

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: September 23, 2014		DATE SUBMITTED: September 2, 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 portions of public street right-of-way for West 23 rd Street and North Parker Avenue, adjacent and north and east of Block 142 in the Bryan Original Townsite in Bryan, Brazos County, Texas.			
SUMMARY STATEMENT: The applicant, Chris Lawrence, is requesting the official abandonment portions of public street rights-of-way for West 23 rd Street and North Parker Avenue, adjacent to Block 142 of the Bryan Original Townsite, to formally integrate this tract with his ownership of the adjoining land. The rights-of-way requested to be abandoned is 3,049 square feet in area and has never been improved as a driving surface.			
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.			
STAFF ANALYSIS AND RECOMMENDATION: The Site Development Review Committee and staff recommend <u>approving</u> the request to abandon these portions of public street right-of-way, <u>subject to the condition</u> that a formal replat encompassing all property that the applicant owns or will own after abandonment of these rights-of-way is filed with the City for recording.			
<ul style="list-style-type: none"> • Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The rights-of-way requested to be abandoned will be functionally integrated with adjacent land and made available for development. Abandoning the subject rights-of-way, therefore, will not interfere with the smooth circulation of vehicular and pedestrian traffic. • Abandoning the subject rights-of-way, as recommended, will allow this land to be integrated with adjacent lots and relieve the public from continued maintenance responsibilities. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit. 			
During its meeting on August 21, 2014, the Planning and Zoning Commission concurred with staff and <u>unanimously recommended approving</u> this right of way abandonment.			
OPTIONS (In Suggested Order of Staff Preference):			
<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 August 21, 2014; and
4. staff report to the Planning and Zoning Commission.

FUNDING SOURCE: N/A

APPROVALS: Kevin Russell, 9-3-14; Joey Dunn, 9-3-14; Hugh R. Walker, 09/03/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 09-03-2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 09-14-2015

Revised 04/2013

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PUBLIC RIGHT-OF-WAY, TO WIT: APPROXIMATELY 3,049 SQUARE FEET OF PUBLIC STREET RIGHT-OF-WAY FOR WEST 23RD STREET AND NORTH PARKER AVENUE, ADJACENT AND NORTH AND EAST OF BLOCK 142 IN THE BRYAN ORIGINAL TOWNSITE; 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 Lots 6, 7 and the East ½ of Lot 8 in Block 142 of the Bryan Original Townsite has requested the abandonment of an approximately 3,049 square foot section of public street right-of-way located adjacent to said lots; and

WHEREAS, during its regular meeting on August 21, 2014, the Bryan Planning and Zoning Commission recommended approving the request to abandon and close said portions 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 portions; and

WHEREAS, said above recited considerations are of at least equal value to the appraised market value of these right-of-way portions; 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:

approximately 3,049 square feet of public street right-of-way for West 23rd Street and North Parker Avenue, adjacent and north and east of Block 142 in the Bryan Original

Townsite, said tract being described more particularly on attached Exhibit "A" and depicted on attached Exhibit "B".

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 23rd day of September, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 14th day of October, 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":

10' Right-of-way Abandonment West 23rd Street
Together With
12.25' Right-of-way Abandonment on North Parker Avenue
Adjoining Block 142 - Bryan Original Townsite
S. F. Austin Survey, A-63
Bryan, Brazos County, Texas

Field notes of a 10' wide right-of-way abandonment along West 23rd Street and a 12.25' right-of-way abandonment along North Parker Avenue, adjoining Block 142, Bryan Original Townsite, according to the plat recorded in Volume "H", Page 721, of the Deed Records of Brazos County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod and cap found at the intersection of the west right-of-way line of Parker Avenue – 100' wide right-of-way with the south right-of-way line of West 23rd Street – 80' wide right-of-way, same being the northeast corner of Lot 6, Block 142, of the Bryan Original Townsite, and the northeast corner of a 0.40 acre tract described in the deed to Harriet Development Ltd., recorded in Volume 11455, Page 7, of the Official Records of Brazos County, Texas;

THENCE N 81° 30' 00" W along the south right-of-way line of the beforementioned West 23rd Street for a distance of 125.00 feet to a ½" iron rod and cap found marking the northwest corner of the beforementioned 0.40 acre tract;

THENCE N 08° 30' 00" E for a distance of 10.00 feet to a ½" iron rod and cap set;

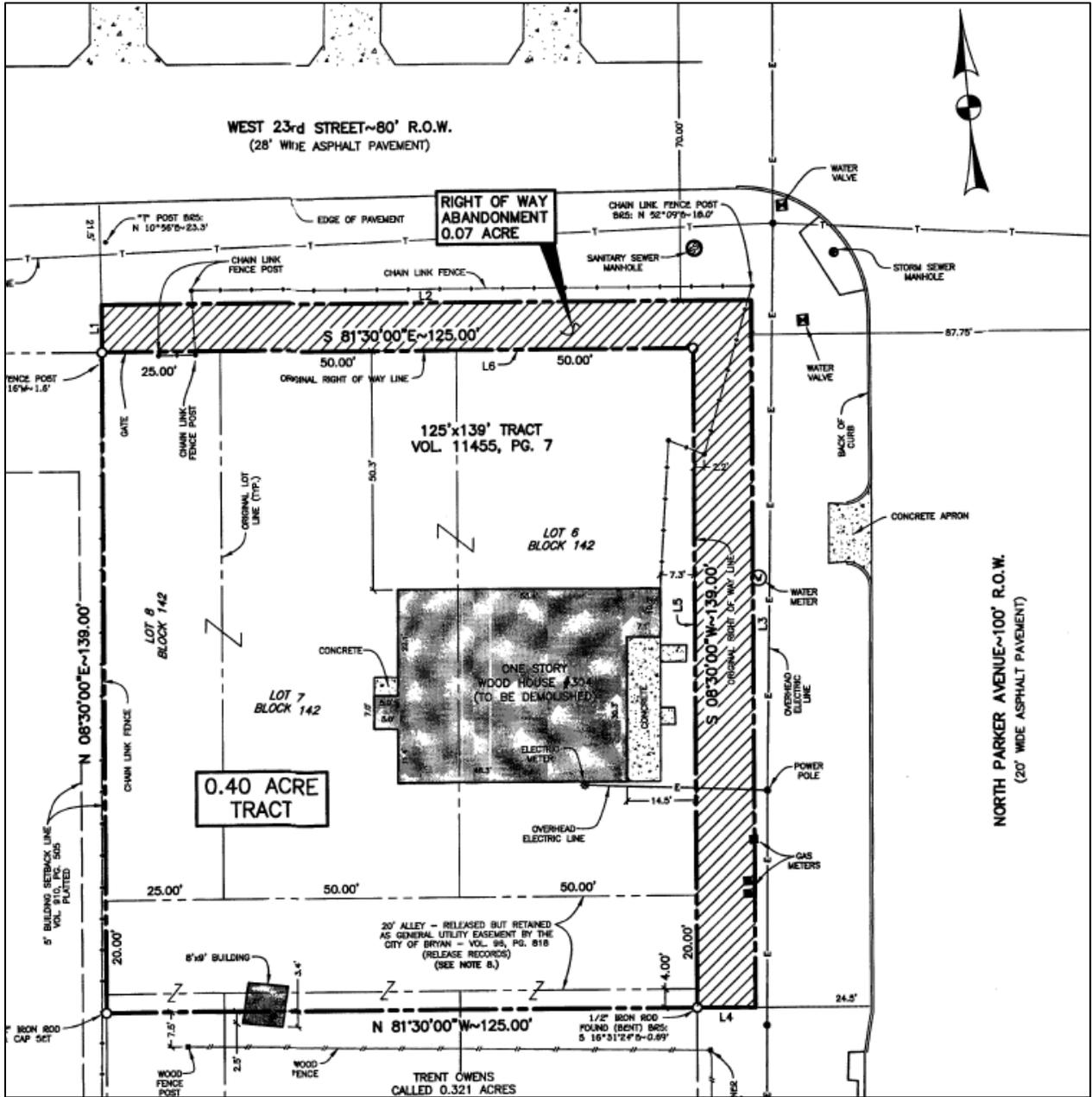
THENCE S 81° 30' 00" E parallel to and 10 feet north of the south right-of-way line of the beforementioned West 23rd Street, for a distance of 137.25 feet to a ½" iron rod and cap set;

THENCE S 08° 30' 00" W parallel to and 12.25 feet east of the west right-of-way line of the beforementioned North Parker Avenue, for a distance of 149.00 feet to a ½" iron rod and cap set;

THENCE N 81° 30' 00" W for a distance of 12.25 feet to a ½" iron rod and cap found marking the common corner between the beforementioned 0.40 acre tract and a 0.321 acre tract described in the deed to Trent Owens, recorded in Volume 8308, Page 201, of the Official Records of Brazos County, Texas;

THENCE N 08° 30' 00" E along the west right-of-way line of the beforementioned North Parker Avenue, for a distance of 139.00 feet to the **PLACE OF BEGINNING**, containing 0.07 acre of land, more or less.

EXHIBIT "B":



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF AUGUST 21, 2014:**

5. CONSENT AGENDA.

c. Right-of-Way Abandonment RA14-03: West 23rd Street and North Parker Avenue

A request to abandon portions of public street right-of-way for West 23rd Street and North Parker Avenue, adjacent, north, and east of Block 142 in the Bryan Original Townsite in Bryan, Brazos County, Texas. (R. Haynes)

Commissioner Bienski moved to approve the Consent Agenda. Commissioner Krolczyk seconded the motion, and the motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

August 21, 2014



**Right-of-way Abandonment case no. RA 14-03:
portions of West 23rd Street and North Parker Avenue**

SIZE AND LOCATION: approximately 3,049 square feet of public street right-of-way for West 23rd Street and North Parker Avenue, adjacent and north and east of Block 142 in the Bryan Original Townsite

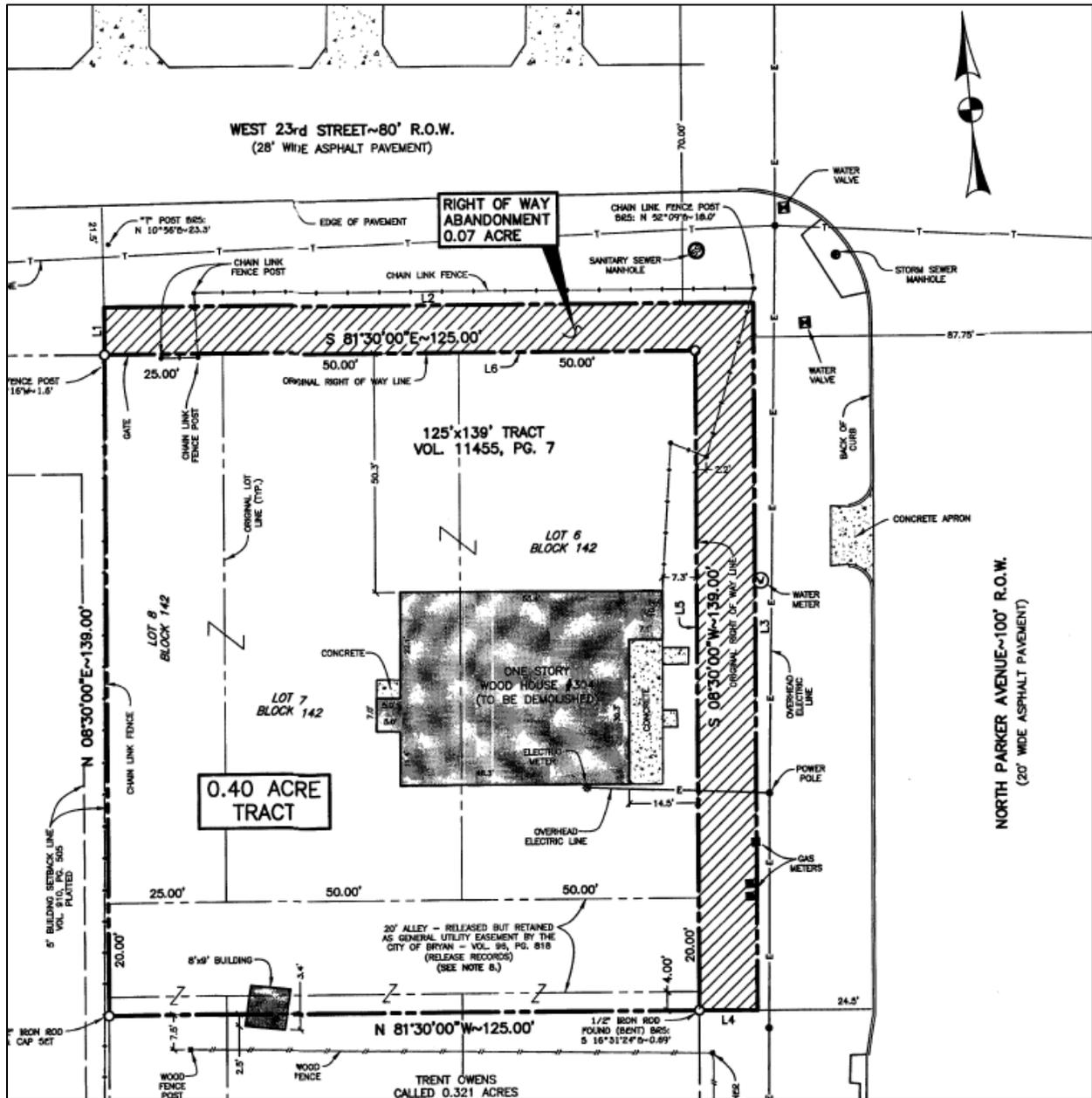
APPLICANT(S): Chris Lawrence

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested right-of-way abandonment.



DETAIL OF PROPOSED REPLAT DRAWING (case no. RP14-11) SHOWING THE AREA OF RIGHT-OF-WAY REQUESTED TO BE ABANDONED:



RIGHT-OF-WAY REQUESTED TO BE ABANDONED:

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ANALYSIS AND RECOMMENDATION:

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The rights-of-way requested to be abandoned will be functionally integrated with adjacent land and made available for development. Abandoning the subject rights-of-way, therefore, will not interfere with the smooth circulation of vehicular and pedestrian traffic.

The Site Development Review Committee and staff recommend **approving** the request to abandon these portions of public street right-of-way, **subject to the condition that a formal replat encompassing all property which the applicant owns or will own after abandonment of these rights-of-way is filed with the City for recording.** Abandoning the subject rights-of-way, as recommended, will allow this land to be integrated with adjacent lots and relieve the public from continued maintenance responsibilities. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.