

An Ordinance of the City of Plano, Texas, abandoning all right, title and interest of the City, in and to that certain Right-of-Way, situated in the James Ledbetter Survey, Abstract No. 545, City of Plano, Collin County, Texas, and being located in the Right-of-Way of 14th Street (FM Highway No. 544); quitclaiming all right, title and interest of the City in such Right-of-Way to the property owner, 4301 Development 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 that certain Right-of-Way, situated in the James Ledbetter Survey, Abstract No. 545, which is located within the City limits of Plano, 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 Right-of-Way is abandoned and quitclaimed to the Property Owner, and has advised that the Right-of-Way 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 Right-of-Way is hereby abandoned, and all right, title and interest of the City in and to the Right-of-Way, is hereby quitclaimed to the 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 Right-of-Way 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 Right-of-Way. 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 Right-of-Way.

Section III. The City Council hereby finds and determines that the abandonment of the Right-of-Way 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 14th day of June, 2021.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

EXHIBIT "A"

PETITION FOR ABANDONMENT

[For Right-of-Way Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting 4301 14th St (hereinafter called "Right-of-Way"), 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 Right-of-Way.

1. The Owners are requesting the abandonment of the Right-of-Way for the following reasons:

14th Street was designated by the State of Texas as a Farm-to-Market route (FM544) in 1945, providing an important connection among Denton and Collin counties. Its importance as an East-West highway continued to grow, with the fast growing population, H.S., employment centers and Lake Lavon's blocking ... T.P.O.

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

The proposed adjustment makes for a more uniform frontage and improves the layout and efficiency of parking and access to the abutting private property. In the mid-1990's, FM544 was released for the state system and is not maintained by the City of Plano.

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 Right-of-Way 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 Right-of-Way, 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 right-of-way for the Right-of-Way requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement right-of-way and attach same to this Petition as **Exhibit "B"**.~~

of the development of alternate East-West routes.
Right-of-way has been added to FM544 by city, county and state
improvement programs. As such, its width varies and is
irregular.

5. The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Right-of-Way 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 and closing of the Right-of-Way 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 Right-of-Way 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 Right-of-Way 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:
Osman Hussain - 100%

8. Owners shall also prepare a map or drawing showing the Right-of-Way 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. ~~Abutting property owners have signed letters indicating their support of the right-of-way abandonment. These are attached hereto and incorporated herein as **Exhibit "D"**.~~

[Reminder 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.

Osman Hussain

Typed Name of Owner

1206 Klondike Ln

Address

Allen TX 75074

City, State and Zip

Dated: 6-9-20

Osman Hussain
Signature of Owner

Contact Person for Property Owners:

Name:

Osman Hussain

Phone No:

630-936-6191

**EXHIBIT A-1
METES & BOUNDS DESCRIPTION
RIGHT-OF-WAY RELEASED BY THE CITY OF PLANO**

BEING a tract of land situated in the James Ledbetter Survey, Abstract No. 545, City of Plano, Collin County, Texas, and being located in the right-of-way of 14th Street (FM Highway No. 544), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the southeast corner of Lot 2, Block A, 544 Partners Addition, an addition to the City of Plano according to the plat recorded in Volume P, Page 940, Plat Records, Collin County, Texas;

THENCE South 4°14'56" West, a distance of 10.47 feet to a point for corner;

THENCE North 89°31'24" West, a distance of 110.39 feet to a point for corner, being on the south line of said Lot 2;

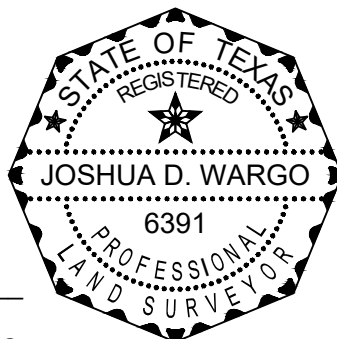
THENCE North 83°26'43" East, with the said south line, a distance of 97.79 feet to a 1/2-inch iron rod with cap stamped "PIBURN" found for corner;

THENCE South 83°19'10" East, continuing with the said south line, a distance of 14.10 feet to the **POINT OF BEGINNING** and containing 734 square feet or 0.0169 acres of land, more or less.

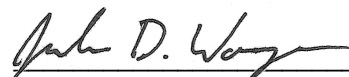
NOTES

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

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the right-of-way tract.



**EXHIBIT A-1
LED BETTER SURVEY
ABSTRACT NO. 545
CITY OF FORT PLANO
COLLIN COUNTY, TEXAS**


JOSHUA D. WARGO, RPLS
KIMLEY-HORN AND ASSOCIATES, INC.
801 CHERRY STREET,
UNIT 11, SUITE 1300
FORT WORTH, TEXAS 76102
PH. 817-962-2193
JOSH.WARGO@KIMLEY-HORN.COM

Kimley»Horn

801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102 FIRM # 10194040

Tel. No. (817) 335-6511
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CRG	JDW	5/21/2021	064554300	1 OF 2

SACRED HEART OF JESUS
CATHOLIC PARISH-PLANO
(INST. NO. 20190717000842760)

LOT 1, BLOCK A
544 PARTNERS ADDITION
(VOL. P, PG. 362 & 363)

LOT 2, BLOCK A
544 PARTNERS ADDITION
(VOL. P, PG. 940)

4301 DEVELOPMENT, LP
(INST. NO. 20160316000312890)

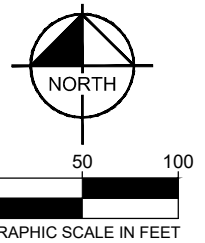
4401 PIT, LLC
(INST. NO. 20180202000138600)

LOT 1R, BLOCK A
544 GOLF TRAINING
FACILITY ADDITION
(VOL. P, PG. 362)

RIGHT-OF-WAY RELEASED
BY THE CITY OF PLANO
(EXHIBIT A-1)

14TH STREET -
F.M. HIGHWAY NO. 544
(A VARIABLE WIDTH RIGHT-OF-WAY)

EXHIBIT C
RIGHT-OF-WAY MAP
LEDBETTER SURVEY
ABSTRACT NO. 545
CITY OF FORT PLANO
COLLIN COUNTY, TEXAS



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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	CRG	JDW	5/21/2021	064554300	2 OF 2