

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: July 8, 2014		DATE SUBMITTED: June 6, 2014	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Randy Haynes	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of a request to abandon an approximately 50-foot wide and 386-foot long segment of unimproved public street right-of-way for Hawks Street, adjoining the northeast side of the 2800-2900 blocks of Clarks Lane between Fairlane and Owen Streets in Bryan, Brazos County, Texas.			
<p>SUMMARY STATEMENT: Hawks Street was dedicated as public street right-of-way extending northeast and southwest from Clarks Lane for a distance of approximately 450 feet, respectively, with the recording of the Lone Oak Acres Subdivision in 1957. The portion of Hawks Street that is located northeast of Clarks Lane has never been improved with a driving surface. The applicant, Mr. Jimmy Pittman, owns the land on both sides of that portion of Hawks Street. Mr. Pittman has requested the abandonment of this 0.9663-acre portion of Hawks Street right-of-way, to integrate this land with his ownership of adjoining land on both sides of this unimproved street right-of-way. Currently the land adjacent to this unimproved section of Hawks Lane is in industrial use. Beyond Mr. Pittman's property there is a mixture of residential and industrial land uses.</p> <p>Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights-of-way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights-of-way.</p>			
<p>STAFF ANALYSIS AND RECOMMENDATION: During its meeting on June 5, 2014, the Planning and Zoning Commission concurred with staff and <u>unanimously recommended approving</u> this rezoning request.</p> <ul style="list-style-type: none"> • The right-of-way requested to be abandoned has never been improved with a street driving surface and has been functionally integrated with adjacent land for more than 50 years. • There are no public utility services located within this right-of-way segment. • Abandoning the subject right-of-way will not interfere with the smooth circulation of vehicular or pedestrian traffic, and will also not affect the public utility network in this vicinity. • The recommended rearrangement of land will have the most likely long-range public benefit. 			
<p>OPTIONS (In Suggested Order of Staff Preference):</p> <ol style="list-style-type: none"> 1. approve the requested right-of-way abandonment; 2. approve the requested right-of-way abandonment with modifications, which may require consideration at a future City Council meeting; or 3. deny the requested right-of-way abandonment. 			

ATTACHMENTS:

1. location map;
2. draft ordinance and exhibits;
3. excerpt from Planning and Zoning Commission meeting minutes of June 5, 2014; and
4. staff report to the Planning and Zoning Commission.

FUNDING SOURCE: N/A

APPROVALS: Kevin Russell, 6-19-14; Joey Dunn, 6-24-14; Hugh R. Walker, 06/25/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 06/30/2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 07/01/2014

Revised 04/2013

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PUBLIC RIGHT-OF-WAY, TO WIT: 50-FOOT WIDE AND 386-FOOT LONG SEGMENT OF UNIMPROVED PUBLIC STREET RIGHT-OF-WAY FOR HAWKS STREET, ADJOINING THE NORTHEAST SIDE OF THE 2800-2900 BLOCKS OF CLARKS LANE BETWEEN FAIRLANE AND OWEN STREETS; AUTHORIZING THE CONVEYANCE THEREOF TO THE ABUTTING PROPERTY OWNER; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of Lot 6 in Block 1 and Lot 1 in Block 2 in the Lone Oak Acres Subdivision has requested the abandonment of 0.9663 acre section of public street right-of-way located adjacent to said lots; and

WHEREAS, during its regular meeting on June 5, 2014, the Bryan Planning and Zoning Commission recommended approving the request to abandon and close said portion of public street right-of-way; and

WHEREAS, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration a part of which being the discontinuance of the obligations of the City of Bryan to maintain said right-of-way portion; and

WHEREAS, said above recited considerations are of at least equal value to the appraised market value of this right-of-way portion; and

WHEREAS, the City Council of the City of Bryan, acting pursuant to law, deems it advisable to abandon and convey this tract of land to the abutting property owner and is of the opinion that said land is not needed for public use, and that same should be abandoned to the abutting property owner as hereinafter provided; and

WHEREAS, the City Council of the City of Bryan is of the opinion that the best interest and welfare of the public will be served by abandoning and conveying same to the abutting property owner;

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

1.

That all language contained in the preambles to this Ordinance shall be incorporated into the text of the Ordinance as if set forth verbatim herein.

2.

That the following described tract in the City of Bryan, Brazos County, Texas be and the same is hereby abandoned, vacated and closed insofar as the right and title of the public are concerned:

a 0.9663-acre (42,092 square-foot) portion of unimproved public street right-of-way for Hawks Street, adjoining the northeast side of the 2800-2900 blocks of Clarks Lane

between Fairlane and Owen Streets and between Lot 6 in Block 1 and Lot 1 in Block 2 in the Lone Oak Acres Subdivision, said tract being depicted on attached Exhibit "A".

3.

That the abandonment and conveyance provided for herein is made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

4.

That the abandonment and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of Bryan may legally and lawfully abandon and vacate.

5.

That the abandonment and conveyance provided for herein shall not be completed until the City of Bryan has approved and recorded a formal replat encompassing all property which the applicant owns and/or will own after abandonment of this public right-of-way.

6.

That this ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 8th day of July, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 12th day of August, 2014 by a vote of ___ yeses and ___ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

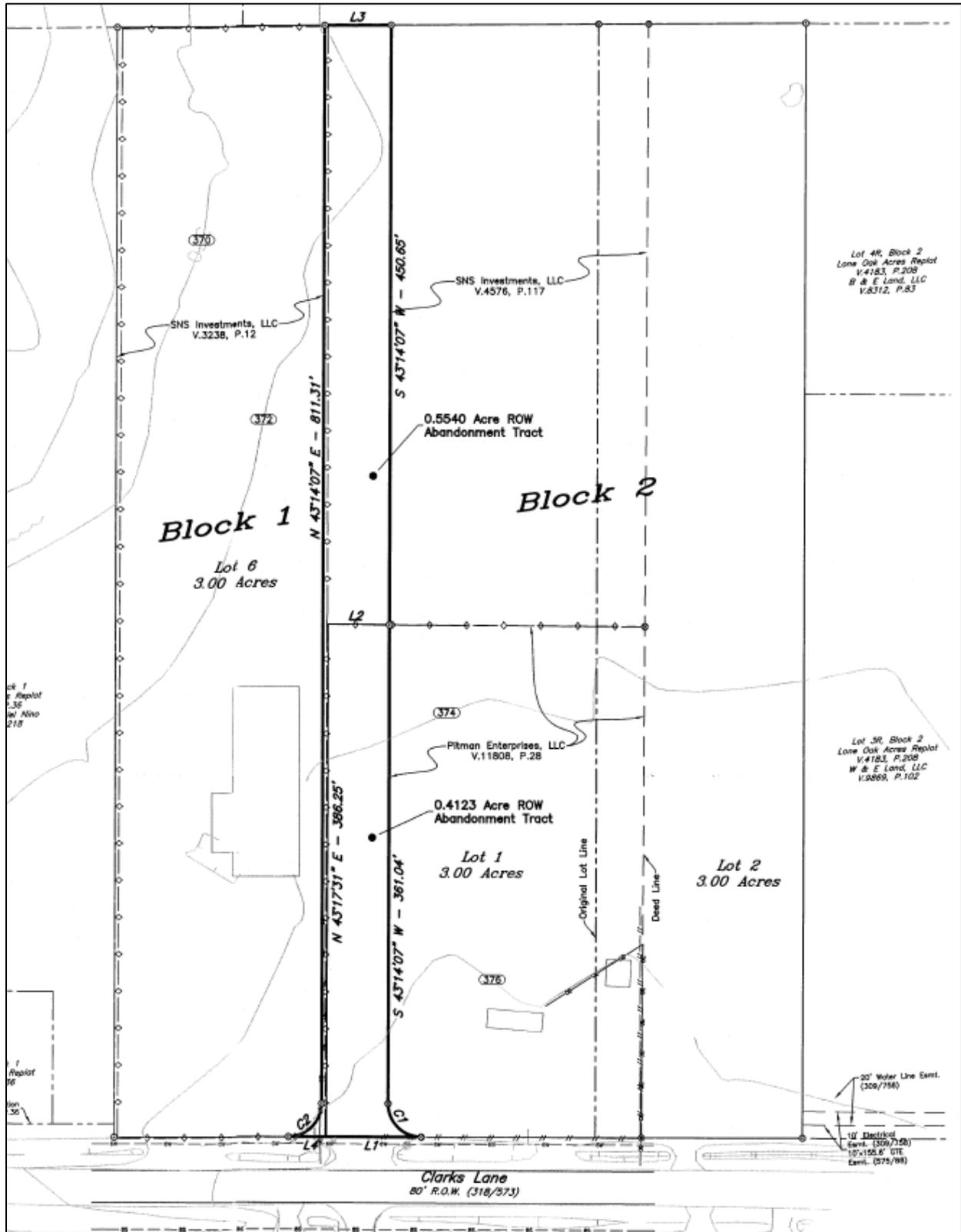
Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

EXHIBIT "A":



<i>LINE TABLE</i>		
LINE	BEARING	DISTANCE
L1	N 46°45'53" W	71.35'
L2	S 46°30'26" E	45.97'
L3	S 47°12'01" E	50.00'
L4	N 46°45'53" W	28.65'

<i>CURVE TABLE</i>						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BRG.	CHORD DIST.
C1	90°00'54"	25.00'	39.28'	25.01'	S 1°45'53" E	35.36'
C2	90°00'54"	25.00'	39.28'	25.01'	N 88°14'07" E	35.36'

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF JUNE 5, 2014:**

5. CONSENT AGENDA.

d. Right-of-Way Abandonment RA14-02: Hawks Street

A request to abandon an approximately 50-foot wide and 386-foot long segment of unimproved public street right-of-way for Hawks Street, adjoining the northeast side of the 2800-2900 blocks of Clarks Lane between Fairlane and Owen Streets in Bryan, Brazos County, Texas. (R. Haynes)

Commissioner Madison moved to approve the Consent Agenda. Commissioner Beckendorf seconded the motion, and the motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**



June 5, 2014

Right-of-way Abandonment case no. RA14-02: Hawks Street

LOCATION: a request to abandon an approximately 50-foot wide and 386-foot long segment of unimproved public street right-of-way for Hawks Street, adjoining the northeast side of the 2800-2900 blocks of Clarks Lane between Fairlane and Owen Streets in Bryan, Brazos County, Texas

APPLICANT(S): Pittman Enterprises, LLC

STAFF CONTACT: Randy Haynes, Senior Planner



BACKGROUND:

Hawks Street was dedicated as public street right-of-way extending northeast and southwest from Clarks Lane for a distance of approximately 450 feet, respectively, with the recording of the Lone Oak Acres Subdivision in 1957. The portion of Hawks Street that is located northeast of Clarks Lane has never been improved with a driving surface. The applicant, Mr. Jimmy Pittman, owns the land on both sides of that portion of Hawks Street. Mr. Pittman has requested the abandonment of this 0.96-acre portion of Hawks Street right-of-way, to integrate this land with his ownership of adjoining land on both sides of this unimproved street right-of-way. Currently the land adjacent to this unimproved section of Hawks Lane is in industrial use. Beyond Mr. Pittman's property there is a mixture of residential and industrial land uses.

ANALYSIS:

Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights of way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights of way.

The right-of-way requested to be abandoned has never been improved with a street driving surface and has been functionally integrated with adjacent land for more than 50 years. Land on both sides of this 0.96-acre tract is currently zoned Industrial District. There are no public utility services located within this right-of-way segment. Formally abandoning the subject right-of-way, therefore, will not interfere with the smooth circulation of vehicular or pedestrian traffic, and will also not affect the public utility network in this vicinity.

RECOMMENDATION:

The Site Development Review Committee and staff recommend **approving** the request to abandon this segment of Hawks Street, as requested. Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. Abandoning the subject right-of-way will allow this land to be formally integrated with adjacent land. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.