

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: December 2, 2014		DATE SUBMITTED: November 20, 2014	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Maggie Dalton	
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 approximately 2,000 square feet of unimproved public alley right-of-way in Block 10 of the Washington Heights Subdivision, extending 100 feet northeast from Red Oak Street between Madison and Wellington Avenues in Bryan, Brazos County, Texas (RA14-09).			
SUMMARY STATEMENT: The applicant, Mr. Barron, and adjacent property owners of Lots 4 and 5 in Block 10 of the Washington Heights Subdivision are requesting that 2,000 square feet of unimproved public alley right-of-way that extends 100 feet north from Red Oak Street between Wellington and Madison Avenues be abandoned. Mr. Barron, who owns Lots 9 and 10 in Block 10 adjacent to the alley desires to replat 1,000 square feet of the to be abandoned alley with the adjoining property he owns to eliminate a building encroachment that currently exists. The requested abandonment will formally integrate this land with adjacent property owner's ownership of adjoining land. The alley right-of-way requested to be abandoned has never been improved as a driving surface and no public utilities lie within this right-of-way.			
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 20, 2014, the Planning and Zoning Commission concurred with staff and <u>unanimously recommended approving</u> this right-of-way abandonment request.			
<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 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 many years. • 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. 			
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 November 20, 2014; and
4. staff report to the Planning and Zoning Commission.

FUNDING SOURCE: N/A

APPROVALS: Kevin Russell, 11-13-14; Joey Dunn, 11-13-14; Hugh R. Walker, 11/13/2014

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 11/14/2014

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 11-24-2014

Revised 04/2013

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PUBLIC RIGHT-OF-WAY, TO WIT: 2,000 SQUARE FEET OF UNIMPROVED PUBLIC ALLEY RIGHT-OF-WAY ADJACENT TO LOTS 4, 5, 9, AND 10 IN BLOCK 10 OF THE WASHINGTON HEIGHTS SUBDIVISION, EXTENDING 100 FEET NORTHEAST FROM RED OAK STREET BETWEEN MADISON AND WELLINGTON AVENUES IN BRYAN, BRAZOS COUNTY, TEXAS; AUTHORIZING THE CONVEYANCE THEREOF TO THE ABUTTING PROPERTY OWNERS; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of Lots 4, 5, 9 and 10 in Block 10 of the Washington Heights Subdivision have requested the abandonment of 2,000 square foot segment of public alley right-of-way located adjacent to said lots; and

WHEREAS, during its regular meeting on November 20, 2014, the Bryan Planning and Zoning Commission recommended approving the request to abandon and close said portion of public alley 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 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 owners and is of the opinion that said land is not needed for public use, and that same should be abandoned to the abutting property owners 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 owners;

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:
2,000 square feet of unimproved public alley right-of-way adjacent to Lots 4, 5, 9, and 10 in Block 10 of the Washington Heights Subdivision, extending 100 feet northeast from Red Oak Street between Madison and Wellington Avenues in Bryan, Brazos County,

Texas, said tract being described and depicted more particularly in the attached Exhibits "A", "B", and "C" (quitclaim deeds).

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 Mayor of the City of Bryan is hereby authorized to execute and deliver quitclaim deeds conveying the above-described properties to the abutting property owners. Said deeds shall furthermore conform to all other conditions and restrictions herein set out and attached hereto as Exhibits "A", "B", and "C" and incorporated herein by this reference for all purposes.

6.

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

PRESENTED AND GIVEN first reading the 2nd day of December, 2014 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 3rd 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:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

EXHIBIT "A":

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

QUITCLAIM DEED

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

KNOW ALL PERSONS BY THESE PRESENTS:

That the CITY OF BRYAN TEXAS a municipal corporation existing by and under the laws of the STATE OF TEXAS acting by and through its duly elected mayor (Grantor) does by these presents RELEASE AND FOREVER QUIT CLAIM unto **Gilbert Barron**, the owners of the property adjacent thereto (Grantee), all of the following tract of land described as follows:

a 10' x 100' (1000 square feet) portion of public alley right-of-way extending northeast from its intersection with Red Oak Street and lying adjacent to Lots 9 and 10 in Block 10 of Washington Heights Subdivision, Bryan, Brazos County, Texas, said tract being described more particularly by metes-and-bounds on attached Exhibit "A-1" and depicted on attached Exhibit "A-2".

This conveyance is subject to all present zoning and deed restrictions, if the latter exist Grantor expressly reserves all easements whether apparent or non-apparent, aerial, surface, underground or otherwise. Save and except this conveyance is subject to the reservation of public utility and public drainage easements over for the entire width and length of the abandoned right-of-way.

Subject to the above reservation, Grantor quitclaims to Grantee all of Grantor right, title and interest in and to such tract of land, to have and to hold it to Grantee, Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's successors or assigns will have, claim or demand any right or title to the property or any part of it and this deed is given to relinquish and release any right, title, and interest the Grantor its successors and assigns may have in the above-described property. When the context requires singular nouns and pronouns include the plural.

This conveyance is authorized by an ordinance of the governing body for the City of Bryan as approved and adopted on December 3, 2014.

EXECUTED this the _____ day of _____, 2014

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before a notary public on _____ by Jason P. Bienski, Mayor of the City of Bryan, a municipal corporation, on behalf of said Municipal Corporation.

Notary Public, State of Texas

Exhibit "A-1":

**METES AND BOUNDS DESCRIPTION
OF A 1000 SQUARE FOOT TRACT
PORTION OF 20' ALLEY, BLOCK 10
WASHINGTON HEIGHTS
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A 20.00 FOOT WIDE ALLEY, BLOCK 10, WASHINGTON HEIGHTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 116, PAGE 431 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF RED OAK STREET (50' R.O.W.) MARKING THE WEST CORNER OF LOT 10, BLOCK 10, AND THE SOUTH CORNER OF SAID ALLEY;

THENCE: N 48° 36' 14" W ALONG THE NORTHEAST LINE OF RED OAK STREET FOR A DISTANCE OF 10.00 FEET TO THE CENTERLINE OF SAID ALLEY;

THENCE: N 41° 23' 46" E ALONG THE CENTERLINE OF SAID ALLEY FOR A DISTANCE OF 100.00 FEET TO THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 48° 36' 14" E CONTINUING THROUGH SAID ALLEY FOR A DISTANCE OF 10.00 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE COMMON CORNER OF LOTS 8 AND 9, BLOCK 10;

THENCE: S 41° 23' 46" W ALONG THE NORTHWEST LINE OF SAID LOTS 9 AND 10, SAME BEING THE SOUTHEAST LINE OF SAID ALLEY, FOR A DISTANCE OF 100.00 FEET TO THE **POINT OF BEGINNING** CONTAINING 1000 SQUARE FEET OF LAND, MORE OR LESS. SEE PLAT PREPARED OCTOBER 2014 FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FORM GPS OBSERVATION.

Exhibit "A-2" Tract A:

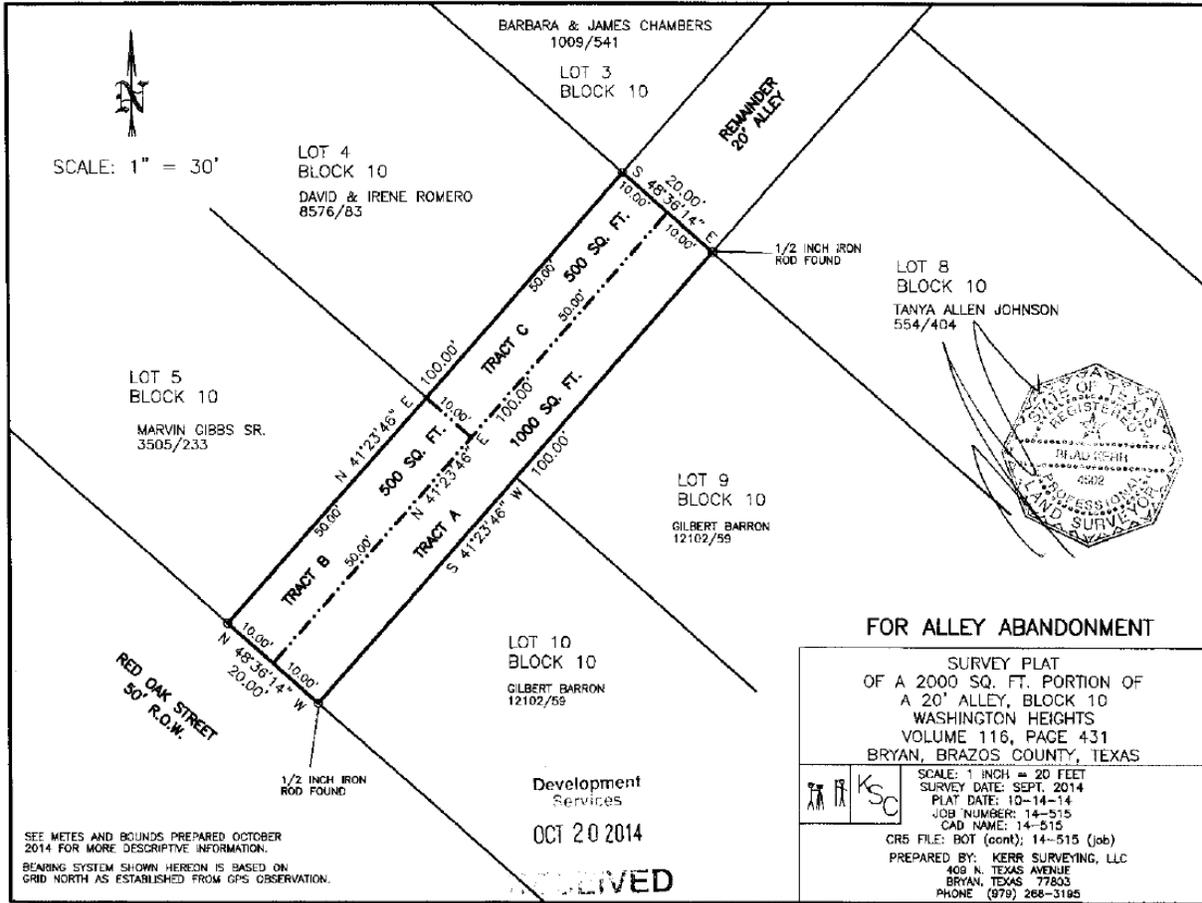


EXHIBIT "B":

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

QUITCLAIM DEED

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

KNOW ALL PERSONS BY THESE PRESENTS:

That the CITY OF BRYAN TEXAS a municipal corporation existing by and under the laws of the STATE OF TEXAS acting by and through its duly elected mayor (Grantor) does by these presents RELEASE AND FOREVER QUIT CLAIM unto **Marvin R Gibbs Sr**, the owners of the property adjacent thereto (Grantee), all of the following tract of land described as follows:

a 10' x 50' (500 square feet) portion of public alley right-of-way extending northeast from its intersection with Red Oak Street and adjacent to Lot 5 in Block 10 of Washington Heights Subdivision, Bryan, Brazos County, Texas, said tract being described more particularly by metes-and-bounds on attached Exhibit "B-1" and depicted on attached Exhibit "B-2".

This conveyance is subject to all present zoning and deed restrictions, if the latter exist Grantor expressly reserves all easements whether apparent or non-apparent, aerial, surface, underground or otherwise. Save and except this conveyance is subject to the reservation of public utility and public drainage easements over for the entire width and length of the abandoned right-of-way.

Subject to the above reservation, Grantor quitclaims to Grantee all of Grantor right, title and interest in and to such tract of land, to have and to hold it to Grantee, Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's successors or assigns will have, claim or demand any right or title to the property or any part of it and this deed is given to relinquish and release any right, title, and interest the Grantor its successors and assigns may have in the above-described property. When the context requires singular nouns and pronouns include the plural.

This conveyance is authorized by an ordinance of the governing body for the City of Bryan as approved and adopted on December 3, 2014.

EXECUTED this the _____ day of _____, 2014

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before a notary public on _____ by Jason P. Bienski, Mayor of the City of Bryan, a municipal corporation, on behalf of said Municipal Corporation.

Notary Public, State of Texas

Exhibit "B-1":

METES AND BOUNDS DESCRIPTION
OF A 500 SQUARE FOOT TRACT
PORTION OF 20' ALLEY, BLOCK 10
WASHINGTON HEIGHTS
BRYAN, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A 20.00 FOOT WIDE ALLEY, BLOCK 10, WASHINGTON HEIGHTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 116, PAGE 431 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF RED OAK STREET (50' R.O.W.) MARKING THE WEST CORNER OF LOT 10, BLOCK 10, AND THE SOUTH CORNER OF SAID ALLEY;

THENCE: N 48° 36' 14" W ALONG THE NORTHEAST LINE OF RED OAK STREET FOR A DISTANCE OF 10.00 FEET TO THE CENTERLINE OF SAID ALLEY AND THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 48° 36' 14" W CONTINUING ALONG THE NORTHEAST LINE OF RED OAK STREET FOR A DISTANCE OF 10.00 FEET TO THE SOUTH CORNER OF LOT 5, BLOCK 10;

THENCE: N 41° 23' 46" E ALONG THE SOUTHEAST LINE OF SAID LOT 5, SAME BEING THE NORTHWEST LINE OF SAID ALLEY, FOR A DISTANCE OF 50.00 FEET TO THE COMMON CORNER OF SAID LOT 5 AND LOT 4, BLOCK 10, FOR THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 48° 36' 14" E THROUGH SAID ALLEY FOR A DISTANCE OF 10.00 FEET TO THE CENTERLINE OF SAID ALLEY FOR THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 41° 23' 46" W ALONG THE CENTERLINE OF SAID ALLEY FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING CONTAINING 500 SQUARE FEET OF LAND, MORE OR LESS. SEE PLAT PREPARED OCTOBER 2014 FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FORM GPS OBSERVATION.

Exhibit "B-2" Tract B:

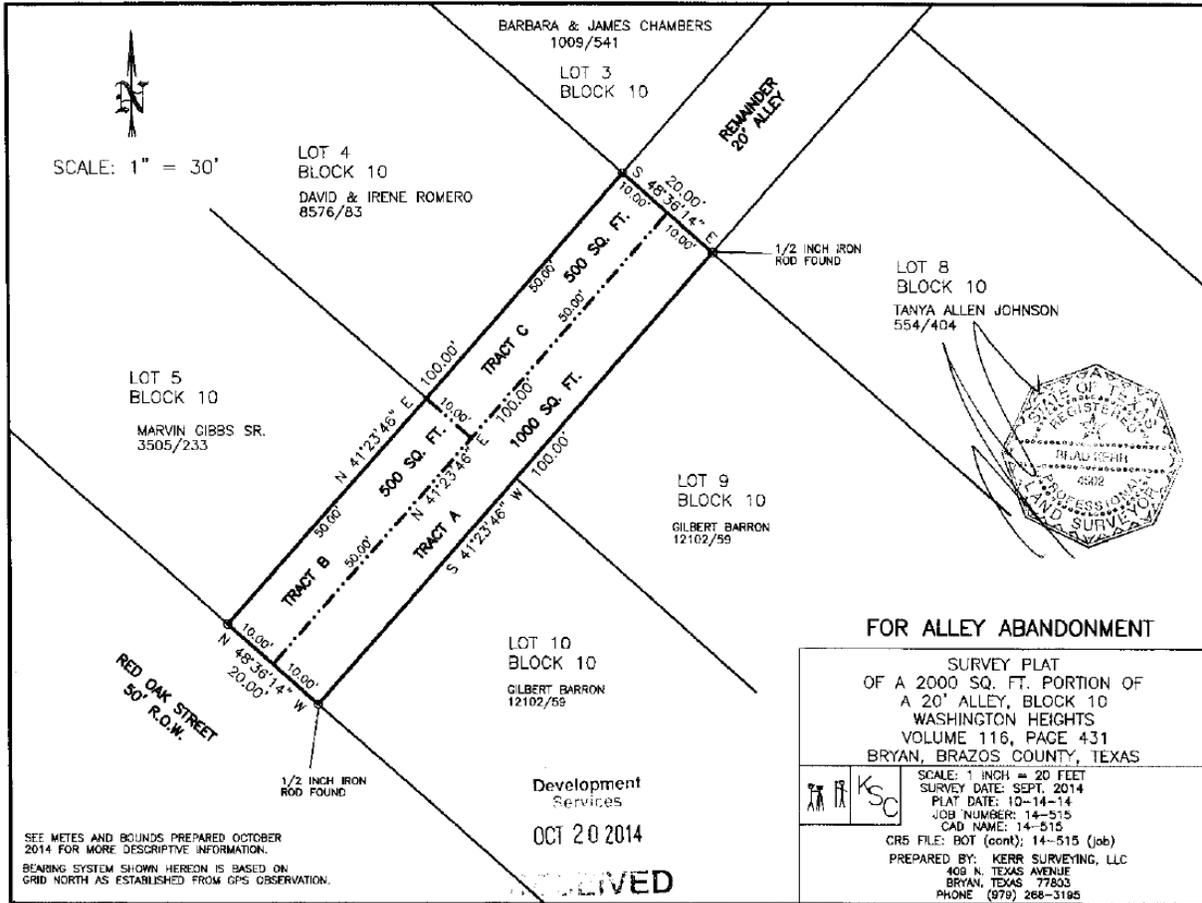


EXHIBIT "C":

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER.

QUITCLAIM DEED

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

KNOW ALL PERSONS BY THESE PRESENTS:

That the CITY OF BRYAN TEXAS a municipal corporation existing by and under the laws of the STATE OF TEXAS acting by and through its duly elected mayor (Grantor) does by these presents RELEASE AND FOREVER QUIT CLAIM unto **David L and Irene Romero**, the owners of the property adjacent thereto (Grantee), all of the following tract of land described as follows:

a 10' x 50' (500 square foot) portion of public alley right-of-way lying northeast from its intersection with Red Oak Street and adjacent to Lot 4 in Block 10 of Washington Heights Subdivision, Bryan, Brazos County, Texas, said tract being described more particularly by metes-and-bounds on attached Exhibit "C-1" and depicted on attached Exhibit "C-2".

This conveyance is subject to all present zoning and deed restrictions, if the latter exist Grantor expressly reserves all easements whether apparent or non-apparent, aerial, surface, underground or otherwise. Save and except this conveyance is subject to the reservation of public utility and public drainage easements over for the entire width and length of the abandoned right-of-way.

Subject to the above reservation, Grantor quitclaims to Grantee all of Grantor right, title and interest in and to such tract of land, to have and to hold it to Grantee, Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's successors or assigns will have, claim or demand any right or title to the property or any part of it and this deed is given to relinquish and release any right, title, and interest the Grantor its successors and assigns may have in the above-described property. When the context requires singular nouns and pronouns include the plural.

This conveyance is authorized by an ordinance of the governing body for the City of Bryan as approved and adopted on December 3, 2014.

EXECUTED this the _____ day of _____. 2014.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

THE STATE OF TEXAS §
COUNTY OF BRAZOS §

This instrument was acknowledged before a notary public on _____ by Jason P. Bienski, Mayor of the City of Bryan, a municipal corporation, on behalf of said Municipal Corporation.

Notary Public, State of Texas

Exhibit "C-1":

**METES AND BOUNDS DESCRIPTION
OF A 500 SQUARE FOOT TRACT
PORTION OF 20' ALLEY, BLOCK 10
WASHINGTON HEIGHTS
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A 20.00 FOOT WIDE ALLEY, BLOCK 10, WASHINGTON HEIGHTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 116, PAGE 431 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF SAID ALLEY MARKING THE NROTH CORNER OF LOT 9, BLOCK 10, AND THE WEST CORNER OF LOT 8, BLOCK 10;

THENCE: N 48° 36' 14" W THROUGH SAID ALLEY FOR A DISTANCE OF 10.00 FEET TO THE CENTERLINE OF SAID ALLEY AND THE **POINT OF BEGINNING** OF THIS HEREIN DESCRIBED TRACT;

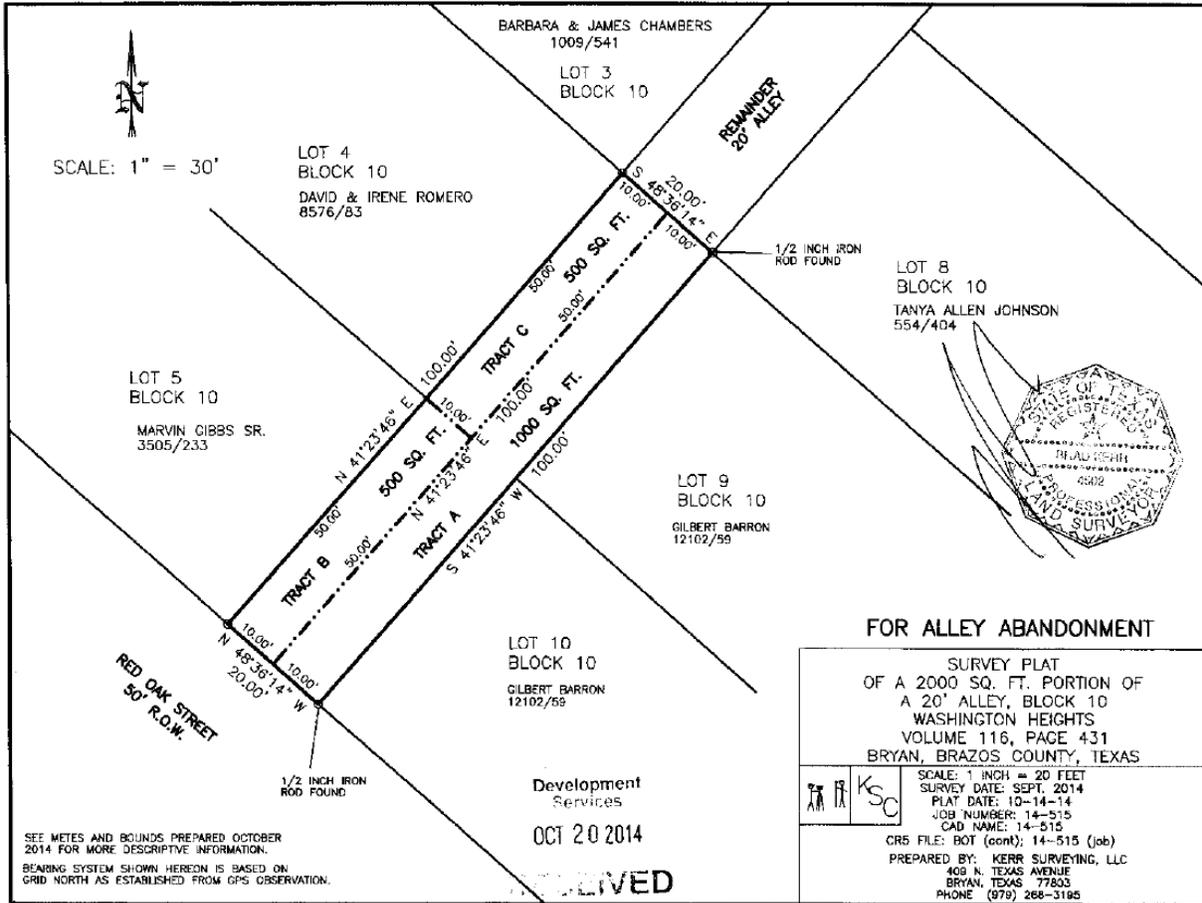
THENCE: S 41° 23' 46" W ALONG THE CENTERLINE OF SAID ALLEY FOR A DISTANCE OF 50.00 FEET FOR THE SOUTH CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 48° 36' 14" W CONTINUING THROUGH SAID ALLEY FOR A DISTANCE OF 10.00 FEET TO THE COMMON CORNER OF LOT 5 AND LOT 4, BLOCK 10, FOR THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 41° 23' 46" E ALONG THE SOUTHEAST LINE OF SAID LOT 4, SAME BEING THE NORTHWEST LINE OF SAID ALLEY, FOR A DISTANCE OF 50.00 FEET TO THE COMMON CORNER OF SAID LOT 4 AND LOT 3, BLOCK 10, FOR THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 48° 36' 14" E THROUGH SAID ALLEY FOR A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING** CONTAINING 500 SQUARE FEET OF LAND, MORE OR LESS. SEE PLAT PREPARED OCTOBER 2014 FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FORM GPS OBSERVATION.

Exhibit "C-2" Tract C:



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF NOVEMBER 20, 2014:**

5. CONSENT AGENDA.

e. Right-of-Way Abandonment RA14-09: Washington Heights Subdivision - Block 10

A request to abandon 2,000 square feet of unimproved public alley right-of-way in Block 10 of the Washington Heights Subdivision, extending 100 feet northeast from Red Oak Street between Madison and Wellington Avenues in Bryan, Brazos County, Texas. (M. Dalton)

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

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 20, 2014



Right-of-way Abandonment case no. RA 14-09: Washington Heights, Block 10

SIZE AND LOCATION: 2,000 square feet of unimproved public alley right-of-way in Block 10 of the Washington Heights Subdivision, extending 100 feet northeast from Red Oak Street between Madison and Wellington Avenues

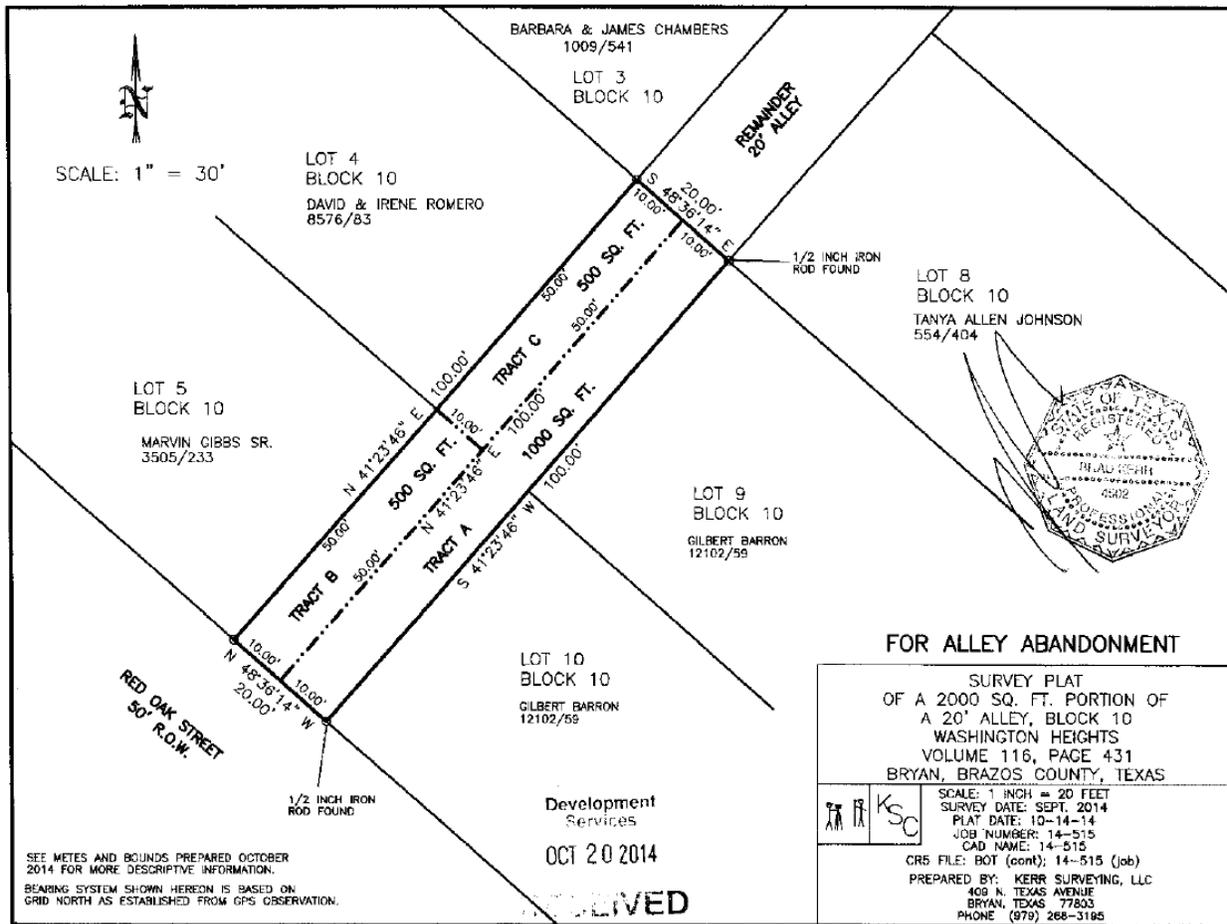
APPLICANT(S): Gilbert Barron

STAFF CONTACT: Maggie Dalton, Staff Planner

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



DETAIL SHOWING THE AREA OF RIGHT-OF-WAY REQUESTED TO BE ABANDONED:



BACKGROUND:

The applicant, Mr. Barron, and adjacent property owners of Lots 4 and 5 in Block 10 of the Washington Heights Subdivision are requesting that 2,000 square feet of unimproved public alley right-of-way that extends 100 feet north from Red Oak Street between Wellington and Madison Avenues be abandoned. Mr. Barron, who owns Lots 9 and 10 in Block 10 adjacent to the alley desires to replat 1,000 square feet of the to be abandoned alley with the adjoining property that he owns to eliminate a building encroachment that currently exists. The related replat request (case no. RP14-27) is also scheduled for consideration by the Planning and Zoning Commission during its regular meeting on November 20, 2014. The requested the abandonment will formally integrate this land with adjacent property owner's ownership of adjoining land. The alley right-of-way requested to be abandoned has never been improved as a driving surface and no public utilities lie within this right-of-way.

ANALYSIS AND RECOMMENDATION:

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.

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The alley right-of-way requested to be abandoned has been functionally integrated with adjacent land for many years. Abandoning the subject right-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 this segment of alley right-of-way, as requested. Abandoning the subject right-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.