

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> January 13, 2015		<b>DATE SUBMITTED:</b> December 18, 2014	
<b>DEPARTMENT OF ORIGIN:</b> Development Services		<b>SUBMITTED BY:</b> Maggie Dalton	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input 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
<b>AGENDA ITEM DESCRIPTION:</b> Consideration of a resolution authorizing the release of a 20-foot wide by 100-foot long public utility and drainage easement extending 100 feet northeast from Red Oak Street between Madison and Wellington Avenues in Block 10 of Washington Heights Subdivision in Bryan, Brazos County, Texas (case no. ER14-04).			
<b>SUMMARY STATEMENT:</b> During its meeting on December 3, 2014, the Bryan City Council unanimously approved a request from adjoining property owners to abandon a 20-foot wide and 100-foot long portion of the public alley in Block 10 of the Washington Heights Subdivision (case no. RA14-09, Ordinance No. 2079). The quitclaim deeds conveying the abandoned alley portions to adjoining property owners as a result of that approval inadvertently reserved a public utility and drainage easement over the entire alley portion that was abandoned. Since there are no public utilities or drainage structures located within the portion of the alley that has been abandoned, the easement that was inadvertently reserved is obsolete. The attached resolution, if approved, will correct that error and give the adjoining property owners clear title to the land that they now own.			
<b>STAFF ANALYSIS AND RECOMMENDATION:</b> Staff recommends that City Council approve this requested easement release to correct an inadvertent error and eliminate a redundant public utility and drainage easement.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
1. approve; or			
2. deny the requested easement release.			
<b>ATTACHMENTS:</b>			
1. location map;			
2. draft resolution and exhibit; and			
3. Ordinance No. 2079 with exhibits (separate PDF document).			
<b>FUNDING SOURCE:</b> N/A			
<b>APPROVALS:</b> Kevin Russell, 12-18-14; Joey Dunn, 12-29-14			
<b>APPROVED FOR SUBMITTAL: CITY MANAGER</b> Kean Register, 12-30-2014			
<b>APPROVED FOR SUBMITTAL: CITY ATTORNEY</b> Janis K. Hampton, 1-5-2015			

**LOCATION MAP:**



**RESOLUTION NO \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE OF THE FOLLOWING PUBLIC UTILITY AND DRAINAGE EASEMENT, TO WIT: A 20-FOOT WIDE BY 100-FOOT LONG PUBLIC UTILITY AND DRAINAGE EASEMENT (2,000 SQ. FT.) EXTENDING 100 FEET NORTHEAST FROM RED OAK STREET BETWEEN MADISON AND WELLINGTON AVENUES IN BLOCK 10 OF WASHINGTON HEIGHTS SUBDIVISION IN BRYAN, BRAZOS COUNTY, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE;**

**WHEREAS**, the City of Bryan is a home rule city with the specific and general powers of such under the Constitution and laws of the State of Texas; and

**WHEREAS**, the City of Bryan is the owner of a public utility and drainage easement more specifically described in Volume 12433, Pages 46, 50, and 54 of the Official Records of Brazos County; and

**WHEREAS**, said public utility and drainage easement is located within Block 10 of Washington Heights Subdivision; and

**WHEREAS**, no public utilities or drainage structures located within the boundaries of this public utility and drainage easement; and

**WHEREAS**, the City of Bryan deems it in the best interest of its citizens to release, vacate, and abandon said easement;

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

1.

That the Mayor is hereby authorized to execute the instrument attached hereto as Exhibit "A", releasing the following public utility and drainage easement, to wit:

a 20-foot wide by 100-foot long public utility and drainage easement (2,000 sq. ft.) extending 100 feet northeast from Red Oak Street between Madison and Wellington Avenues in Block 10 of Washington Heights Subdivision in Bryan, Brazos County, Texas, said easement being described more specifically described in Volume 12433, Pages 46, 50, and 54 of the Official Records of Brazos County.

2.

It is hereby found and determined that the meeting at which this resolution was adopted was open to the public as required by law and notice of time, place, and purpose of said meeting was given required by Chapter 551, Texas Government Code.

3.

That this resolution shall take effect immediately upon its adoption.

**APPROVED AND ADOPTED** BY THE CITY COUNCIL OF THE CITY OF BRYAN,  
TEXAS, at a regular meeting on the 13<sup>th</sup> day of January, 2015.

**ATTEST:**

**CITY OF BRYAN:**

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Jason P. Bienski, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Janis K. Hampton, City Attorney

**Exhibit "A":**

**RELEASE OF A 20-FOOT WIDE BY 100-FOOT LONG PUBLIC UTILITY AND DRAINAGE EASEMENT (2,000 SQ. FT.) EXTENDING 100 FEET NORTHEAST FROM RED OAK STREET BETWEEN MADISON AND WELLINGTON AVENUES IN BLOCK 10 OF WASHINGTON HEIGHTS SUBDIVISION**

THE STATE OF TEXAS §

COUNTY OF BRAZOS § KNOWN 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, present legal and equitable owner of a public utility and drainage easement, retained by the City of Bryan, Texas, in instruments recorded in Volume 12433, Pages 46, 50, and 54 of the Official Public Records of Brazos County, Texas, for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does by these presents RELEASE and ABANDON the following public utility and drainage easement:

a 20-foot wide by 100-foot long public utility and drainage easement (2,000 sq. ft.) extending 100 feet northeast from Red Oak Street between Madison and Wellington Avenues in Block 10 of Washington Heights Subdivision in Bryan, Brazos County, Texas as depicted and described in attached Exhibits "A-1" and "A-2".

This document in no way releases affects or abandons any other utility easement or other property interests of the City of Bryan dedicated by plat or by separate instruments, other than the easement hereby released.

This easement release is authorized by a resolution of the governing body for the City of Bryan, as approved and adopted on January 13, 2015.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

CITY OF BRYAN:

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

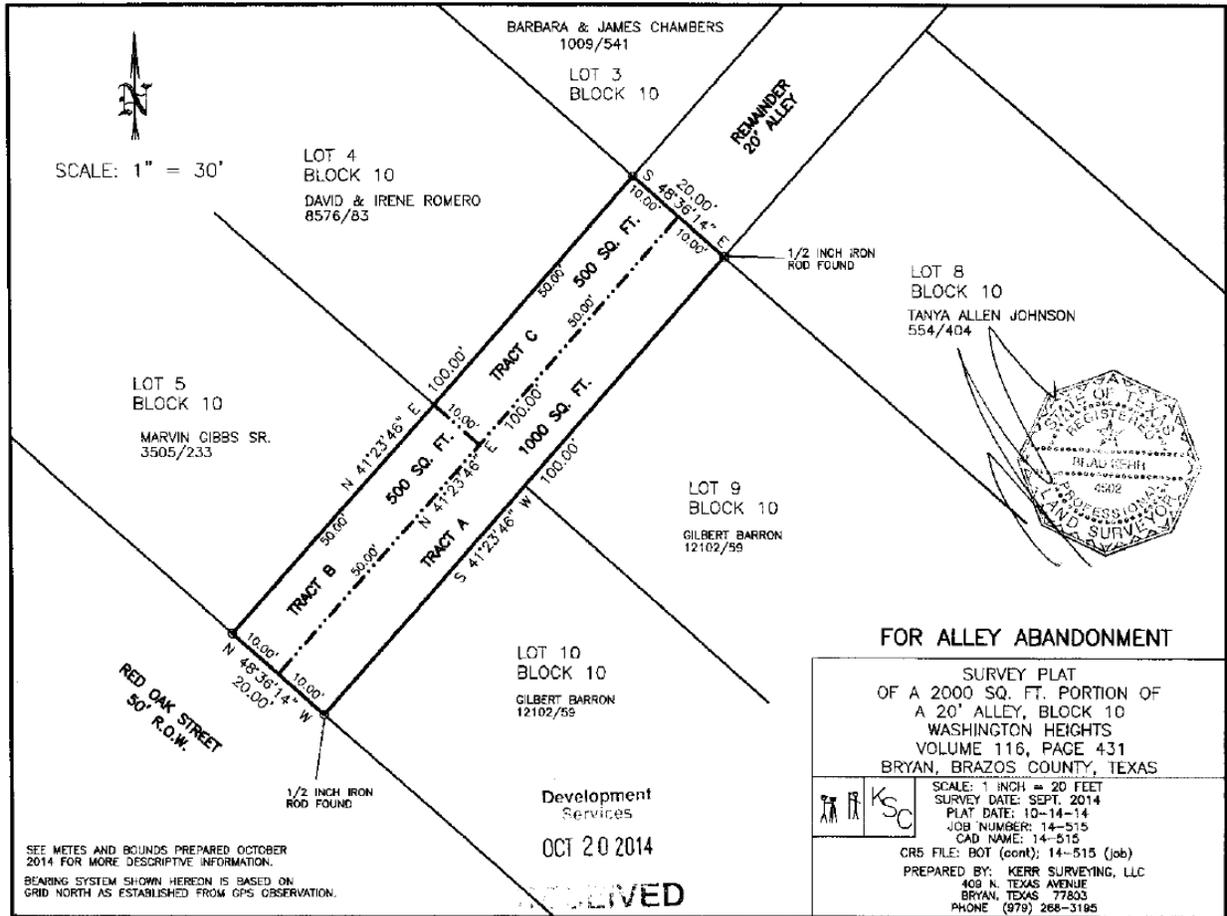
\_\_\_\_\_  
Janis K. Hampton, City Attorney

THE STATE OF TEXAS §  
COUNTY OF BRAZOS §

This instrument was acknowledged before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Jason P. Bienski, Mayor of the City of Bryan, Texas, a municipal corporation, on behalf of said Municipal Corporation.

\_\_\_\_\_  
Notary Public, State of Texas

**Exhibit "A-1"**



**Exhibit "A-2"**

ALLEY ABANDONMENT

**METES AND BOUNDS DESCRIPTION  
OF A 2000 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 20.00 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 100.00 FEET TO THE COMMON CORNER OF LOTS 3 AND 4, BLOCK 10, MARKING THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT;

**THENCE:** S 48° 36' 14" E THROUGH SAID ALLEY FOR A DISTANCE OF 20.00 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 2000 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 FROM GPS OBSERVATION.

BRAD KERR  
REGISTERED PROFESSIONAL  
LAND SURVEYOR No. 4502

C:/WORK/MAB/14-515D.MAB

