LOCATION MAP:

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PUBLIC RIGHT-OF-WAY, TO WIT: APPROXIMATELY 0.105 ACRES (4,574 SQUARE FEET) OF PUBLIC STREET RIGHTS-OF-WAY FOR EAST 23RD STREET AND NORTH WASHINGTON AVENUE, ADJOINING THE SOUTH AND EAST SIDES, RESPECTIVELY, OF BLOCK 11 IN THE BRYAN ORIGINAL TOWNSITE, AT THE NORTHWEST CORNER OF EAST 23RD STREET AND NORTH WASHINGTON AVENUE 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 owners of the south portions of Lots 8 and 9 in Block 11 of the Bryan Original Townsite have requested the abandonment of approximately 0.0105 acres of public rights-of-way located adjacent to said lots; and

WHEREAS, during its regular meeting on October 15, 2015, the Bryan Planning and Zoning Commission recommended approving the request to abandon and close said portions of public 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:

approximately 0.105 acres (4,574 square feet) of public street rights-of-way for East 23rd Street and North Washington Avenue, adjoining the south and east sides, respectively, of Block 11 in the Bryan Original Townsite, at the northwest corner of East 23rd Street and North Washington Avenue in Bryan, Brazos County, Texas Brazos County, Texas., said tracts being described more particularly by metes-and-bounds 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 applicants own 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 10th day of November, 2015 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 24th day of November, 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":

METES AND BOUNDS DESCRIPTION
OF A
4500 SQUARE FOOT TRACT
BRYAN ORIGINAL TOWNSITE
BRYAN, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE 80.00 FOOT WIDE RIGHT-OF-WAY OF E. 23RD STREET ADJACENT TO A 20.00 FOOT WIDE ABANDONED ALLEY AND LOTS 8 AND 9, BLOCK 11, AND A PORTION OF THE 100.00 FOOT WIDE RIGHT-OF-WAY OF WASHINGTON AVENUE ADJACENT TO LOT 8, BLOCK 11, BRYAN ORIGINAL TOWNSITE, ACCORDING TO THE PLAT RECORDED IN VOLUME H, PAGE 721 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 NORTH LINE OF E. 23RD STREET MARKING THE SOUTHWEST CORNER OF A CALLED 0.335 ACRE TRACT AS DESCRIBED BY A DEED TO PER CURIAM HOLDINGS, LLC RECORDED IN VOLUME 10420, PAGE 211 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, AND THE SOUTHEAST CORNER OF A CALLED 893 SQUARE FOOT TRACT DESCRIBED AS TRACT TWO BY A DEED TO PATRICIA SONNTAG AND CHARLES E. SONNTAG, IV, RECORDED IN VOLUME 12077, PAGE 275 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, SAID IRON ROD FOUND BEING ON THE SOUTH LINE OF SAID 20.00 FOOT WIDE ALLEY

THENCE: S 85° 07' 02" E ALONG THE NORTH LINE OF E. 23RD STREET, SAME BEING THE SOUTH LINE OF SAID ALLEY AND SAID LOTS 8 AND 9, FOR A DISTANCE OF 130.00 FEET TO A 1/2 INCH IRON ROD FOUND AT THE INTERSECTION OF THE NORTH LINE OF E. 23RD STREET AND THE WEST LINE OF WASHINGTON AVENUE MARKING THE SOUTHEAST CORNER OF SAID LOT 8;

THENCE: N 04° 52' 58" E ALONG THE WEST LINE OF WASHINGTON AVENUE, SAME BEING THE EAST LINE OF SAID LOT 8, FOR A DISTANCE OF 115.00 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID LOT 8;

THENCE: S 85° 07' 02" E THROUGH SAID RIGHT-OF-WAY OF WASHINGTON AVENUE FOR A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 04° 52' 58" W CONTINUING THROUGH SAID RIGHT-OF-WAY OF WASHINGTON AVENUE, 20.00 FEET FROM AND PARALLEL TO THE WEST LINE OF SAID RIGHT-OF-WAY, FOR A DISTANCE OF 130.00 FEET TO A POINT WITHIN SAID RIGHT-OF-WAY OF E. 23RD STREET AND THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 85° 07' 02" W THROUGH SAID RIGHT-OF-WAY OF E. 23RD STREET, 15.00 FEET FROM AND PARALLEL TO THE NORTH LINE OF SAID RIGHT-OF-WAY, FOR A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 04° 52' 58" E CONTINUING THROUGH SAID RIGHT-OF-WAY OF E. 23RD STREET FOR A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING** CONTAINING 4500 SQUARE FEET OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JULY 2015. SEE PLAT PREPARED SEPTEMBER 2015 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/15-602ROW.MAB

EXHIBIT "B":

N. WASHINGTON AVENUE
(100' ROW)
1/2 INCH IRON ROD SET
S 6° 02' 58" W 130.00'
N 89° 57' 02" W 20.00'
N 89° 57' 02" E 115.00'
POINT OF BEGINNING
LOT 8
BLOCK 11
LOT 9
BLOCK 11
ZLR
0.103 ACRES
(70 SF ABANDONED)
N 89° 57' 02" W 130.00'
N 89° 57' 02" W 135.00'
E 3RD STREET
(80' ROW)
PORTION
ALLEY
BLOCK 11
N 6° 02' 58" E
130.00'
CITY OF BRYAN GPS MONUMENT NO. 116
BEARS S 84°43'24" W 3999.60'

EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF OCTOBER 1, 2015:

5. CONSENT AGENDA.

e. Right-of-Way Abandonment RA15-03: portions of E. 23rd Street and N. Washington Ave.
A request to abandon approximately 0.105 acres (4,574 square feet) of public street rights-of-way for East 23rd Street and North Washington Avenue, adjoining the south and east sides, respectively, of Block 11 in the Bryan Original Townsite, at the northwest corner of East 23rd Street and North Washington Avenue in Bryan, Brazos County, Texas Brazos County, Texas. (M. Hilgemeier)

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

PLANNING AND ZONING COMMISSION
STAFF REPORT

October, 1 2015

CITY OF BRYAN

Right-of-way Abandonment case no. RA15-03:
portions of East 23rd Street and North Washington Avenue

SIZE AND LOCATION: approximately 0.105 acres (4,574 square feet) of public street rights-of-way for East 23rd Street and North Washington Avenue, adjoining the south and east sides, respectively, of Block 11 in the Bryan Original Townsite, at the northwest corner of East 23rd Street and North Washington Avenue

APPLICANT(S): Per Curiam Holdings, LLC

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

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

RIGHT-OF-WAY REQUESTED TO BE ABANDONED:

The applicants, Per Curiam Holdings, LLC, are requesting the official abandonment of 150-foot long by 15-foot wide portion of public street right-of-way for East 23rd Street and a 130-foot long by 20-foot wide segment of public street right-of-way for North Washington Avenue, adjoining the south and east sides of Lots 8 and 9 in Block 11 of the Bryan Original Townsite at the northwest corner of East 23rd Street and North Washington Avenue. The request is being made to formally integrate this tract with their ownership of the adjoining land. The rights-of-way requested to be abandoned are 0.105 acres (4,574 square feet) in area and have never been improved as part of the adjoining roadways since originally being laid out as part of the town of Bryan in 1860.

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. Abandoning the subject rights-of-way, as recommended, will allow this land to be integrated with adjacent land and, therefore allow efficient and orderly urban development. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.