ACTION FORM
BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING:	November 18, 2014	**DATE SUBMITTED:**	November 6, 2014
DEPARTMENT OF ORIGIN:	Development Services	**SUBMITTED BY:**	Randy Haynes

MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
☐ BCD	☐ PUBLIC HEARING	☒ 1ST READING	☐ PUBLIC SAFETY
☐ SPECIAL	☐ CONSENT	☐ 2ND READING	☐ SERVICE
☒ REGULAR	☒ STATUTORY		☒ ECONOMIC DEVELOP.
☐ WORKSHOP	☐ REGULAR		☒ INFRASTRUCTURE
			☐ QUALITY OF LIFE

AGENDA ITEM DESCRIPTION: Consideration of a request to abandon approximately 0.17 acres of unimproved public alley rights-of-way located in Block 47 of Oak Grove Park Addition and Tabor Addition (an unrecorded subdivision), generally extending south from San Jacinto Lane (State Highway 21) between West 14th Street and North Sims Avenue on property addressed as 1407 San Jacinto Lane in Oak Grove Park Addition No. 2 in Bryan, Brazos County, Texas.

SUMMARY STATEMENT: The final plat of the Oak Grove Park Addition was recorded in 1913. The portion of Oak Grove in the general area of the property at 1407 San Jacinto Lane has been, during the intervening 100 years, further subdivided by metes and bounds deeds, without formal replatting. As a result, many of the lot lines described in the final plat, do not match actual ownership parcels that exist today. In the case of property at 1407 San Jacinto Lane, portions of two alleys and one unrecorded right-of-way, possibly another alley, encumber this tract owned by Mrs. Maria Esther Realegeno.

As part of a plan to replace a substandard residence on the subject property on behalf of the owner, Mrs. Realegeno, the City of Bryan's Community Development Services Department wishes to first formally confirm the property boundaries of her lot. To accomplish that, a replat of the property is in progress. Relating to, and in preparation for, the replat procedure, staff is requesting specific rights-of-way encumbering and adjacent to the lot owned by Mrs. Realegeno be abandoned by the City Council. Specifically, staff is requesting the official abandonment of portions of public alley rights-of-way within and adjacent to Block 47 of the Oak Grove Park Addition. The rights-of-way requested to be abandoned are approximately 7,400 square feet in area and have 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: During its meeting on November 6, 2014, the Planning and Zoning Commission concurred with staff and unanimously recommended approving these right-of-way abandonment requests, 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.

- 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 has never been improved with a street driving surface and have been functionally integrated with adjacent land for many years.
- Abandoning the subject rights-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.

OPTIONS (In Suggested Order of Staff Preference):

1. approve the requested right-of-way abandonment, subject to the recommended condition;
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 November 6, 2014; and
4. staff report to the Planning and Zoning Commission.

FUNDING SOURCE: **N/A**

APPROVALS: Kevin Russell, 10-29-14; Joey Dunn, 10-31-14; Hugh R. Walker, 11/02/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 11/3/2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton , 11-03-2014

Revised 04/2013

LOCATION MAP:

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PUBLIC RIGHT-OF-WAY, TO WIT: 0.17 ACRES OF UNIMPROVED PUBLIC ALLEY RIGHTS-OF-WAY LOCATED IN BLOCK 47 OF OAK GROVE PARK ADDITION AND TABOR ADDITION (AN UNRECORDED SUBDIVISION), GENERALLY EXTENDING SOUTH FROM SAN JACINTO LANE (STATE HIGHWAY 21) BETWEEN WEST 14TH STREET AND NORTH SIMS AVENUE ON PROPERTY ADDRESSED AS 1407 SAN JACINTO LANE IN OAK GROVE PARK ADDITION NO. 2 IN BRYAN, BRAZOS COUNTY, TEXAS; 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 a portion of Lots 1, 2, 9 and 10 in Block 47 of Oak Grove Park Addition have requested the abandonment of 0.17 acre segment of public alley rights-of-way located adjacent to said lots; and

WHEREAS, during its regular meeting on November 6, 2014, the Bryan Planning and Zoning Commission recommended approving the request to abandon and close said portion of public alley rights-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:

a 0.17 acres of public alley rights-of-way in Block 47 of Oak Grove Park Addition and Tabor Addition (an unrecorded subdivision), generally extending south from San Jacinto

Lane (State Highway 21) between West 14th Street and North Sims Avenue in Bryan, Brazos County, Texas, said tracts being described more particularly by metes-and-bounds on attached Exhibit “A” and Exhibit “B” and depicted on attached Exhibit “C".

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 18th day of November, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 2nd day of December, 2014 by a vote of _____ yeses and _____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

_____
Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

_____
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

_____
Janis K. Hampton, City Attorney

<u>EXHIBIT "A":</u>

MEETS & BOUNDS DESCRIPTION FOR
14.3' STRIP
PART OF 30' STRIP – TABOR ADDITION (AN UNRECORDED PLAT)
S. F. AUSTIN SURVEY, A-62
BRYAN, BRAZOS COUNTY, TEXAS

FIELD NOTES OF A 14.3 FOOT STRIP OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE S. F. AUSTIN SURVEY, ABSTRACT NO. 62, BRYAN, BRAZOS COUNTY, TEXAS, AND BEING PART OF A 30 FOOT STRIP AS SHOWN ON THE UNRECORDED PLAT OF TABOR ADDITION, ON FILE AT THE PLANNING DEPARTMENT FOR THE CITY OF BRYAN, AND SAID 14.3 FOOT STRIP BEING BOUNDED ON THE NORTHEAST BY BLOCK 47, OAK GROVE ADDITION ACCORDING TO THE PLAT RECORDED IN VOLUME 38, PAGE 398, OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, AND BEING BOUNDED ON THE NORTHWEST BY STATE HIGHWAY NO. 21 – 100' WIDE RIGHT-OF-WAY, AND BEING BOUNDED ON THE SOUTHEAST BY AN EXTENSION OF THE WEST LINE OF A 30' WIDE ALLEY ADJOINING BLOCK 47, OF THE BEFOREMENTIONED OAK GROVE ADDITION, AND SAID 14.3 FOOT STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN "X" SET IN A CONCRETE DRIVEWAY APRON IN THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 21 – 100' WIDE RIGHT-OF-WAY, SAME BEING THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2914.79 FEET, THE INTERSECTION OF THE WEST LINE OF A 30' WIDE ALLEY, WITHIN OAK GROVE ADDITION WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 21, BEARS N 54° 50' 31" E – 27.42 FEET, SAID INTERSECTION ALSO BEING THE NORTH CORNER OF A TRIANGULAR SHAPED PIECE OF LAND DESCRIBED IN THE DEED TO POLLY MARTINEZ, RECORDED IN VOLUME 2327, PAGE 172, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE SOUTHWESTERLY ALONG SAID CURVE, FOR AN ARC DISTANCE OF 128.81 FEET TO A ½" IRON ROD AND CAP SET AT THE **PLACE OF BEGINNING** OF THIS DESCRIPTION AND THE INTERSECTION OF THE COMMON LINE BETWEEN THE BEFOREMENTIONED 30' TABOR ADDITION STRIP AND BLOCK 47, OAK GROVE ADDITION AND IN THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 21, THE CHORD BEARS S 56° 06' 29" W – 128.80 FEET;

THENCE S 47° 06' 18" E ALONG THE NORTHEAST LINE OF THE BEFOREMENTIONED 30' TABOR ADDITION STRIP AND THROUGH BLOCK 47, OAK GROVE ADDITION, FOR A DISTANCE OF 138.88 FEET TO A ½" IRON ROD AND CAP SET AT THE SOUTH CORNER OF THE BEFOREMENTIONED MARTINEZ – TRIANGLE SHAPED PIECE OF LAND, SAME BEING THE INTERSECTION OF THE BEFOREMENTIONED OAK GROVE ADDITION 30' ALLEY, WITH THE NORTHWEST LINE OF THE 30' TABOR ADDITION STRIP;

THENCE S 08° 36' 45" W ALONG AN EXTENSION OF THE COMMON LINE BETWEEN THE OAK GROVE ADDITION 30' ALLEY AND BLOCK 47, OAK GROVE ADDITION, AND ACROSS THE BEFOREMENTIONED 30' TABOR ADDITION STRIP, FOR A DISTANCE OF 14.31 FEET TO A ½" IRON ROD AND CAP SET AT THE SOUTH CORNER OF A TRACT OF LAND, DESCRIBED IN THE DEED TO MARIA ESTHER REALEGENO, RECORDED IN VOLUME 5858, PAGE 278, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE N 47° 06' 18" W PARALLEL TO AND 14.3 FEET SOUTHWEST OF THE NORTHEAST LINE OF THE BEFOREMENTIONED 30' TABOR ADDITION STRIP, SAME BEING

THE SOUTHWEST LINE OF THE BEFOREMENTIONED MARTINEZ TRIANGULAR SHAPED PIECE OF LAND, FOR A DISTANCE OF 152.36 FEET TO A ½" IRON ROD AND CAP SET IN THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 21, AND THE WEST CORNER OF THE SAID MARTINEZ TRIANGULAR SHAPED PIECE OF LAND, SAME BEING A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2914.79 FEET, A ½" IRON ROD FOUND MARKING THE WEST CORNER OF A TRACT OF LAND DESCRIBED IN THE DEED TO PAUL YANDELL, RECORDED IN VOLUME 361, PAGE 562, OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, BEARS S 58° 47' 38" W – 83.06 FEET, THE NORTHEAST LINE OF THE SAID YANDELL TRACT ENCROACHES INTO THE 30' TABOR ADDITION STRIP BY 4.2 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE, FOR AN ARC DISTANCE OF 14.78 FEET TO THE **PLACE OF BEGINNING** OF THIS DESCRIPTION, THE CHORD BEARS N 57° 31' 09" E – 14.78 FEET, CONTAINING 0.05 ACRE OF LAND, MORE OR LESS.

EXHIBIT "B":

MEETS AND BOUND DESCRIPTION OF A
30' ALLEY CLOSURE
PART OF OAK GROVE ADDITION
AND
PART OF TABOR ADDITION (AN UNRECORDED PLAT)
S. F. AUSTIN SURVEY, A-62
BRYAN, BRAZOS COUNTY, TEXAS

FIELD NOTES OF A 30' FOOT STRIP OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE S. F. AUSTIN SURVEY, ABSTRACT NO. 62, BRYAN, BRAZOS COUNTY, TEXAS, AND BEING PART OF THE 30 FOOT ALLEY LYING WITHIN BLOCK 47 AND BETWEEN BLOCK 47 AND BLOCK 53, OAK GROVE ACCORDING TO THE PLAT RECORDED IN VOLUME 38, PAGE 398, OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, AND AN EXTENSION OF THE 30' ALLEY LYING BETWEEN BLOCK 47 AND BLOCK 53 INTO A 30' STRIP AS SHOWN ON THE UNRECORDED PLAT OF TABOR ADDITION, ON FILE AT THE PLANNING DEPARTMENT FOR THE CITY OF BRYAN, AND SAID 30 FOOT STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN "X" SET IN A CONCRETE DRIVEWAY APRON IN THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 21 – 100' WIDE RIGHT-OF-WAY, SAME BEING THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2914.79 FEET, THE INTERSECTION OF THE WEST LINE OF A 30' WIDE ALLEY, WITHIN OAK GROVE ADDITION WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 21, BEARS N 54° 50' 31" E – 27.42 FEET, SAID INTERSECTION ALSO BEING THE NORTH CORNER OF A TRIANGULAR SHAPED PIECE OF LAND DESCRIBED IN THE DEED TO POLLY MARTINEZ, RECORDED IN VOLUME 2327, PAGE 172, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE SOUTHWESTERLY ALONG SAID CURVE, FOR AN ARC DISTANCE OF 95.32 FEET TO A ½" IRON ROD AND CAP SET AT THE INTERSECTION OF THE SOUTH LINE OF LOT 2, BLOCK 47, OAK GROVE ADDITION WITH THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 21 – 100' WIDE RIGHT-OF-WAY, THE CHORD BEARS S 55° 46' 44" W – 95.31 FEET TO THE **PLACE OF BEGINNING** OF THIS DESCRIPTION;

THENCE S 81° 23' 15" E ALONG THE COMMON LINE BETWEEN THE BEFOREMENTIONED LOTS 1 AND 2, BLOCK 47, OAK GROVE ADDITION, AND THE 30' ALLEY, FOR A DISTANCE OF 68.19 FEET TO A ½" IRON ROD AND CAP SET IN THE SOUTHWEST LINE OF A 0.15 ACRE – TRACT TWO, DESCRIBED IN THE DEED TO LUIS G. PEDROZA, RECORDED IN VOLUME 11940, PAGE 286, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE S 42° 36' 54" E ALONG THE SOUTHWEST LINE OF THE BEFOREMENTIONED 0.15 ACRE TRACT FOR A DISTANCE OF 59.65 FEET TO A ½" IRON ROD AND CAP SET IN AN EXTENSION OF THE WEST LINE OF A 0.31 ACRE TRACT DESCRIBED IN THE DEED TO JOSE CRUZ PEREZ, RECORDED IN VOLUME 1696, PAGE 275, OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS, SAID LINE LYING 5 FEET WEST OF THE EAST LINE OF THE 30' ALLEY;

THENCE S 08° 36' 46" W ALONG THE WEST LINE OF THE BEFOREMENTIONED 0.31 ACRE TRACT, SAME BEING PARALLEL TO AND 5 FEET WEST OF THE EAST LINE OF A 30'

ALLEY, AT A DISTANCE OF 80.13 FEET PASS THE NORTHEAST LINE OF THE 30’ TABOR ADDITION STRIP, CONTINUE ON, FOR A TOTAL DISTANCE OF 97.44 FEET TO A ½” IRON ROD AND CAP SET AT THE INTERSECTION OF THE EXTENSION OF THE 0.31 ACRE TRACT AND THE EXTENSION OF THE MARTINEZ TRACT;

THENCE N 47° 06’ 18” W ALONG AN EXTENSION OF THE SOUTHWEST LINE OF THE BEFOREMENTIONED MARTINEZ TRACT, SAME BEING PARALLEL TO AND 14.3 FEET SOUTHWEST OF THE NORTHWEST LINE OF THE BEFOREMENTIONED 30’ TABOR ADDITION STRIP, FOR A DISTANCE OF 30.26 FEET TO A ½” IRON ROD AND CAP SET AT THE SOUTH CORNER OF THE BEFOREMENTIONED MARTINEZ TRACT;

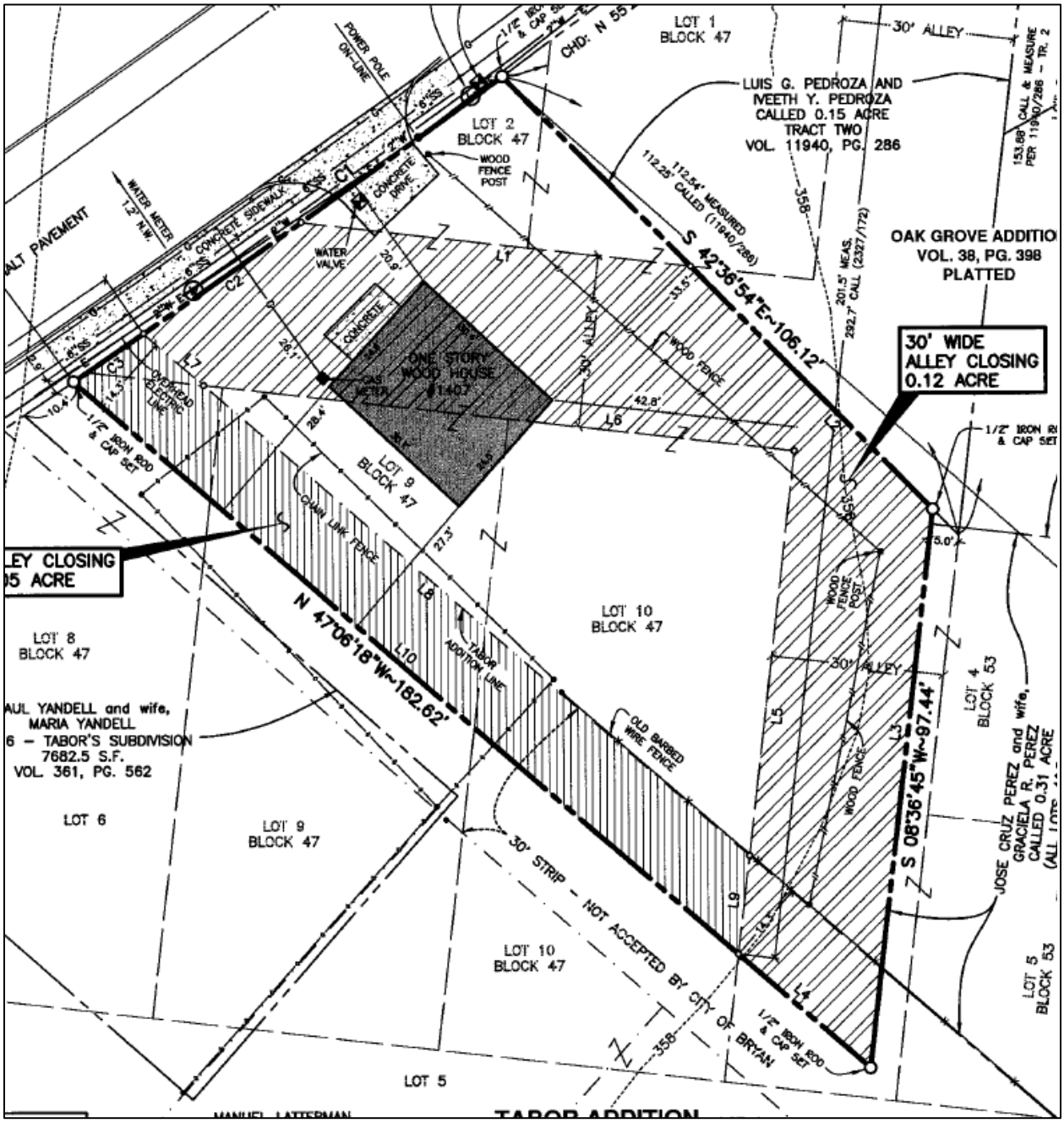
THENCE N 08° 36’ 46” E ALONG THE WEST LINE AND ITS EXTENSION OF THE BEFOREMENTIONED 30’ ALLEY, AT A DISTANCE OF 17.31 FEET PASS THE NORTHEAST LINE OF THE BEFOREMENTIONED 30’ TABOR ADDITION STRIP, CONTINUE ON, FOR A TOTAL DISTANCE OF 87.76 FEET TO A ½” IRON ROD AND CAP SET AT THE NORTHEAST CORNER OF LOT 10, BLOCK 47, OAK GROVE ADDITION;

THENCE N 81° 23’ 15” W ALONG THE COMMON LINE BETWEEN THE BEFOREMENTIONED 30’ ALLEY AND LOTS 8, 9 AND 10, BLOCK 47, OAK GROVE ADDITION, FOR A DISTANCE OF 103.34 FEET AND CORNER IN THE NORTHEAST LINE OF THE BEFOREMENTIONED 30’ TABOR ADDITION STRIP;

THENCE N 47° 06’ 18” W ALONG THE NORTHEAST LINE OF THE BEFOREMENTIONED 30’ TABOR ADDITION STRIP, FOR A DISTANCE OF 13.81 FEET TO A ½” IRON ROD AND CAP SET IN THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 21, SAME BEING A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2914.79 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE, SAME BEING THE SOUTHEAST RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 21, FOR AN ARC DISTANCE OF 33.49 FEET TO THE **PLACE OF BEGINNING,** THE CHORD BEARS N 57° 02’ 41” E – 33.49 FEET, CONTAINING 0.12 ACRE OF LAND, MORE OR LESS.

EXHIBIT "C":


LOT 1
BLOCK 47
30' ALLEY
LUIS G. PEDROZA AND
IVEETH Y. PEDROZA
CALLED 0.15 ACRE
TRACT TWO
VOL. 11940, PG. 286
LOT 2
BLOCK 47
WOOD FENCE POST
POWER POLE ON-LINE
CONCRETE SIDEWALK
CONCRETE DRIVE
WATER METER
WATER VALVE
S 42°36'54"E~106.12'
OAK GROVE ADDITIO
VOL. 38, PG. 398
PLATTED
30' WIDE
ALLEY CLOSING
0.12 ACRE
ONE STORY
WOOD HOUSE
#1407
CONCRETE
GAS METER
OVERHEAD ELECTRIC LINE
WOOD FENCE
LOT 9
BLOCK 47
CHAIN LINK FENCE
N 47°06'18"W~182.62'
LOT 8
BLOCK 47
LOT 10
BLOCK 47
TABOR ADDITION LINE
OLD BARBED WIRE FENCE
S 08°36'45"W~97.44'
LOT 4
BLOCK 53
JOSE CRUZ PEREZ and wife,
GRACIELA R. PEREZ
CALLED 0.31 ACRE
MARIA YANDELL
6 – TABOR'S SUBDIVISION
7682.5 S.F.
VOL. 361, PG. 562
LOT 6
LOT 9
BLOCK 47
30' STRIP – NOT ACCEPTED BY CITY OF BRYAN
LOT 10
BLOCK 47
LOT 5
BLOCK 53
LOT 5

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF NOVEMBER 6, 2014:

5. CONSENT AGENDA.

e. Right-of-Way Abandonment RA14-06: Oak Grove Park Addition – Block 47
A request to abandon 0.17 acres of public alley right-of-way in Block 47 of Oak Grove Park Addition and Tabor Addition (an unrecorded subdivision), generally extending south from San Jacinto Lane (State Highway 21) between West 14th Street and North Sims Avenue in Bryan, Brazos County, Texas. (R. Haynes)

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

PLANNING AND ZONING COMMISSION
STAFF REPORT

November 6, 2014

CITY OF BRYAN

Right-of-way Abandonment case no. RA 14-06: Oak Grove Park Addition – Block 47

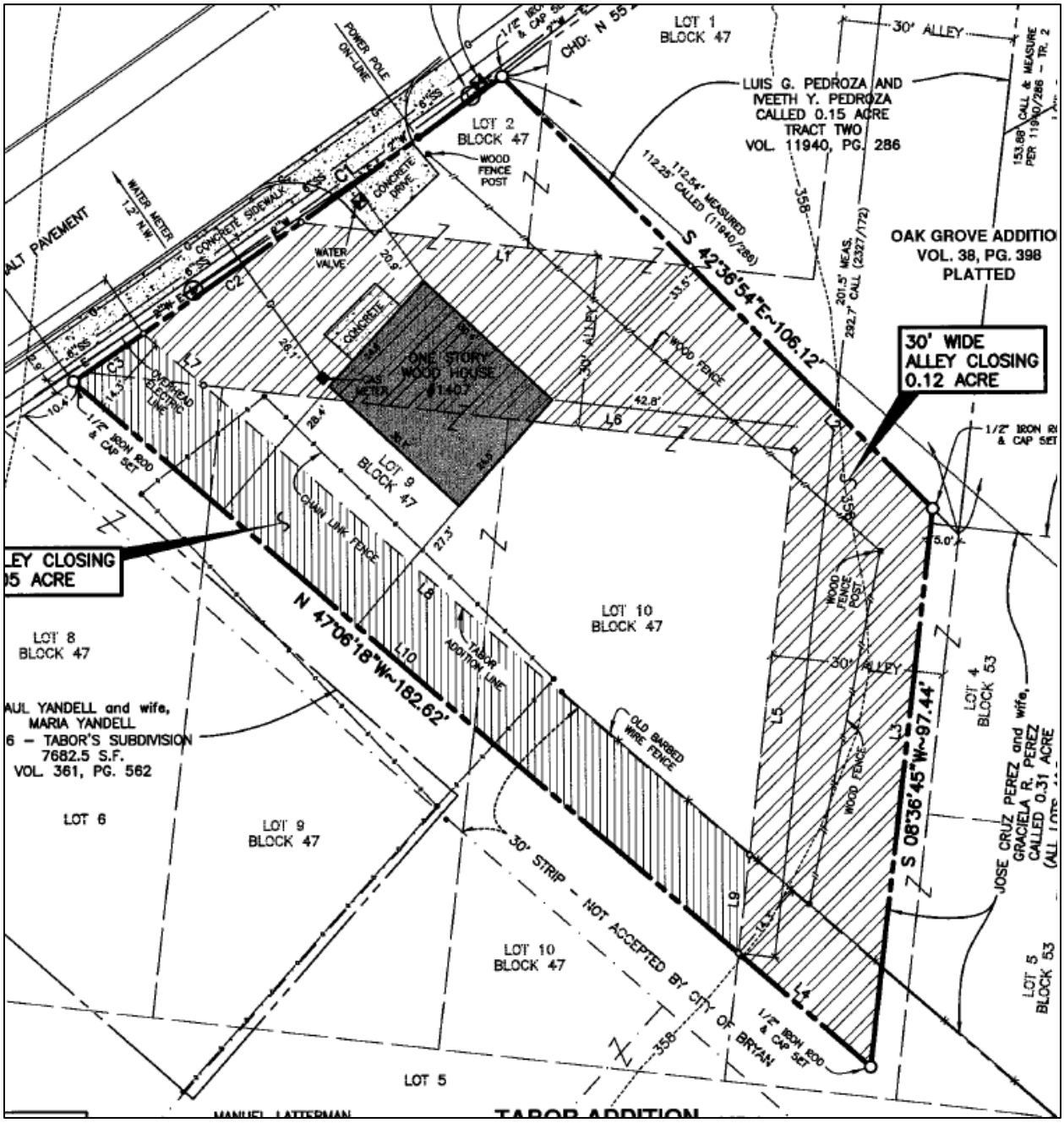
SIZE AND LOCATION: 0.17 acres of public alley right-of-way in Block 47 of Oak Grove Park Addition and Tabor Addition (an unrecorded subdivision), generally extending south from San Jacinto Lane (State Highway 21) between West 14th Street and North Sims Avenue

APPLICANT(S): City of Bryan Community Development Department / Eric Barton

STAFF CONTACT: Randy Haynes, Senior Planner

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

DETAIL OF PROPOSED REPLAT DRAWING (case no. RP14-22) SHOWING THE AREA OF RIGHT-OF-WAY REQUESTED TO BE ABANDONED:



RIGHT-OF-WAY REQUESTED TO BE ABANDONED:

As part of a plan to replace a substandard residence on the subject property on behalf of the owner, Maria Esther Realegeno, the City of Bryan's Community Development Services Department wishes to first formally confirm the property boundaries of her lot. To accomplish that, a replat of the property is in progress and is the subject of case no. RP14-22. That replat request is also scheduled for consideration by the Planning and Zoning Commission during its regular meeting on November 6, 2014.

Although the final plat of the Oak Grove Park Addition was recorded in 1913, the portion of Oak Grove in the general area of the subject property has been during the intervening 100 years further subdivided by metes and bounds deeds without formal replatting. As a result, many of the lot lines described in the final plat, do not match actual ownership parcels that exist today. In the case of the subject property, portions of two alleys and one unrecorded right-of-way, possibly another alley, encumber the tract owned by Mrs. Realegeno.

Relating to and in preparation for the replat procedure, staff is requesting that specific rights-of-way encumbering and adjacent to the lot owned by Mrs. Realegeno be abandoned by the City Council. Specifically, staff is requesting the official abandonment of portions of public alley rights-of-way within and adjacent to Block 47 of the Oak Grove Park Addition. The subsequent replat will formally integrate these tracts with Mrs. Realegeno's ownership of the adjoining land. The rights-of-way requested to be abandoned are approximately 7,400 square feet in area and have 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.

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 has been functionally integrated with adjacent land for many years. 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 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 the adjacent lot 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.