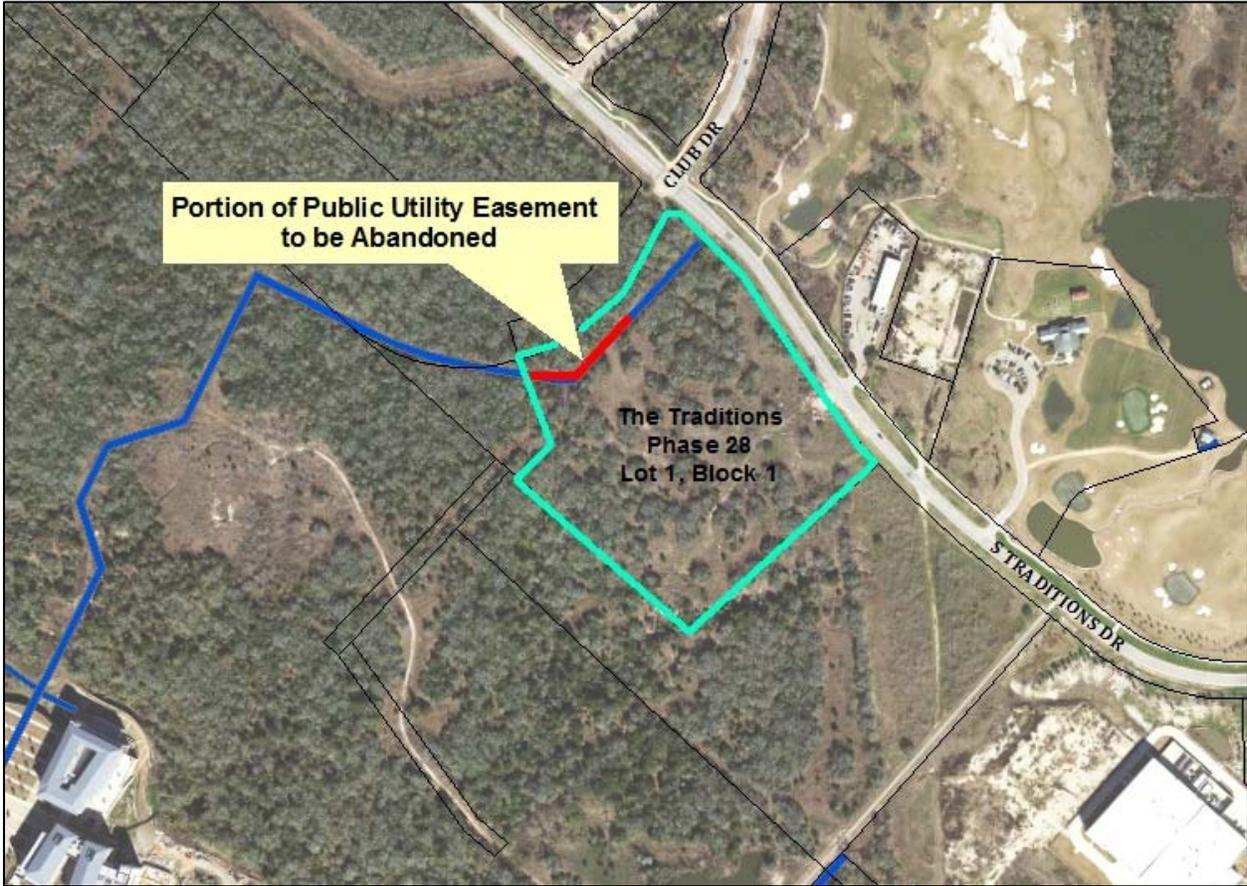


LOCATION MAP:



RESOLUTION NO _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE RELEASE OF THE FOLLOWING PUBLIC UTILITY EASEMENT, TO WIT: A 20-FOOT WIDE AND APPROXIMATELY 333-FOOT LONG PORTION OF A PUBLIC UTILITY EASEMENT EXTENDING ACROSS LOT 1 IN BLOCK 1 OF THE TRADITIONS SUBDIVISION - PHASE 28 ON LAND LOCATED AT THE SOUTHEAST CORNER OF SOUTH TRADITIONS AND CLUB DRIVES 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 easement more specifically described in Volume 9211, Page 99 of the Official Records of Brazos County; and

WHEREAS, said public utility easement is located within Lot 1 of Block 1 of The Traditions Subdivision – Phase 28; and

WHEREAS, the owners of said tract of land, Parc Traditions, LP, have requested the release of a portion of the aforementioned public utility easement; and

WHEREAS, the City of Bryan does neither currently use or anticipate using that segment of said public utility easement for the purpose of constructing and maintaining public utilities; and

WHEREAS, the City of Bryan Planning and Zoning Commission recommended releasing a portion of said public utility easement, during its regular meeting on May 19, 2016; and

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

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

1.

That the Mayor is hereby authorized to execute the instrument attached hereto as Exhibit “A” releasing the following public utility easement, to wit: a 20-foot wide and approximately 333-foot long portion of a public utility easement extending across Lot 1 in Block 1 of The Traditions Subdivision - Phase 28 on land located at the southeast corner of South Traditions and Club Drives, in Bryan, Brazos County, Texas, said easement being described more specifically in Volume 9211, Page 99 of the Official Records of Brazos County, the easement segment to be released being described more particularly on attached Exhibit “A-1” and depicted on Exhibit “A-2”.

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.

PRESENTED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS,
at a regular meeting on the 7th day of June, 2016.

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 _____, 2016, 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"

CITY OF BRYAN

Development
Services

APR 27 2016

RECEIVED

**METES AND BOUNDS DESCRIPTION
OF A
6686 SQUARE FOOT TRACT
THE TRADITIONS SUBDIVISION, PHASE 28
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 A CALLED 20.00 FOOT WIDE UTILITY EASEMENT TO THE CITY OF BRYAN AS DESCRIBED IN VOLUME 9211, PAGE 99 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID TRACT LYING WITHIN LOT 1, BLOCK 1, THE TRADITIONS SUBDIVISION, PHASE 28.

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

COMMENCING AT A 1/2 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF SOUTH TRADITIONS DRIVE MARKING THE MOST NORTHERLY CORNER OF SAID LOT 1, FOR REFERENCE A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF CLUB DRIVE BEARS: S 86° 32' 01" W FOR A DISTANCE OF 12.97 FEET;

THENCE: S 47° 59' 17" E ALONG THE SOUTHWEST LINE OF SOUTH TRADITIONS DRIVE FOR A DISTANCE OF 90.45 FEET, FOR REFERENCE A 5/8 INCH IRON ROD FOUND MARKING AN ANGLE POINT IN SAID SOUTHWEST LINE BEARS: S 47° 59' 17" E FOR A DISTANCE OF 77.61 FEET;

THENCE: S 42° 35' 11" W THROUGH SAID LOT 1 AND ALONG THE NORTHWEST LINE OF SAID 20.00 FOOT WIDE EASEMENT, AND THE EXTENSION THEREOF, FOR A DISTANCE OF 275.56 FEET TO THE **POINT OF BEGINNING** OF THIS HEREIN DESCRIBED TRACT;

THENCE: CONTINUING THROUGH SAID LOT 1 FOR THE FOLLOWING CALLS:

S 24° 49' 10" E THROUGH SAID EASEMENT FOR A DISTANCE OF 21.66 FEET TO THE SOUTHEAST LINE OF SAID EASEMENT;

S 42° 35' 11" W ALONG THE SOUTHEAST LINE OF SAID EASEMENT FOR A DISTANCE OF 228.87 FEET;

S 88° 32' 31" W ALONG THE SOUTH LINE OF SAID EASEMENT FOR A DISTANCE OF 52.66 FEET;

N 80° 09' 49" W ALONG THE SOUTHERLY LINE OF SAID EASEMENT FOR A DISTANCE OF 53.13 FEET;

N 20° 58' 33" W ACROSS SAID EASEMENT AND ALONG THE EASTERLY LINE OF A 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT FOR A DISTANCE OF 23.28 FEET TO THE NORTHERLY LINE OF SAID 20.00 FOOT WIDE EASEMENT;

S 80° 09' 49" E ALONG THE NORTHERLY LINE OF SAID EASEMENT FOR A DISTANCE OF 63.08 FEET;

N 88° 32' 31" E ALONG THE NORTH LINE OF SAID EASEMENT FOR A DISTANCE OF 42.20 FEET;

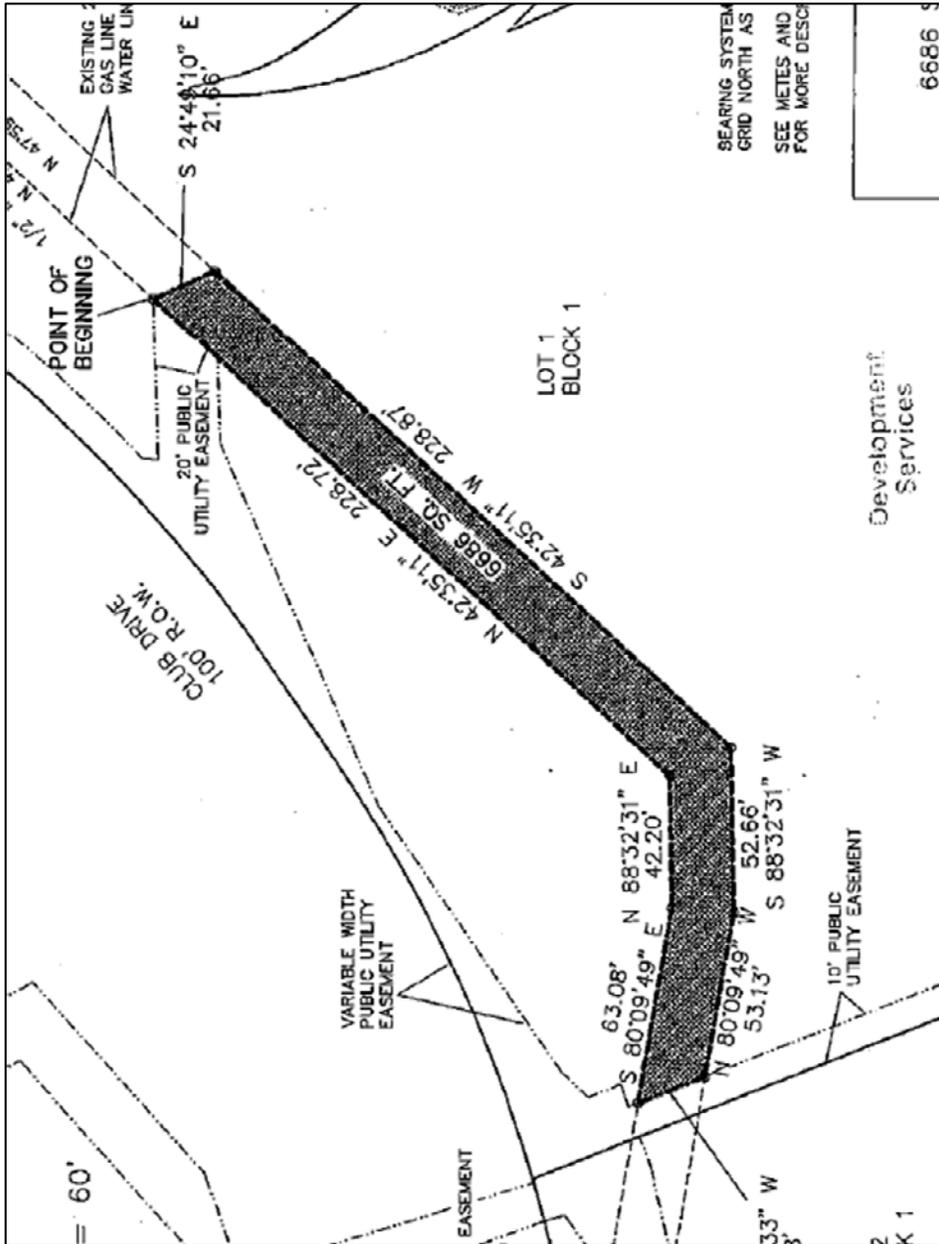
N 42° 35' 11" E ALONG THE NORTHWEST LINE OF SAID EASEMENT FOR A DISTANCE OF 228.72 FEET TO THE **POINT OF BEGINNING** CONTAINING 6686 SQUARE FEET OF LAND, MORE OR LESS. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

//JOBS/15-1090/15-1090B



Exhibit "A-2"



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES
OF MAY 19, 2016:**

5. CONSENT AGENDA.

b. Easement Release ER16-01: Parc Traditions, LP

A request to release a 20-foot wide and approximately 333-foot long portion of a public utility easement extending across Lot 1 in Block 1 of The Traditions Subdivision - Phase 28 at the southeast corner of South Traditions and Club Drives in Bryan, Brazos County, Texas. (R. Haynes)

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

**PLANNING AND ZONING COMMISSION
PLANNING AND ZONING COMMISSION
STAFF REPORT**

May 19, 2016



Easement Release case no. 16-01: Parc Traditions, LP

- CASE DESCRIPTION:** a request to release a 20-foot wide and approximately 333-foot long portion of a public utility easement extending across Lot 1 in Block 1 of The Traditions Subdivision – Phase 28
- SIZE AND LOCATION:** 6,686 square feet of land located south of Club Drive, west from its intersection with South Traditions Drive
- APPLICANT(S):** Eddie Hare of Parc Traditions, LP
- STAFF CONTACT:** Randy Haynes, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the release of this public utility easement, as requested.



BACKGROUND:

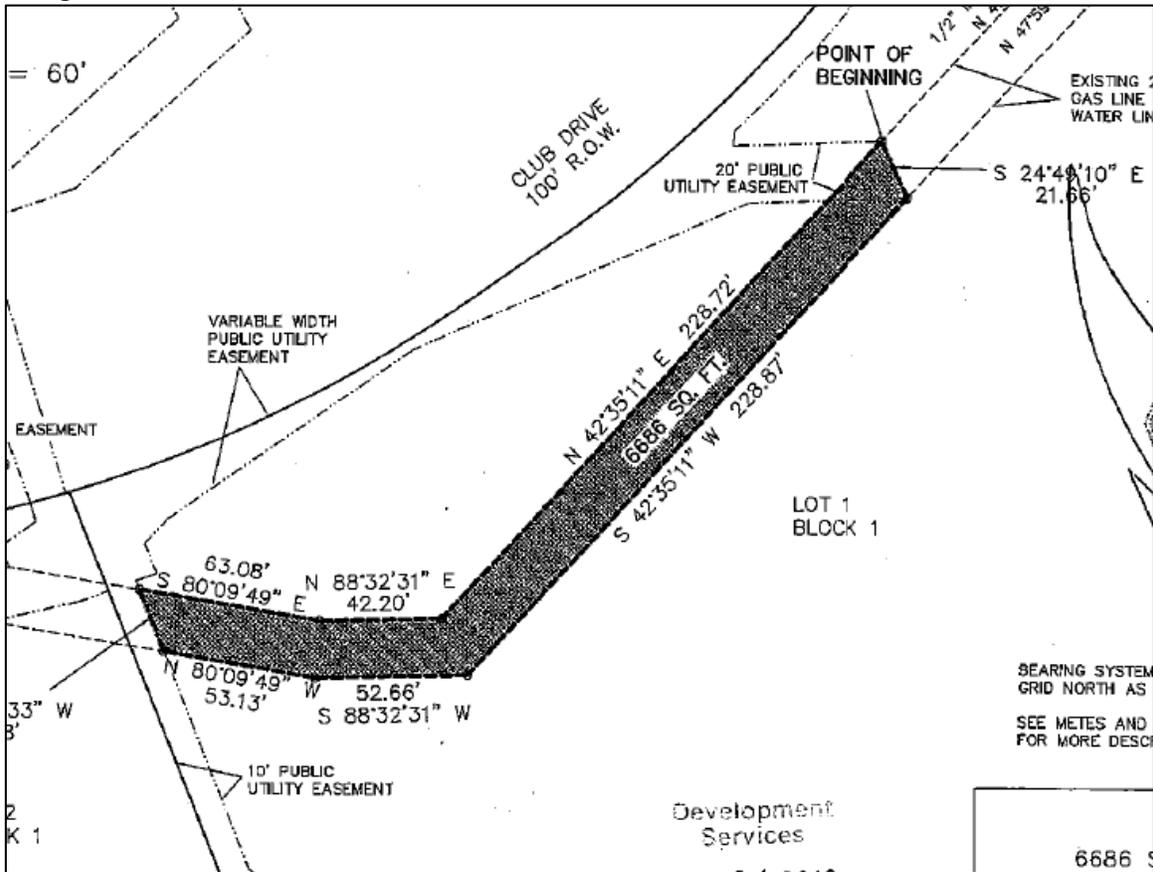
In January 2009, a public utility easement was granted to the City of Bryan for the purpose of installing and maintaining underground water and sewer lines across several tracts of land, part of which was later be subdivided into Lot 1 in Block 1 of The Traditions – Phase 28. In 2015, upon subdivision and development of Lot 1, it became necessary to relocate a segment of previously installed utilities by rerouting a 16-inch waterline to the west. Subsequent to the completion of the waterline relocation the applicant is requesting abandonment of a portion of the public utility easement that is now no longer needed for a public water main.

No public or franchised utility facilities are currently located within the portion of this easement that has been requested to be abandoned.

Only Bryan’s City Council can authorize the release of easements intended for public use that were dedicated by a legal instrument other than a subdivision plat. The Planning and Zoning Commission is asked to make a recommendation to the City Council regarding all easement release requests.

RELOCATION OF 16” WATERLINE:

6,686 SQUARE-FOOT PORTION OF EASEMENT TO BE RELEASED:



RECOMMENDATION:

The Site Development Review Committee and staff recommend **approving** the release of the public utility easement as requested. City staff does not foresee a need for possible future use of this easement portion for public purposes.