

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, ABANDONING THE CITY’S INTEREST IN A PORTION OF A LEBANON WATER SUPPLY CORPORATION EASEMENT RECORDED IN VOLUME 682, PAGE 470, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND NO. 6 SURVEY, ABSTRACT NO. 149, THE JAMES BOLIN SURVEY, ABSTRACT NO. 32 AND THE GARLAND A. MARTIN SURVEY, ABSTRACT NO. 605, FRISCO, COLLIN COUNTY, TEXAS; DESCRIBING THE PORTION OF EASEMENT TO BE ABANDONED; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Frisco, Texas (“City” and/or “Frisco”) has been requested to abandon a portion of a Lebanon Water Supply Corporation Easement recorded in Volume 682, Page 470, of the Deed Records of Collin County, Texas (hereinafter called “Easement”) being situated in the Collin County School Land No. 6 Survey, Abstract No. 149, the James Bolin Survey, Abstract No. 32 and the Garland A. Martin Survey, Abstract No. 605, Frisco, Collin County, Texas, which is more particularly described in Exhibit A, attached hereto and incorporated herein by reference for all purposes (describing two (2) tracts of land, one being 196.336 acres, more or less, and the other being 31.921 acres, more or less); and

WHEREAS, the City has acquired the Lebanon Water Supply Corporation and has succeeded to the rights and interests in this Easement; and

WHEREAS, the City Council of the City of Frisco, Texas, (“City Council”) has held a public hearing on the proposed abandonment; and

WHEREAS, the City Council, notwithstanding anything herein to the contrary, does not abandon or relinquish any of the Easement that is located within the rights-of-way of Lebanon Road, John Hickman Parkway, or Gaylord Parkway or within any other easement located on the property described in Exhibit A; and

WHEREAS, the City Council has investigated and determined that there will be no detrimental effect on the City if the Easement is abandoned; and

WHEREAS, the City Council finds that it is in the best interest of Frisco and its citizens to abandon the Easement and that such abandonment will benefit the public generally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Abandonment of Easement. Frisco hereby abandons that portion of the Easement located within the tract that is described in Exhibit A (the “Abandonment Tract”). The portion of the Easement located outside the Abandonment Tract is referred to herein as the “Retained Tract”. 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, any instruments necessary to complete the abandonment of the Easement of the City.

SECTION 3: Existing Utilities. All presently existing water and wastewater lines and facilities, electric transmission and distribution lines and facilities, gas lines and facilities, communications lines and facilities and any other utility lines and facilities, if any, that are lawfully located in the portion of the Easement located within the Retained Tract shall remain in place despite this Ordinance and may continue to be used, repaired, enlarged and maintained in the ordinary course of business. Any person wanting removal of any existing utility line or facility within the Retained Tract must negotiate separately with the pertinent utility. Any person building in the Retained Tract without first reaching an agreement with a utility having lines or facilities in the Retained Tract does so at his own risk. After the date of this Ordinance, no utility may add new lines or facilities in the portion of the Easement located within the Abandonment Tract. The abandonment approved by this Ordinance does not relinquish any right arising other than from the plat or other instrument creating the Easement, nor does this Ordinance create new rights.

SECTION 4: Repealing/Savings. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

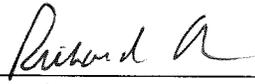
DULY PASSED AND APPROVED BY THE FRISCO CITY COUNCIL on this ____ day of _____, 2016.

Maher Maso, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jenny Page, City Secretary

APPROVED AS TO FORM:



Abernathy Roeder Boyd & Hullett, P.C.
Richard M. Abernathy, City Attorneys

Date(s) of Publication: _____, Frisco Enterprise

EXHIBIT A

LEGAL DESCRIPTION

TRACT 1

196.336 ACRES

BEING a tract of land situated in the Collin County School Land No. 6 Survey, Abstract No. 149, the James Bolin Survey, Abstract No. 32 and the Garland A. Martin Survey, Abstract No. 605 in the City of Frisco, Collin County, Texas, being part of a 156.30 acre tract of land described in deed to Frisco Station Partners, L.P. recorded in Document No. 20150112000036010 of the Official Public Records of Collin County, Texas and being part of a 40.036 acre tract of land described in deed to Frisco Station Partners, L.P. recorded in Document No. 20150112000036030 of the Official Public Records of Collin County, Texas, being all of Lot 1, Block B of North Tollway Center, an addition to the City of Frisco according to the plat thereof recorded in Document No. 20141204010004060 (Volume 2014, Page 650) of the Official Public Records of Collin County, Texas, being all of Lot 1, Block B of Univest Addition, an addition to the City of Frisco according to the plat therefor recorded in Volume 2010, Page 98 of the Map Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with "KHA" cap found at the northwest end of a right-of-way corner clip at the intersection of the south right-of-way line of Lebanon Road (a variable width right-of-way) and the west right-of-way line of Frisco Green Avenue (a variable width right-of-way);

THENCE with said right-of-way corner clip, South 75°19'05" East, a distance of 36.04 feet to a 5/8" iron rod with "KHA" cap found for the southeast corner of said corner clip;

THENCE with the said west right-of-way line of Frisco Green Avenue, the following courses and distances:

South 31°26'06" East, a distance of 392.02 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a non-tangent curve to the right having a central angle of 6°28'19", a radius of 288.00 feet, a chord bearing and distance of South 9°33'42" East, 32.51 feet; In a southeasterly direction, with said curve to the right, an arc distance of 32.53 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a compound curve to the right having a central angle of 45°10'17", a radius of 63.00 feet, a chord bearing and distance of South 16°15'36" West, 48.39 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 49.67 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a compound curve to the right having a central angle of 2°32'24", a radius of 360.00 feet, a chord bearing and distance of South 40°06'57" West, 15.96 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 15.96 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 41°23'09" West, a distance of 122.00 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 31°26'06" East, a distance of 108.03 feet to a 5/8" iron rod with "KHA" cap found for corner in the south right-of-way line of John Hickman Parkway (a variable width right-of-way);

THENCE departing said west right-of-way line of Frisco Green Avenue, with said south right-of-way line of John Hickman Parkway, the following courses and distances:

North 58°33'54" East, a distance of 139.60 feet to a 5/8" iron rod with "KHA" cap found for corner;
South 76°26'06" East, a distance of 56.57 feet to a 5/8" iron rod with "KHA" cap found for corner;
North 58°33'54" East, a distance of 130.00 feet to a 5/8" iron rod with "KHA" cap found for corner;
North 13°33'54" East, a distance of 37.57 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a non-tangent curve to the right having a central angle of 6°58'48", a radius of 388.00 feet, a chord bearing and distance of North 42°02'19" East, 47.24 feet;
In a northeasterly direction, with said curve to the right, an arc distance of 47.27 feet to a 5/8" iron rod with "KHA" cap found for corner;
North 58°33'54" East, a distance of 67.82 feet to an aluminum disk found for corner;
North 54°59'10" East, a distance of 150.00 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a non-tangent curve to the right having a central angle of 7°49'18", a radius of 755.00 feet, a chord bearing and distance of North 64°49'44" East, 102.99 feet;
In a northeasterly direction, with said curve to the right, an arc distance of 103.07 feet to a 5/8" iron rod with "KHA" cap found at the west end of a right-of-way corner clip at the intersection of the said south right-of-way line of John Hickman Parkway and the west right-of-way line of Gaylord Parkway (variable width right-of-way) and the beginning of a compound curve to the right having a central angle of 26°09'42", a radius of 63.00 feet, a chord bearing and distance of North 81°49'13" East, 28.52 feet;

THENCE in a northeasterly direction, with said corner clip and said curve to the right, an arc distance of 28.77 feet to a 5/8" iron rod with "KHA" cap found for corner in said west right-of-way line of Gaylord Parkway;

THENCE with said west right-of-way line of Gaylord Parkway, the following courses and distances:

South 85°05'56" East, a distance of 93.99 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a tangent curve to the right having a central angle of 29°52'31", a radius of 186.00 feet, a chord bearing and distance of South 70°09'40" East, 95.89 feet;
In a southeasterly direction, with said curve to the right, an arc distance of 96.98 feet to a 5/8" iron rod with "KHA" cap found for corner;
South 55°13'25" East, a distance of 1.16 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a tangent curve to the right having a central angle of 48°27'04", a radius of 63.00 feet, a chord bearing and distance of South 30°59'53" East, 51.70 feet;
In a southeasterly direction, with said curve to the right, an arc distance of 53.27 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a compound curve to the right having a central angle of 1°54'59", a radius of 450.00 feet, a chord bearing and distance of South 5°48'52" East, 15.05 feet;
In a southeasterly direction, with said curve to the right, an arc distance of 15.05 feet to a 5/8" iron rod with "KHA" cap found for corner;
South 4°51'22" East, a distance of 164.31 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a non-tangent curve to the left having a central angle of 10°39'56", a

radius of 1145.00 feet, a chord bearing and distance of South 5°19'58" West, 212.83 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 213.14 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 0°00'00" West, a distance of 731.78 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 3°48'51" West, a distance of 150.33 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 0°00'00" West, a distance of 149.92 feet to a 5/8" iron rod with "KHA" cap found at the north end of a right-of-way corner clip at the intersection of said west right-of-way line of Gaylord Parkway and the north right-of-way line of Hall of Fame Lane (a variable width right-of-way);

THENCE with said corner clip, South 45°32'05" West, a distance of 56.04 feet to a 5/8" iron rod with "KHA" cap found for corner in said north right-of-way line of Hall of Fame Lane;

THENCE with said north right-of-way line of Hall of Fame Lane, the following courses and distances:

North 88°55'50" West, a distance of 110.03 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 87°15'05" West, a distance of 150.17 feet to a 5/8" iron rod with "KHA" cap found for corner;

North 88°55'50" West, a distance of 1047.99 feet to a 5/8" iron rod with "KHA" cap set for corner in the west right-of-way line of Gridiron Road (a variable width right-of-way) at the northwest terminus of said Hall of Fame Lane;

THENCE with said west right-of-way line of Gridiron Road, the following courses and distances:

South 1°04'10" West, a distance of 90.00 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 44°36'07" East, a distance of 57.23 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 0°16'24" East, a distance of 110.04 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 4°04'50" East, a distance of 150.61 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 0°16'24" East, a distance of 341.07 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 3°32'31" West, a distance of 150.29 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 0°16'24" East, a distance of 110.00 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 44°51'48" West, a distance of 56.43 feet to a 5/8" iron rod with "KHA" cap found for corner;

South 0°00'00" East, a distance of 90.00 feet to a 5/8" iron rod with "KHA" cap found for corner in the south right-of-way line of Cowboys Way (a variable width right-of-way) at the southwest terminus of said Gridiron Road;

THENCE with said south right-of-way line of Cowboys Way, North 90°00'00" East, a distance of 95.43 feet to an aluminum disk found at the northwest corner of Block B, Lot 1 of Frisco Multi-Event Center, an addition to the City of Frisco, Texas according to the plat recorded in Document No. 20140129010000260, Official Public Records of Collin County, Texas;

THENCE departing said south right-of-way line of Cowboys Way, with the west line of said Block B, Lot 1, South 0°16'24" East, a distance of 745.60 feet to a 1/2" iron rod with "Weir" cap found for corner in the north right-of-way line of Warren Parkway (a variable width right-of-way);

THENCE with the said north right-of-way line of Warren Parkway, South 89°40'39" West, a distance of 2016.85 feet to a 1/2" iron rod found for corner at the southeast corner of Lot 1, Block A, The Vintage at Legacy Lakes Phase 1, an addition to the City of Frisco, Texas, according to the plat recorded in Cabinet L, Page 271, Map Records of Collin County, Texas;

THENCE departing the said north right-of-way line of Warren Parkway and with the east line of said Lot 1 and the east line of Block A, The Lakes Tennis Academy Lots 1R, 2R & 3R, Block A, an addition to the City of Frisco according to the plat recorded in Doc. 20080320010001080 of the Official Public Records of Collin County, Texas, North 0°17'09" West, a distance of 2383.49 feet to a 5/8" iron rod found the southeast corner of Block A, Legacy Center, an addition to the City of Frisco according to the plat recorded in Cabinet P, Slide 76 of the Map Records of Collin County, Texas;

THENCE with the said south line of Legacy Center addition, North 89°40'10" East, a distance of 14.86 feet to a 5/8" iron rod found for the southeast corner of said Legacy Center addition;

THENCE with the east line of said Legacy Center addition, the following courses and distances:
North 30°20'39" East, a distance of 565.46 feet to a 5/8" iron rod found;
North 3°25'11" West, a distance of 140.24 feet to a 5/8" iron rod with "KHA" cap found for corner;
North 5°12'58" West, a distance of 409.29 feet to a 5/8" iron rod with "KHA" cap found for corner in the said south right-of-way line of Lebanon Road and at the northeast corner of said Legacy Center addition;

THENCE with the said south right-of-way line of Lebanon Road, the following courses and distances:

North 89°27'13" East, a distance of 525.14 feet to a 5/8" iron rod with "KHA" cap found for corner;
North 0°36'49" West, a distance of 10.00 feet to a 5/8" iron rod with "KHA" cap found for corner;
North 89°23'11" East, a distance of 595.89 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a tangent curve to the left having a central angle of 13°25'22", a radius of 1850.00 feet, a chord bearing and distance of North 82°40'30" East, 432.41 feet;
In a northeasterly direction, with said curve to the left, an arc distance of 433.40 feet to a 5/8" iron rod with "KHA" cap found for corner;
South 89°25'01" West, a distance of 2.25 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a non-tangent curve to the left having a central angle of 4°52'02", a

radius of 1850.00 feet, a chord bearing and distance of North 73°37'55" East, 157.11 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 157.16 feet to a 5/8" iron rod with "KHA" cap found for corner;

North 72°42'21" East, a distance of 150.00 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a non-tangent curve to the left having a central angle of 5°23'27", a radius of 1860.00 feet, a chord bearing and distance of North 63°52'44" East, 174.94 feet;

In a northeasterly direction with said curve to the left, an arc distance of 175.00 feet to the **POINT OF BEGINNING** and containing 196.336 acres or 8,552,401 square feet of land.

Bearing system of this survey is based on a line oriented between City of Frisco monuments 1 and 7 found in the field, whose positions are published on the Texas Coordinate System of 1983, North Central Zone (4202) North American Datum of 1983.

LEGAL DESCRIPTION

TRACT 2

31.921 ACRES

BEING a tract of land out of the Collin County School Land Survey No. 6, Abstract No. 149, City of Frisco, Collin County, Texas, being all of Lot 1, Block A of North Tollway Center, an addition to the City of Frisco according to the plat thereof recorded in Document No. 20141204010004060 (Volume 2014, Page 650) of the Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "KHA" cap found for corner in the west right-of-way of the Dallas North Tollway (300' ROW at this point) for the northeast corner of Lot 1, Block A, Frisco Multi-Event Center Addition, an addition to the City of Frisco according to the plat thereof recorded in Document No. 20140129010000260 of the Official Public Records of Collin County, Texas;

THENCE with the north line of said Frisco Multi-Event Center Addition, North 88°55'50" West, a distance of 834.23 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found in the east right-of-way line of Gaylord Parkway (a variable width right-of-way) at the northwest corner of said Lot 1, Block A, Frisco Multi-Event Center Addition;

THENCE with the east right-of-way line of said Gaylord Parkway, the following courses and distances:

North 0°00'00" East, a distance of 246.98 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found for corner;

North 3°48'51" West, a distance of 150.33 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found for corner;

North 0°00'00" East, a distance of 731.78 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the beginning of a tangent curve to the right having a central angle

of 8°25'58", a radius of 1055.00 feet, a chord bearing and distance of North 4°12'59" East, 155.14 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 155.28 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the end of said curve;

North 14°25'00" East, a distance of 217.03 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the beginning of a tangent curve to the right having a central angle of 20°47'03", a radius of 63.00 feet, a chord bearing and distance of North 24°48'32" East, 22.73 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 22.85 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the end of said curve;

North 35°12'03" East, a distance of 27.26 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the beginning of a tangent curve to the right having a central angle of 23°02'41", a radius of 63.00 feet, a chord bearing and distance of North 46°43'24" East, 25.17 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 25.34 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the beginning of a compound curve to the right having a central angle of 7°52'00", a radius of 485.00 feet, a chord bearing and distance of North 62°10'44" East, 66.54 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 66.59 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the end of said curve;

North 66°06'44" East, a distance of 158.08 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the west end of a right-of-way corner clip at the intersection of the said east right-of-way line of Gaylord Parkway and the south right-of-way line of John Hickman Parkway (a variable width right-of-way) and the beginning of a tangent curve to the right having a central angle of 23°35'09", a radius of 63.00 feet, a chord bearing and distance of North 77°54'19" East, 25.75 feet;

THENCE in a northeasterly direction, with said right-of-way corner clip and said curve to the right, an arc distance of 25.93 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found in said south right-of-way line of John Hickman Parkway at the end of said curve;

THENCE with said south right-of-way line of John Hickman Parkway, the following courses and distances:

North 89°41'53" East, a distance of 290.89 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found for corner;

South 83°35'46" East, a distance of 158.43 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found for corner;

North 89°41'53" East, a distance of 126.43 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found for at the north end of a right-of-way corner clip at the at the intersection of the said south right-of-way line of John Hickman Parkway and said west right-of-way line of the Dallas North Tollway;

THENCE with said west right-of-way line of the Dallas North Tollway, the following courses and distances:

South 37°22'23" East, a distance of 48.44 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the beginning of a non-tangent curve to the left having a central

angle of $02^{\circ}16'13''$, a radius of 3026.79 feet, a chord bearing and distance of South $14^{\circ}21'54''$ West, 120.33 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 120.33 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the end of said curve; South $08^{\circ}04'01''$ West, a distance of 154.78 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the beginning of a non-tangent curve to the left having a central angle of $10^{\circ}30'35''$, a radius of 3026.79 feet, a chord bearing and distance of South $05^{\circ}03'20''$ West, 554.42 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 555.20 feet to a 5/8" iron rod with plastic cap stamped "KHA" cap found at the end of said curve; South $0^{\circ}11'57''$ East, a distance of 793.83 feet to the **POINT OF BEGINNING** and containing 31.921 acres or 1,390,461 square feet of land.