abstract No. 153, City of Plano, Collin County, Texas, the subject parcel being a portion of that tract of land owned by Quincy Pearl Spurlin, according to the Warranty Deed recorded in Volume 647, Page 593 of the Land Records of Collin County, Texas (LRCCT), quitclaiming all right, title and interest of the City in such drainage easement to the owner of the property underlying the easement, Northbrook-Plano, 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 drainage easement on a 0.0052 acre (225 square feet) parcel of land situated in the Collin County School Land Survey, Abstract No. 153, City of Plano, Collin County, Texas, the subject parcel being a portion of that tract of land owned by Quincy Pearl Spurlin, according to the Warranty Deed recorded in Volume 647, Page 593 of the Land Records of Collin County, Texas (LRCCT), quitclaiming all right, title and interest of the City in such drainage easement to the owner of the property underlying the easement, Northbrook-Plano, LLC, to the extent of its interest, which is more particularly described in Exhibit "A-1" attached hereto and incorporated herein by reference (the "Easement"); 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 10<sup>th</sup> day of May, 2021.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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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 15' x15' Drainage 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:  
DEVELOPMENT OF 16 SINGLE FAMILY RESIDENTIAL LOTS.
2. The following public interest will be served as a result of the abandonment:  
REMOVAL OF AN INLET FROM THE FRONT YARD OF A FUTURE HOMEOWNER.
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:

75% NORTHBROOK - PLANO, LLC (FORMERLY MARION G. SPURLIN TRACT); 25% ESHNA GHOSH

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.

Northbrook – Plano, LLC

**Typed Name of Owner**

2400 Dallas Parkway, Suite 560

**Address**

Plano, Texas 75093

**City, State and Zip**

**Dated:** April 6, 2021



**Signature of Owner**

**Contact Person for Property Owners:**

**Name:** Greg Helsel (Spiars Engineering)

**Phone No:** (903) 408-7486

Exhibit A-1

EXHIBIT "A"

15' x 15' DRAINAGE EASEMENT  
*ABANDONMENT*

4512E2  
BEING a parcel of land situated in the Collin County School Land Survey, Abstract No. 153, City of Plano, Collin County, Texas, the subject parcel being a portion of that tract of land owned by Quincy Pearl Spurlin, according to the Warranty Deed recorded in Volume 647, Page 593 of the Land Records of Collin County, Texas (LRCCT), the subject parcel further being more particularly described as follows;

COMMENCING at the southwest corner of Villages of Preston Glen, an addition to the City of Plano according to the final plat recorded in Cabinet L, Page 207 (LRCCT), said point further being located at the northwest corner of a tract of land conveyed to Richard H. Tseng, Trustee according to the Special Warranty Deed recorded in Volume 3357, Page 346 (LRCCT), and the northwest corner of a tract of land conveyed to Lee & Rasor and Associates, Limited Partnership, A Texas Limited Partnership, said beginning point further being located at the centerline of Robinson Road (a 50' ROW), a 1/2" iron pin with a red cap stamped Tipton Eng., Inc. set at corner;

THENCE, Along the approximate centerline of Robinson Road, an undedicated portion of Robinson Road and, along the west line of said Lee & Rasor And Associates, Limited Partnership tract, and the east line of said Richard H. Tseng, Trustee tract, the following;

S 00° 43' 06" W, a distance of 100.00 feet to a 1/2" iron pin with a red cap stamped Tipton Engineering, Inc. set at corner;

S 00° 01' 42" W, a distance of 718.68 feet to the northwest corner of said Quincy Pearl Spurlin tract, a 5/8" iron pin found at corner;

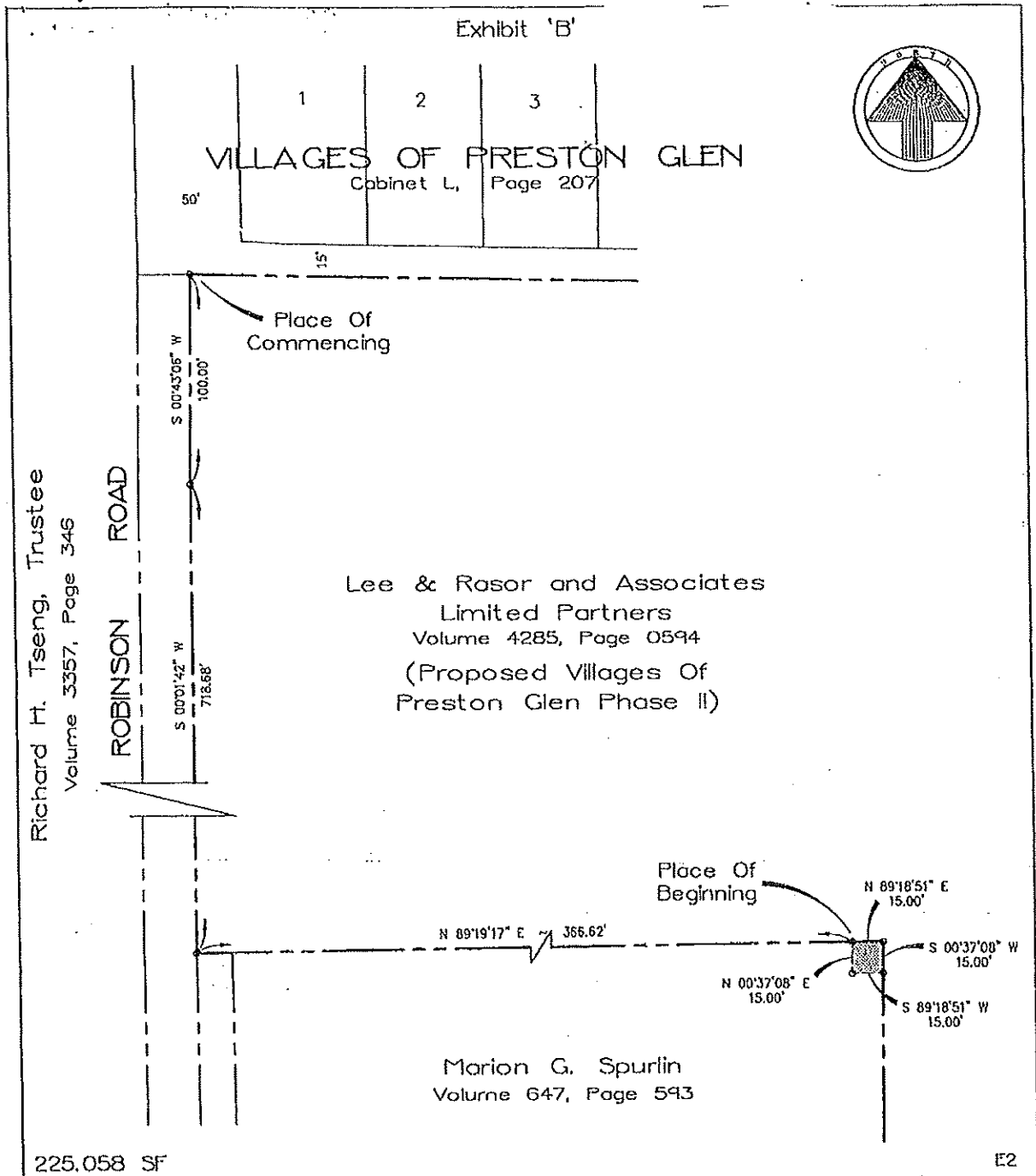
THENCE, N 89° 18' 51" E, along the north line of said Quincy Pearl Spurlin tract and a south line of said Lee & Rasor And Associates, Limited Partnership tract, a distance of 366.62 feet, to the PLACE OF BEGINNING;

THENCE, N 89° 18' 51" E, along the north line of said Quincy Pearl Spurlin tract and a south line of said Lee & Rasor And Associates, Limited Partnership tract, a distance of 15.00 feet;

THENCE, S 00° 37' 08" W, a distance of 15.00 feet;

THENCE, S 89° 18' 51" W, a distance of 15.00 feet;

THENCE, N 00° 37' 08" W, a distance of 15.00 feet to the PLACE OF BEGINNING with the subject tract containing 225 square feet or 0.0052 acres of land.



	<b>TIPTON ENGINEERING, INC.</b> 6330 Broadway Blvd. ~ Suite C Garland, Texas 75043, 972.226.2967			<b>DRAINAGE EASEMENT</b>	
	<b>VILLAGES OF PRESTON GLEN PHASE II</b>			<b>COLLIN COUNTY SCHOOL LAND SURVEY ~ ABSTRACT NO. 153</b> <b>CITY OF PLANO, COLLIN COUNTY, TEXAS</b>	
<b>DRAWN</b>	<b>DATE</b> 07/20/01	<b>SCALE</b> 1"=60'	<b>JOB NO.</b> Easement/4512		