

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 recorded in Volume F, Page 433, of the Collin County Map Records and being situated in the Joseph Klepper Survey, Abstract No. 213, which is located within the City limits of Plano, Collin County, Texas; quitclaiming all right, title and interest of the City in such right of way to the property owner, Clyde P. Hanawalt & Gladys Hanawalt, Trustees of the Hanawalt Living Trust dated July 28, 1999 and any amendments thereto, 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 right of way recorded in Volume F, Page 433, of the Collin County Map Records, being situated in the Joseph Klepper Survey, Abstract No. 213 (hereinafter called "Right of Way"), 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 request was received from Clyde P. Hanawalt & Gladys Hanawalt, Trustees of the Hanawalt Living Trust, (the "Property Owner"), and 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 City has received compensation for the Right of Way from the Property Owner; 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 shall be quitclaimed to the Property Owner. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment. 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.

DULY PASSED AND APPROVED this the 8th day of August, 2022.

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 **J PLACE** (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:

*To cure an error and allow the improvement
on the property to become occupied*

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

*Formalizing and correcting this encroachment
with 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"**.

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:
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.

Gladys Hancewalt
Typed Name of Owner

1509 17th St.
Address

Plano, Tx 75074
City, State and Zip

Dated: 7-01-2022 Gladys Hancewalt
Signature of Owner

Contact Person for Property Owners:
Name: David Howard
Phone No: 972-365-7750

PROPERTY DESCRIPTION
(One Story Masonry Building Protruding into 30' Alley Right-of-Way)

SITUATED in the State of Texas, County of Collin, being part of the Joseph Klepper Survey, Abstract No. 213, being part of a 30' alley right-of-way located adjacent to and East of an existing One-Story Masonry Building located at 1218 J Avenue in Plano, Texas, with said premises being more particularly described as follows;

BEGINNING at a magnetic (Mag Nail) nail set for corner in the west right-of-way line of said 30' alley at the southeast corner of Lot 1, Block 1 of G & C Addition, an addition to the City of Plano as recorded in Volume F, Page 433 of the Collin County Map Records, said Addition is originally out of the southerly portion of Block 11 of Houston & Texas Central Railroad Addition, said beginning corner being in the north right-of-way line of 12th Place, a variable right-of-way and is located approximately 0.1' South of said masonry building;

THENCE passing through said masonry building and with the west right-of-way line of said 30' alley, North 00°00'00" East, 23.04 feet to a point where said building exits the alley right-of-way;

THENCE passing through said alley right-of-way and along the east facing of said masonry building, South 01°48'07" East, 23.03 feet to a point for corner in the north right-of-way line of 12th Place;

THENCE passing through said alley right-of-way and with the north right-of-way of 12th Place, South 88°08'29" West, 0.72 feet to the place of beginning and containing 8 square feet of land.

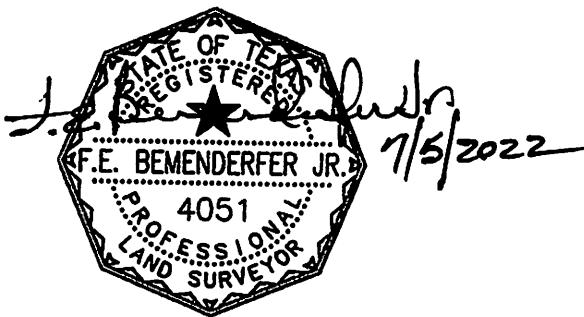
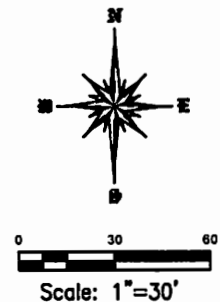
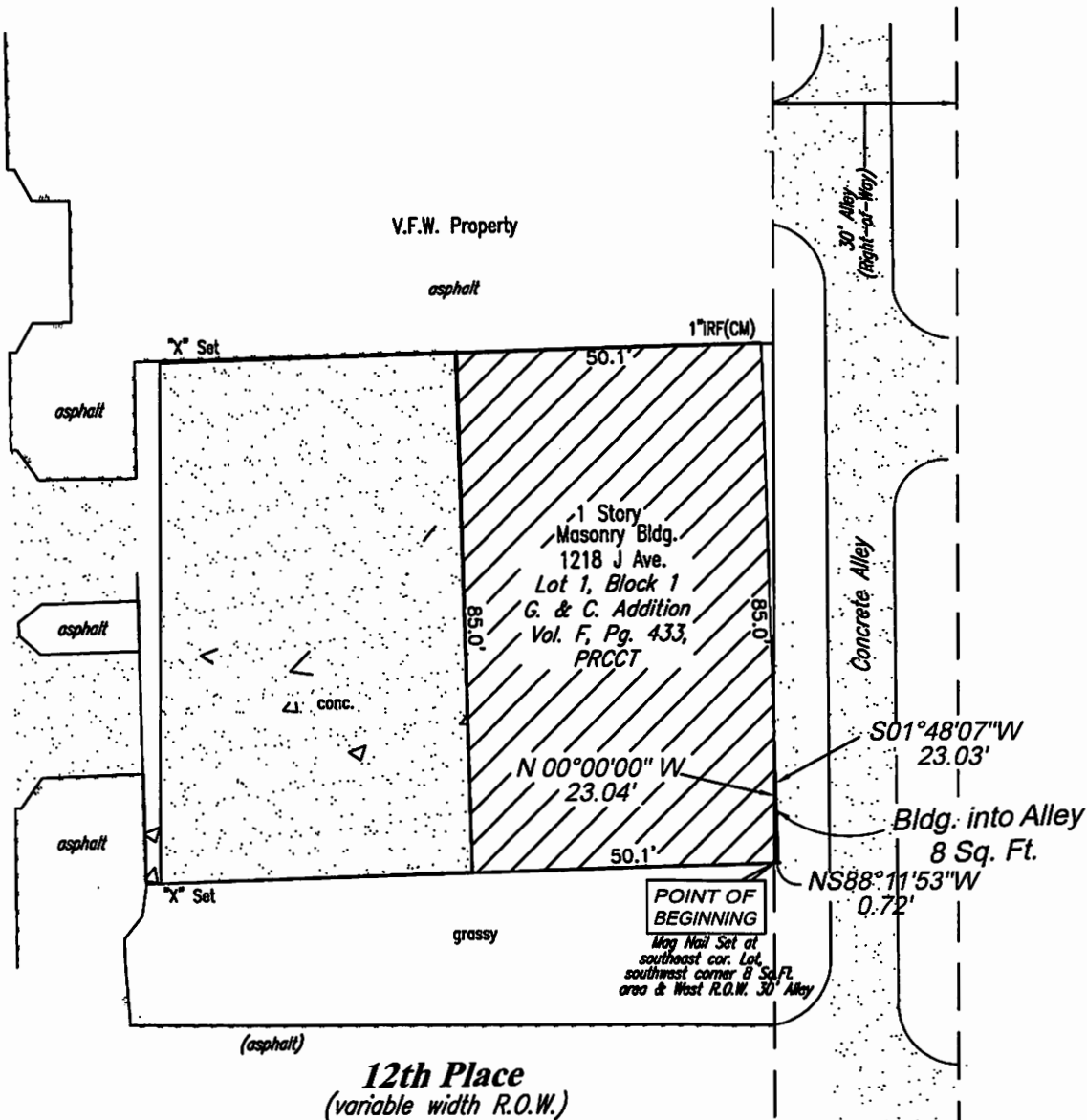


Exhibit B

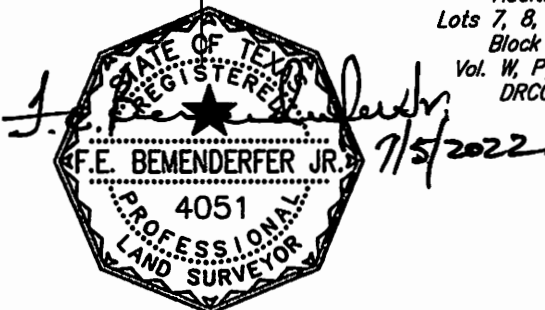
Not Applicable

Exhibit "A"



Houston & Texas
Central Railroad
Addition
Lots 7, 8, 9 & 10,
Block 10
Vol. W, Pg. 246,
DRCCT

Building Protruding into 30' Alley Right-of-Way
8 Sq.Ft. of One Story Masonry Building
Lot 1, Block 1, G&C Addition, Vol. F, Pg.433, C.C.P.R.
Joseph Klepper Survey, Abs. 213
City of Plano, Collin County, Texas



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Roome
Land Surveying

2000 Avenue G, Suite 810
Plano, Texas 75074
Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com / Firm No. 10013100

Exhibit D

Not Applicable