

ACTION FORM BRYAN CITY COUNCIL

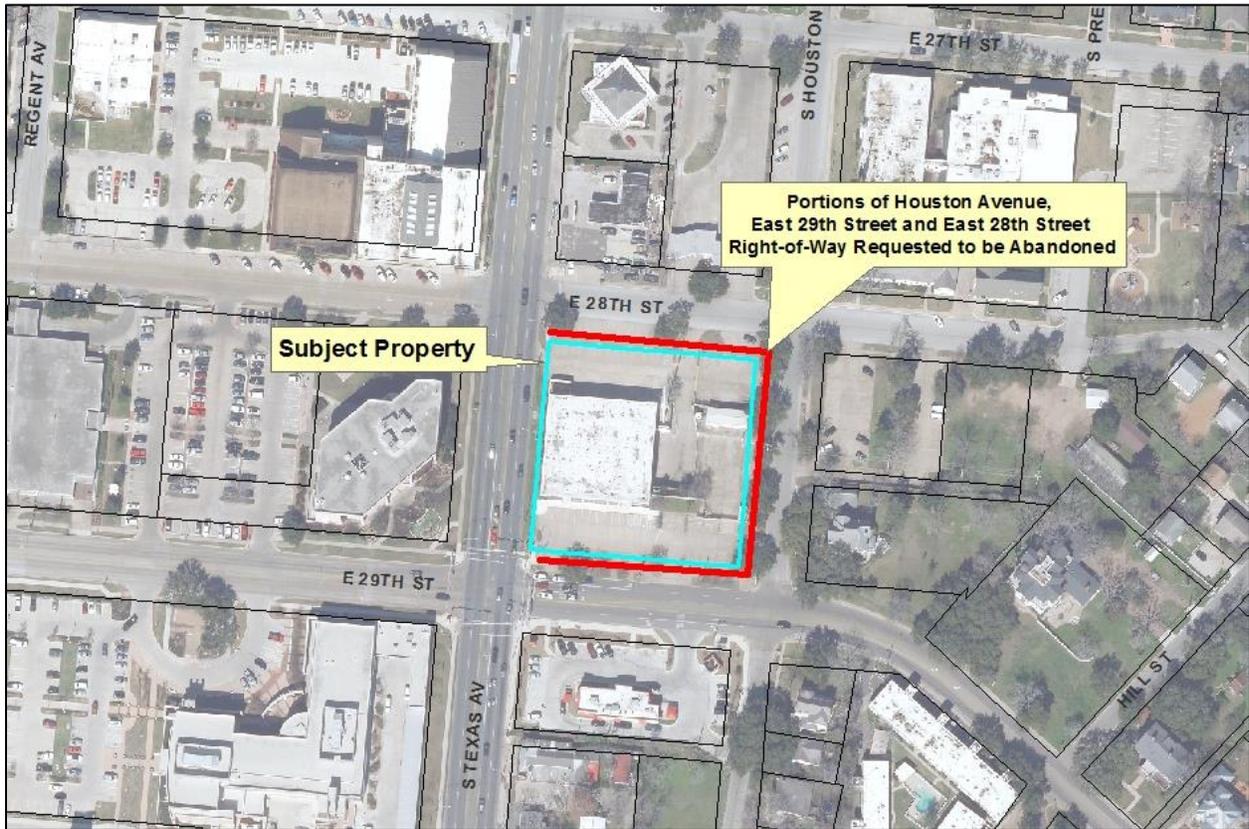
DATE OF COUNCIL MEETING: July 28, 2015		DATE SUBMITTED: June 24, 2014	
DEPARTMENT OF ORIGIN: Development Services		SUBMITTED BY: Randy Haynes	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input checked="" 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
AGENDA ITEM DESCRIPTION: A request to abandon approximately 12,999 square feet of public street rights-of-way for East 28 th Street, East 29 th Street, and South Houston Avenue, adjoining the north, south and east sides in Block 38 of the Bryan Original Townsite at the northeast corner of South Texas Avenue and East 29th Street, in Bryan, Brazos County, Texas (RA15-01).			
SUMMARY STATEMENT: The applicant, Wayne Carroll, is requesting the official abandonment portions of public street rights-of-way for East 28 th Street, East 29 th Street, and South Houston Avenue, adjacent and north, south and east of Block 38 in the Bryan Original Townsite, to formally integrate this tract with his ownership of the adjoining land. The rights-of-way requested to be abandoned are 12,999 square feet in area and have never been improved as part of the adjoining roadways, but, rather, have been developed as elements of the adjoining commercial property (former bank, Bryan Police Department).			
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 regular meeting on June 18, 2015, the Planning and Zoning Commission, unanimously concurred with staff and <u>recommended approving</u> the requested right-of-way abandonments, <u>subject to the condition</u> 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.			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. approve the requested right-of-way abandonments; 2. approve the requested right-of-way abandonments with modifications, which may require consideration at a future City Council meeting; or 3. deny the requested right-of-way abandonments. 			
ATTACHMENTS:			
<ol style="list-style-type: none"> 1. location map; 2. draft ordinance and exhibits; 3. excerpt from Planning and Zoning Commission meeting minutes of June 18, 2015; and 4. staff report to the Planning and Zoning Commission. 			
FUNDING SOURCE: N/A			

APPROVALS: Kevin Russell, 6-25-15; Joey Dunn, 7-2-15; Hugh R. Walker, 07/10/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 7-10-2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 07-13-2015

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PUBLIC RIGHTS-OF-WAY, TO WIT: APPROXIMATELY 12,999 SQUARE FEET OF PUBLIC STREET RIGHTS-OF-WAY FOR EAST 28TH STREET, EAST 29TH STREET, AND SOUTH HOUSTON AVENUE, ADJOINING THE NORTH, SOUTH AND EAST SIDES IN BLOCK 38 OF THE BRYAN ORIGINAL TOWNSITE AT THE NORTHEAST CORNER OF SOUTH TEXAS AVENUE AND EAST 29TH STREET; 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 1-10 in Block 38 of the Bryan Original Townsite has requested the abandonment of approximately 12,999 square-feet of public rights-of-way located adjacent to said lots; and

WHEREAS, during its regular meeting on June 18, 2015, the Bryan Planning and Zoning Commission recommended approving the request to abandon and close said 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; 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 12,999 square feet of public street rights-of-way for East 28th Street, East 29th Street, and South Houston Avenue, adjoining the north, south and east sides in Block 38 of the Bryan Original Townsite at the northeast corner of South Texas Avenue and

East 29th Street, 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 these public rights-of-way.

6.

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

PRESENTED AND GIVEN first reading the 28th day of July, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 4th day of August, 2015 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":

STREET ABANDONMENT
12,999 SQUARE FEET
STEPHEN F. AUSTIN LEAGUE NO. 9, A-62
PART OF THE CITY OF BRYAN ORIGINAL TOWN SITE
BRAZOS COUNTY, TEXAS

Being a **0.2984-acre (12,999-sq. ft.)** tract or parcel of land lying and being situated in the Stephen F. Austin League No. 9, A-62, and being a part of the land adjacent to Block 38, Bryan Original Town Site, according to the plat recorded in Volume H, Page 721, Deed Records, Brazos County, Texas, and said **0.2984-acre** tract being more particularly described as follows:

Commencing at a capped iron rod found marking the southernmost corner of Block 39, City of Bryan Original Town Site, said rod also marking the intersection of the western right of way line of South Houston Avenue, an 80'-wide public right of way and the northern right of way line of East 28th Street (AKA Fannin Street), a 100'-wide public right of way;

THENCE S 08°30'00" W, through said East 28th Street, for a distance of 100.00' to a mark on concrete found marking the easternmost corner of Block 38, of said City of Bryan Original Town Site, said mark on concrete being the **POINT OF BEGINNING**;

THENCE N 81°30'00" W, along the southwestern boundary line of said East 28th Street for a distance of 250.00' to a mark on concrete set marking the northernmost corner of said Block 38;

THENCE N 08°30'00" E, through said East 28th Street, for a distance of 38.00' to a mark on concrete set within the said right of way;

THENCE S 81°30'00" E, continuing inside said East 28th Street right of way, for a distance of 259.00' to a mark on concrete set within the right of way of South Houston Avenue;

THENCE S 08°30'00" W, inside the right of way of South Houston Avenue, for a distance of 291.50' to a mark on concrete set within the right of way of East 29th Street (AKA Lamar Street), a 100'-wide public right of way;

THENCE N 81°30'00" W, inside the right of way of East 29th Street, to the eastern right of way line of South Texas Avenue (AKA Dallas Street), a 100'-wide public right of way, for a distance of 259.00' to a mark on concrete set;

THENCE N 08°30'00" E, along the eastern right of way line of South Texas Avenue for a distance of 3.50' to a mark on concrete found for the westernmost corner of said Block 38;

THENCE S 81°30'00" E, along the southern boundary line of said Block 38 to the southernmost corner of said Block to a mark on concrete set, for a distance of 250.00';

THENCE N 08°30'00" E, along the eastern right of way line South Houston Avenue to the **POINT OF BEGINNING** for a distance of 250.00' containing a **0.2984 acre** of land more or less.

Note: Bearing source is the Replat of Block 35, Bryan Original Town Site recorded in Volume 3752, Page 35, Official Records, Brazos County, Texas.

**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF JUNE 18, 2015:**

6. CONSENT AGENDA.

a. Approval of minutes from the workshop and regular meetings on June 4, 2015.

b. Final Plat FP15-11: The Traditions Subdivision – Phase 28

Proposed Final Plat of The Traditions Subdivision – Phase 28, being 15.54 acres of land out of John H. Jones Survey, A-26 located generally south of the intersection of Club and South Traditions Drives in Bryan, Brazos County, Texas Brazos County, Texas. (R. Haynes)

c. Right-of-way Abandonment RA15-01: East 28th Street, East 29th Street, S. Houston Avenue

A request to abandon approximately 12,999 square feet of public street rights-of-way for East 28th Street, East 29th Street, and South Houston Avenue, adjoining the north, south and east sides in Block 38 of the Bryan Original Townsite at the northeast corner of South Texas Avenue and East 29th Street in Bryan, Brazos County, Texas Brazos County, Texas. (R. Haynes)

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

June 18, 2015

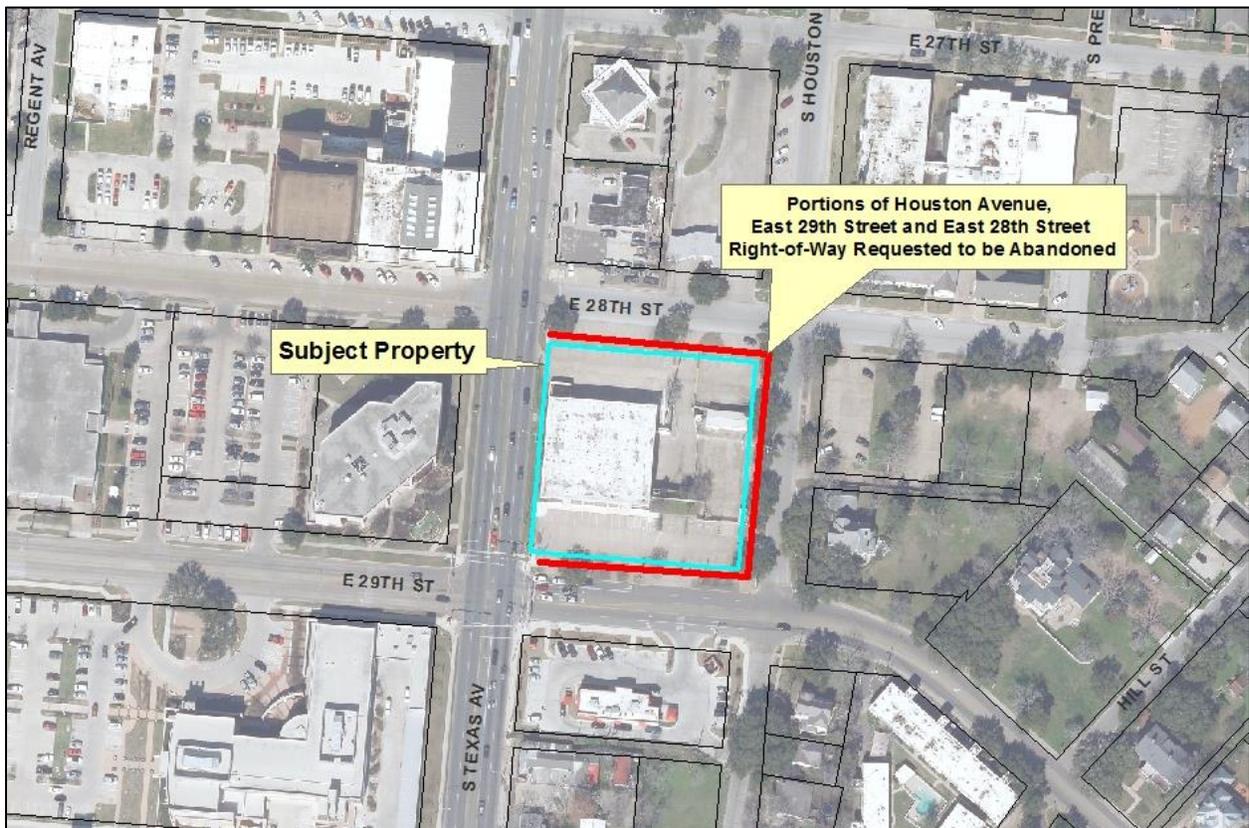
**Right-of-way Abandonment case no. RA15-01:
Portions of East 28th, and 29th Streets and South Houston Avenue**

SIZE AND LOCATION: approximately 12,999 square feet of public street rights-of-way for East 28th Street, East 29th Street, and South Houston Avenue, adjoining the north, south and east sides in Block 38 of the Bryan Original Townsite at the northeast corner of South Texas Avenue and East 29th Street

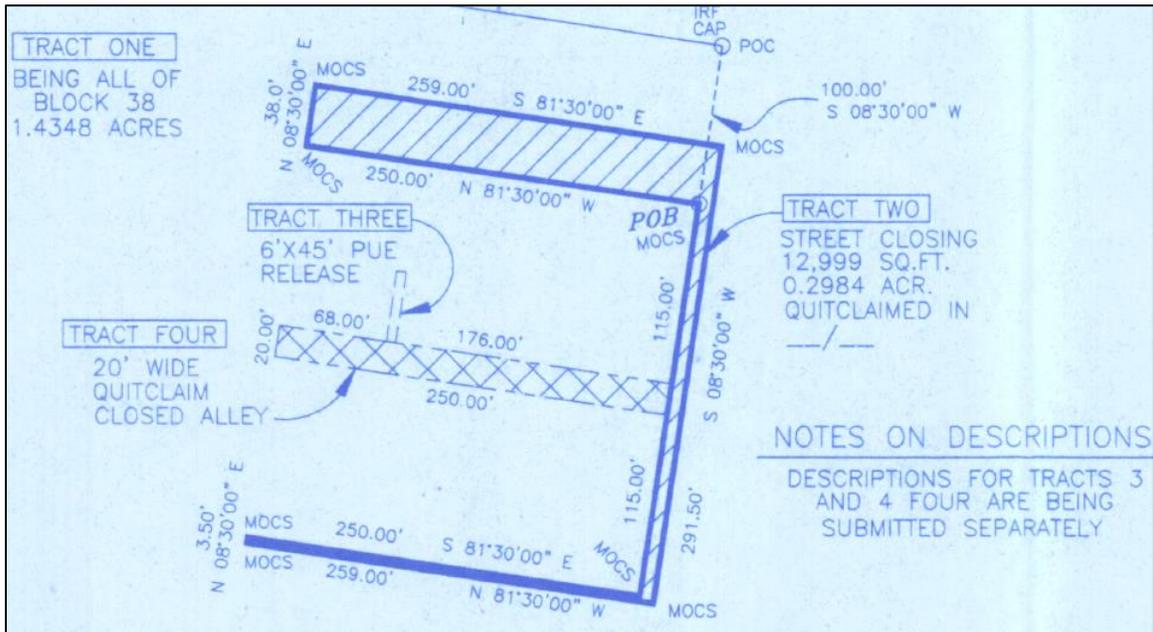
APPLICANT(S): Wayne Carroll

STAFF CONTACT: Randy Haynes, Senior Planner

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



DETAIL OF PROPOSED REPLAT DRAWING (case no. RP15-02) SHOWING THE AREA OF RIGHT-OF-WAY REQUESTED TO BE ABANDONED:



RIGHT-OF-WAY REQUESTED TO BE ABANDONED:

The applicant, Wayne Carroll, is requesting the official abandonment portions of public street rights-of-way for East 28th Street, East 29th Street, and South Houston Avenue, adjacent and north, south and east of Block 38 in the Bryan Original Townsite, to formally integrate this tract with his ownership of the adjoining land. The rights-of-way requested to be abandoned are 12,999 square feet in area and have never been improved as part of the adjoining roadways, but, rather, have been developed as elements of the adjoining commercial property (former bank, Bryan Police Department).

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 will be functionally integrated with adjacent land and made available for development. Abandoning the subject rights-of-way, 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 land and, therefore, be a more efficient use of adjacent land. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.