

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PUBLIC RIGHT-OF-WAY, TO WIT: 100-FOOT LONG AND 15-FOOT WIDE PORTION OF PUBLIC STREET RIGHT-OF-WAY FOR EAST PRUITT STREET AS WELL AS A 66-FOOT LONG AND 25-FOOT WIDE SEGMENT OF PUBLIC STREET RIGHT-OF-WAY FOR NORTH WASHINGTON AVENUE, BEING APPROXIMATELY 0.064 ACRES OF LAND ADJOINING THE SOUTH AND WEST SIDES OF PARTS OF LOTS 1 AND LOT 2 IN BLOCK 32 OF THE BRYAN ORIGINAL TOWNSITE 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 owner of parts of Lot 1 and Lot 2 in Block 32 of the Bryan Original Townsite has requested the abandonment of approximately 2,775 square-feet of public street rights-of-way for East Pruitt Street and North Washington Avenue located adjacent to said lots; and

WHEREAS, during its regular meeting on May 19, 2016, the Bryan Planning and Zoning Commission recommended approving the request to abandon and close said public right-of-way, subject to the conditions 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 that a 15-foot wide public utility easement be retained over the abandoned portion of East Pruitt Street to accommodate existing public utility facilities, and that a 10-foot wide public utility easement be retained over the abandoned portion of North Washington Avenue to accommodate existing public utility facilities (case no. RA16-04); 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; 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:

100-foot long and 15-foot wide portion of public street right-of-way for East Pruitt Street as well as a 66-foot long and 25-foot wide segment of public street right-of-way for North Washington Avenue, adjoining the south and west sides of portions of Lots 1 and Lot 2 in Block 32 of the Bryan Original Townsite, said tract 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 applicant owns and/or will own after abandonment of this public right-of-way, and that any such replat shall dedicate a 15-foot wide public utility easement over the abandoned portion of East Pruitt Street and a 10-foot wide public utility easement over the abandoned portion of North Washington Avenue, to accommodate existing public utility facilities.

6.

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

PRESENTED AND GIVEN first reading the 7th day of June, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 12th day of July, 2016 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
0.064 ACRE TRACT
S. F. AUSTIN LEAGUE, A-62
BRYAN, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE S. F. AUSTIN LEAGUE, ABSTRACT NO. 62, BRYAN, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF WASHINGTON AVENUE RIGHT-OF-WAY (100' R.O.W.) AND A PORTION OF PRUITT STREET RIGHT-OF-WAY (20TH STREET - 80' R.O.W.) ADJOINING LOTS 1 AND 2, BLOCK 32, 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 EAST LINE OF N. WASHINGTON AVENUE MARKING THE NORTHWEST CORNER OF A CALLED 3825 SQUARE FOOT TRACT DESCRIBED AS BEING A PORTION OF LOTS 1 AND 2, BLOCK 32, BY A DEED TO CARLOS OLMEDA JIMENEZ AND ELIZABETGH TABARES VILLARREAL RECORDED IN VOLUME 13165, PAGE 181 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, AND THE SOUTHWEST CORNER OF A 74' X 75' TRACT DESCRIBED AS BEING A PORTION OF SAID LOTS 1 AND 2 BY A DEED TO RUSSELL F. GOEHL RECORDED IN VOLUME 1231, PAGE 45 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 04° 49' 30" W ALONG THE WEST LINE OF N. WASHINGTON AVENUE FOR A DISTANCE OF 51.00 FEET TO A 3/8 INCH IRON ROD FOUND ON THE NORTH LINE OF E. PRUITT STREET MARKING THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE: S 85° 10' 30" E ALONG THE NORTH LINE OF E. PRUITT STREET FOR A DISTANCE OF 75.00 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAID 3825 SQUARE FOOT TRACT AND THE SOUTHWEST CORNER OF A CALLED TRACT OF LAND DESCRIBED AS BEING 1/2 OF LOTS 2 AND 3, BLOCK 32, BY A DEED TO JEFFREY ALLEN GOEHL AND DARLENE GOEHL RECORDED IN VOLUME 12431, PAGE 233 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: THROUGH SAID RIGHT-OF-WAYS OF PRUITT STREET (20TH STREET) AND WASHINGTON AVENUE FOR THE FOLLOWING CALLS:

S 04° 49' 30" W ALONG THE EXTENSION OF THE COMMON LINE OF SAID 3825 SQUARE FOOT TRACT AND SAID SECOND GOEHL TRACT FOR A DISTANCE OF 15.00 FEET;

N 85° 10' 30" W, 15.00 FEET FROM AND PARALLEL TO THE NORTH LINE OF PRUITT STREET, FOR A DISTANCE OF 100.00 FEET;

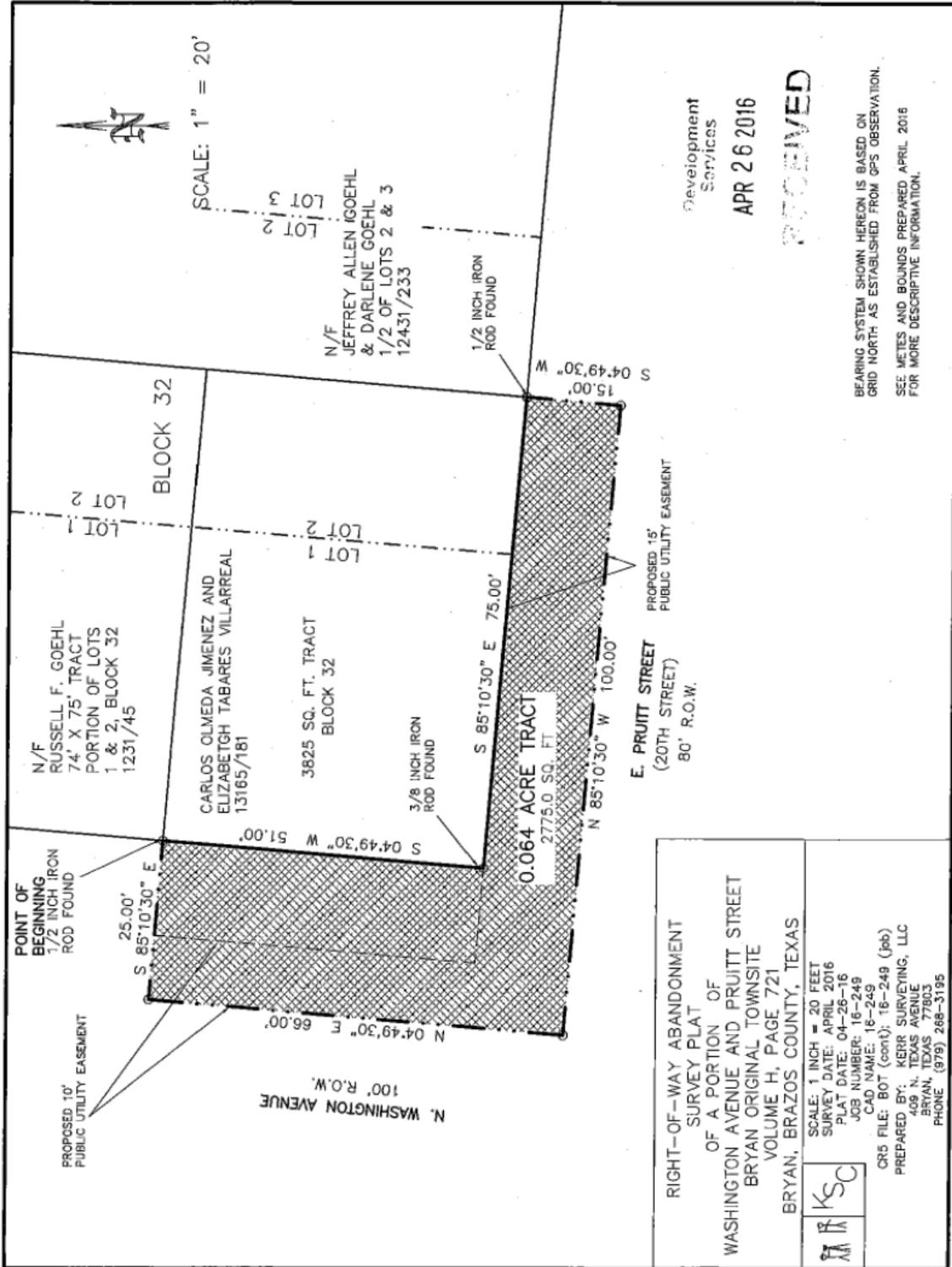
N 04° 49' 30" E, 25.00 FEET FROM AND PARALLEL TO THE EAST LINE OF WASHINGTON AVENUE, FOR A DISTANCE OF 66.00 FEET;

S 85° 10' 30" E ALONG THE EXTENSION OF THE COMMON LINE OF SAID 3825 SQUARE FOOT TRACT AND SAID FIRST GOEHL TRACT FOR A DISTANCE OF 25.00 FEET TO THE **POINT OF BEGINNING** CONTAINING 0.064 OF AN ACRE (2775 SQUARE FEET) OF LAND, MORE OF LESS, AS SURVEYED ON THE GROUND. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

//JOBS/16-249/16-249A.DOCX

EXHIBIT "B":




SCALE: 1 INCH = 20 FEET
SURVEY DATE: APRIL 2016
PLAT DATE: 04-20-16
JOB NUMBER: 16-249
CAD NAME: 16-249 (job)
CRS FILE: BOT (cont); 16-249 (job)
PREPARED BY: KERR SURVEYING, LLC
409 N. TEXAS AVENUE
BRYAN, TEXAS 77803
PHONE: (979) 268-3195

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

5. CONSENT AGENDA.

d. Right-of-way Abandonment RA16-04: Portions of East Pruitt Street and North Washington Avenue

A request to abandon approximately 0.064 acres (2,775 square feet) of public street rights-of-way for East Pruitt Street and North Washington Avenue adjoining the southwest corner of Block 32 in the Bryan Original Townsite in Bryan, Brazos County, Texas. (M. Hilgemeier)

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

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

May 19, 2016



**Right-of-way Abandonment case no. RA16-04:
Portions of East Pruitt Street and North Washington Avenue**

SIZE AND LOCATION: approximately 0.064 acres (2,775 square feet) of public street rights-of-way for East Pruitt Street and North Washington Avenue, adjoining the south west corner of Block 32 in the Bryan Original Townsite

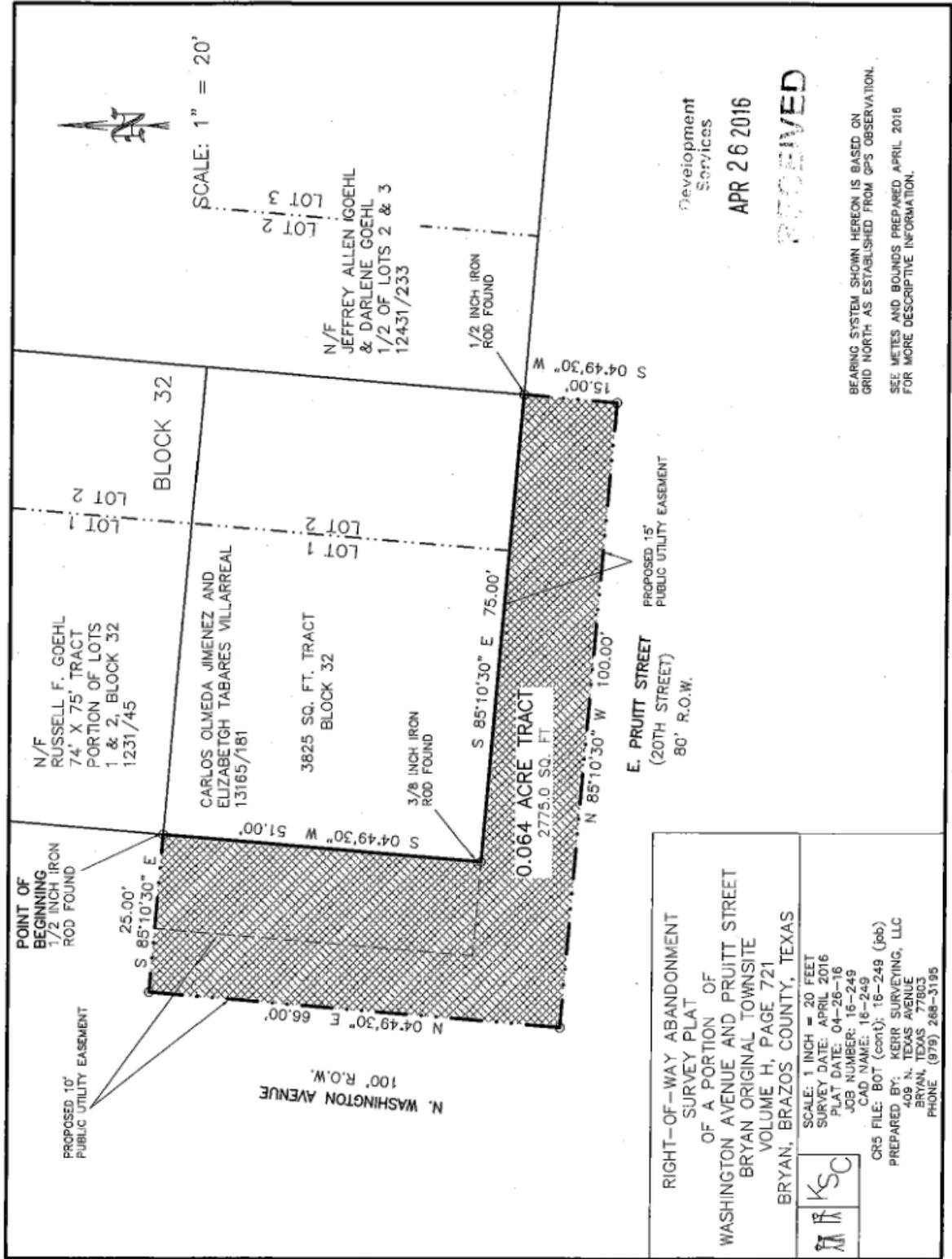
APPLICANT(S): Carlos Olmedo Jimenez Toro

STAFF CONTACT: Matthew Hilgemeier, AICP, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested right-of-way abandonment, **subject to certain conditions.**



RIGHT-OF-WAY REQUESTED TO BE ABANDONED:



RIGHT-OF-WAY ABANDONMENT
SURVEY PLAT
OF A PORTION OF
WASHINGTON AVENUE AND FRUIT STREET
BRYAN ORIGINAL TOWNSITE
VOLUME H, PAGE 721
BRYAN, BRAZOS COUNTY, TEXAS

SCALE: 1 INCH = 20 FEET
SURVEY DATE: APRIL 2016
PLAT DATE: 04-26-16
JOB NUMBER: 16-249
CAD NAME: 16-249
CRS FILE: BOT (cont); 16-249 (job)

PREPARED BY: KERR SURVEYING, LLC
409 N. TEXAS AVENUE
BRYAN, TEXAS 77803
PHONE: (979) 268-3195

BACKGROUND:

The applicant, Mr. Carlos Toro, is requesting the official abandonment of 100-foot long and 15-foot wide portion of public street right-of-way for East Pruitt Street as well as a 66-foot long and 25-foot wide segment of public street right-of-way for North Washington Avenue, adjoining the south west sides of Lots 1 and portion of Lot 2 in Block 32 of the Bryan Original Townsite. The request is being made to formally integrate this tract with his ownership of the adjoining lots. The rights-of-way requested to be abandoned total 0.064 acres (2,775 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 traffic.

During the Site Development Review Committee's review of this request, the Public Works Department identified that there are two 2-inch public water lines and a 6-inch public sewer line currently located in the portion of East Pruitt Street that has been requested to be abandoned. 6-inch sewer and water lines are located in the portion of North Washington Avenue that has been requested to be abandoned. If these rights-of-way were abandoned, then easements over existing public utility facilities will need to be reserved. Such easements will help ensure access for repairing and replacing public utilities and help prevent buildings which interfere with access to these utilities.

The Site Development Review Committee and staff recommend **approving** the request to abandon these portions of public street right-of-way, as requested, **subject to the following conditions:**

- 1. that that a formal replat encompassing all property which the applicant owns or will own after abandonment of these right-of-way portions is filed with the City for recording; and**
- 2. that a 15-foot wide public utility easement be retained over the abandoned portion of East Pruitt Street to accommodate existing public utility facilities; and**
- 3. that a 10-foot wide public utility easement be retained over the abandoned portion of North Washington Avenue to accommodate existing public utility facilities.**

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