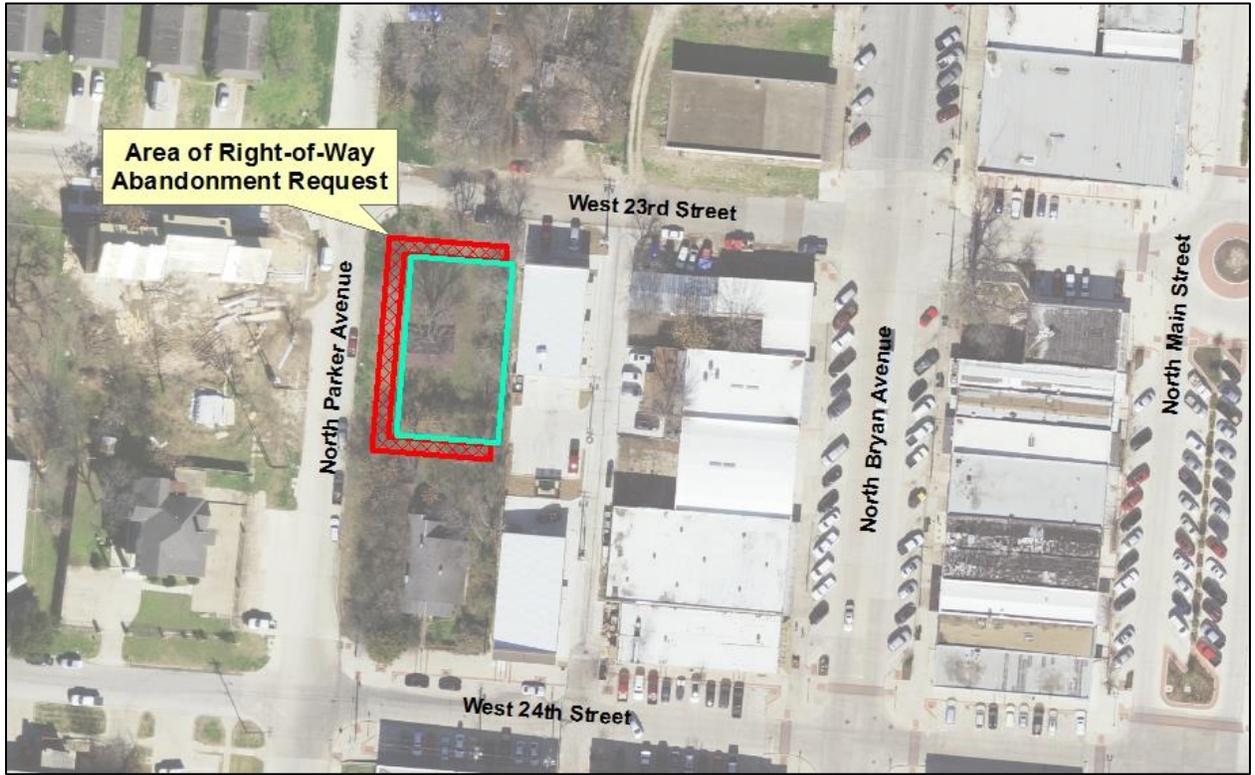


**LOCATION MAP:**



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PUBLIC RIGHTS-OF-WAY, TO WIT: APPROXIMATELY 2,039 SQUARE FEET OF PUBLIC STREET RIGHTS-OF-WAY FOR WEST 23RD STREET AND NORTH PARKER AVENUE ADJOINING THE NORTH AND WEST SIDES OF BLOCK 121 OF THE BRYAN ORIGINAL TOWNSITE AT THE SOUTHEAST CORNER OF NORTH PARKER AVENUE AND WEST 23RD STREET, AND THE NORTH HALF OF A 20-FOOT WIDE ALLEY RIGHT-OF-WAY THAT EXTENDS EAST FROM NORTH PARKER AVENUE BETWEEN WEST 23RD AND WEST 24TH STREETS, BEING A TOTAL OF 0.06 ACRES (2,614 SQUARE FEET) OF LAND 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 Lot 7 and the adjoining 7.5 feet of Lot 6 in Block 121 of the Bryan Original Townsite has requested the abandonment of approximately 2,039 square feet of public right-of-way located adjacent to said lots; and

**WHEREAS**, during its regular meeting on September 15, 2016, the Bryan Planning and Zoning Commission recommended approving the request to abandon and close said public rights-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 (case no. RA16-06); 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 rights-of-way; and

**WHEREAS**, said above recited considerations are of at least equal value to the appraised market value of said rights-of-way; 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 owners 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 2,039 square feet of public street rights-of-way for West 23<sup>rd</sup> Street and North Parker Avenue adjoining the north and west sides of Block 121 of the Bryan Original Townsite at the southeast corner of North Parker Avenue and West 23<sup>rd</sup> Street, and the north half of a 20-foot wide alley right-of-way that extends east from North Parker Avenue between West 23<sup>rd</sup> and West 24<sup>th</sup> Streets, being a total of 0.06 acres (2,614 square feet) of land, said tract being described more particularly on attached Exhibit "A" and depicted on 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 this public right-of-way.

6.

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

PRESENTED AND GIVEN first reading the 11<sup>th</sup> day of October, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, PASSED AND APPROVED on the 25<sup>th</sup> day of October, 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":**

10' Right-of-way Abandonment  
West 23<sup>rd</sup> Street  
Together with 10' Right-of-way Abandonment  
North Parker Avenue  
Together with 10' Alley Abandonment  
Adjoining Lot 7 and the Adjoining 7.5 feet of Lot 6  
Block 121  
Bryan Original Townsite  
S. F. Austin Survey, A-63  
Bryan, Brazos County, Texas

Field notes of a 10' wide right-of-way abandonment along West 23<sup>rd</sup> Street and North Parker Avenue, and a 10' alley abandonment adjoining Lot 7 and the adjoining 7.5 feet of Lot 6, Block 121, Bryan, Original Townsite, according to the plat recorded in Volume "H", Page 721, of the Deed Records of Brazos County, Texas, and said strip of land being more particularly described as follows:

**BEGINNING** at a ½" iron rod and cap set at the northwest corner of the beforementioned Lot 7, Block 121, said Lot 7 and the adjoining 7.5 feet of Lot 6, Block 121, being described in the deed from Lawrence J. Saladiner to BCSML Properties, recorded in Volume 12622, Page 122, of the Official Records of Brazos County, Texas, same being the intersection of the south 80' wide right-of-way line of West 23<sup>rd</sup> Street with the east 100' wide right-of-way line of North Parker Avenue;

THENCE S 08° 30' 00" W along the common line between the beforementioned Lot 7, Block 121, and North Parker Avenue – 100' wide right-of-way, for a distance of 115.00 feet to a ½" iron rod and cap set at the southwest corner of the said Lot 7;

THENCE S 81° 30' 00" E along the common line between the beforementioned Lot 7, Block 121, adjoining 7.5 feet of Lot 6, Block 121, and the 20' wide alley, for a distance of 65.00 feet and corner in the west line of Lot 6R, Block 121, according to a Replat recorded in Volume 11746, Page 238, of the Official Records of Brazos County, Texas;

THENCE S 08° 30' 00" W along the west line of the beforementioned Lot 6R, Block 121, Replat, for a distance of 10.00 feet to a ½" iron rod and cap set in the centerline of the beforementioned 20' wide alley;

THENCE N 81° 30' 00" W along the centerline of a 20' wide alley, at a distance of 65.0 feet, pass the east 100' wide right-of-way line of the beforementioned North Parker Avenue, continue on, for a total distance of 75.00 feet to a ½" iron rod and cap set;

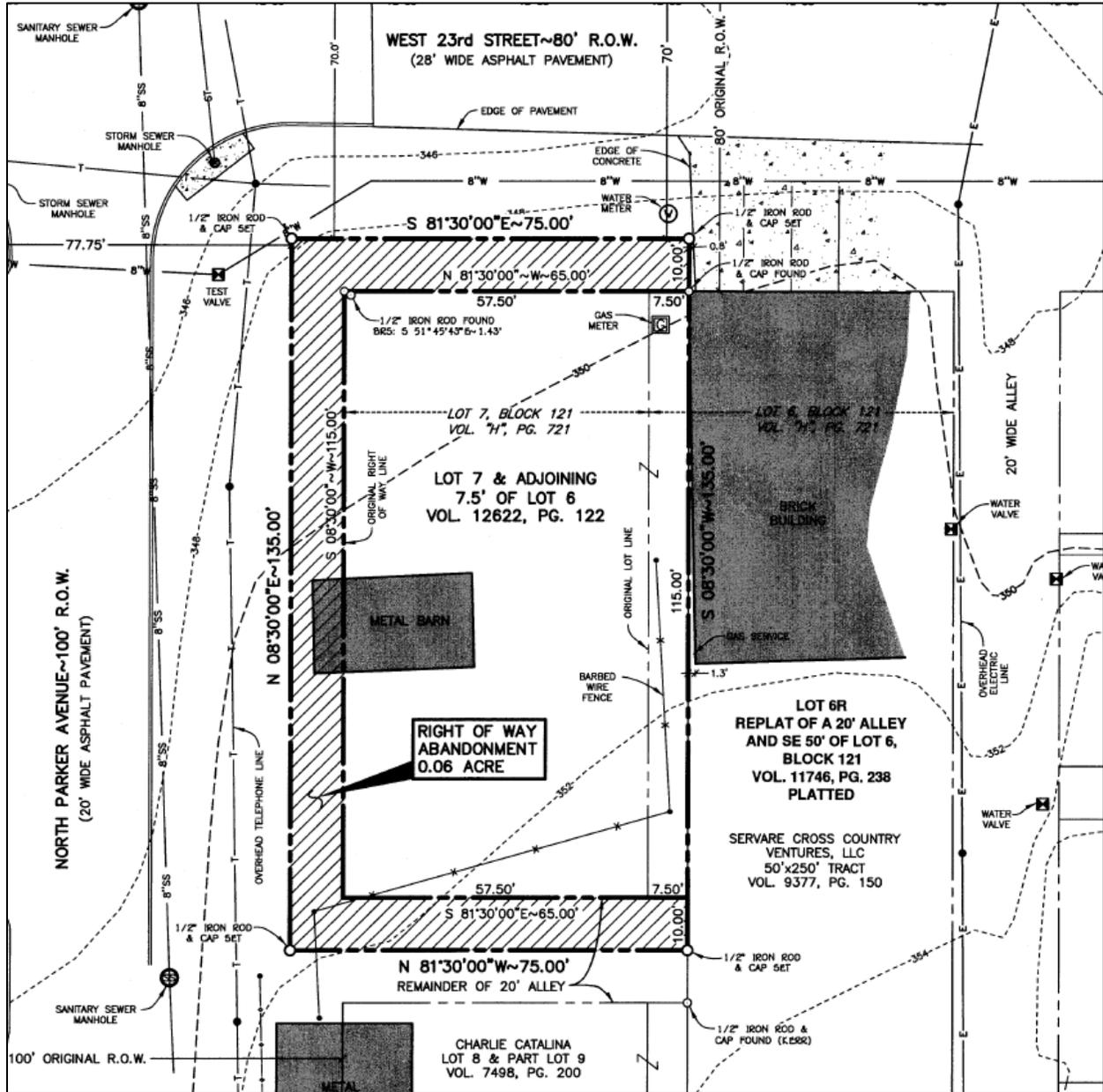
THENCE N 08° 30' 00" E parallel to and 10 feet west of the east 100' wide right-of-way line of North Parker Avenue, for a distance of 135.00 feet to a ½" iron rod and cap set;

THENCE S 81° 30' 00" E parallel to and 10 feet north of the south 80' wide right-of-way line of the beforementioned West 23<sup>rd</sup> Street, for a distance of 75.00 feet to a ½" iron rod and cap set in the projection of the common line between the beforementioned parcel recorded in Volume 12622, Page 122, of the Official Records of Brazos County, Texas, and the beforementioned Lot 6R, Block 121, Replat;

THENCE S 08° 30' 00" W along said projection, for a distance of 10.00 feet to a ½" iron rod found marking the common corner between the beforementioned parcel described in 12622/122 and the beforementioned Lot 6R, Block 121, Replat;

THENCE N 81° 30' 00" W along the south 80' wide right-of-way line of West 23<sup>rd</sup> Street, for a distance of 65.00 feet to the **PLACE OF BEGINNING** containing 0.06 acre of land, more or less.

# EXHIBIT "B":



**EXCERPT FROM PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES  
OF SEPTEMBER 15, 2016:**

**1. CONSENT AGENDA.**

**d. Right-of-way Abandonment RA16-06: parts of West 23<sup>rd</sup> Street and N. Parker Avenue and part of alley in Block 121 of Bryan Original Townsite**

*A request to abandon approximately 2,039 square feet of public street rights-of-way for West 23<sup>rd</sup> Street and North Parker Avenue adjoining the north and west sides of Block 121 of the Bryan Original Townsite at the southeast corner of North Parker Avenue and West 23rd Street, and the north half of a 20-foot wide alley right-of-way that extends east from North Parker Avenue between West 23<sup>rd</sup> and West 24<sup>th</sup> Streets, being a total of 0.06 acres (2,614 square feet) of land in Bryan, Brazos County, Texas. (R. Haynes)*

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

PLANNING AND ZONING COMMISSION  
STAFF REPORT

September 15, 2016



CITY OF BRYAN

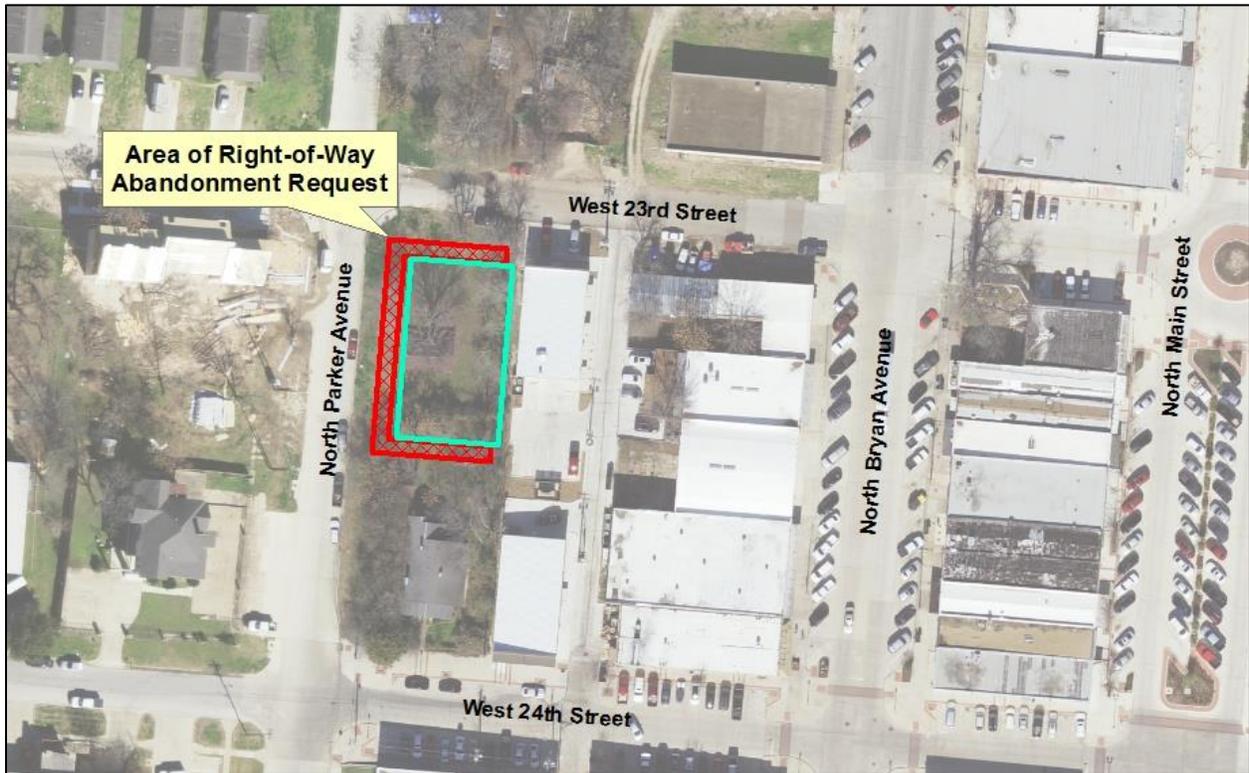
**Right-of-way Abandonment case no. RA16-06:  
Portions of West 23rd Street, North Parker Avenue adjacent to Block 121, Bryan Original  
Townsite and the north half of the alley in Block 121, Bryan Original Townsite,**

**SIZE AND LOCATION:** approximately 2,039 square feet of public street rights-of-way for West 23<sup>rd</sup> Street and North Parker Avenue adjoining the north and west sides of Block 121 of the Bryan Original Townsite at the southeast corner of North Parker Avenue and West 23<sup>rd</sup> Street, and the north half of a 20-foot wide alley right-of-way that extends east from North Parker Avenue between West 23<sup>rd</sup> and West 24<sup>th</sup> Streets, being a total of 0.06 acres (2,614 square feet) of land

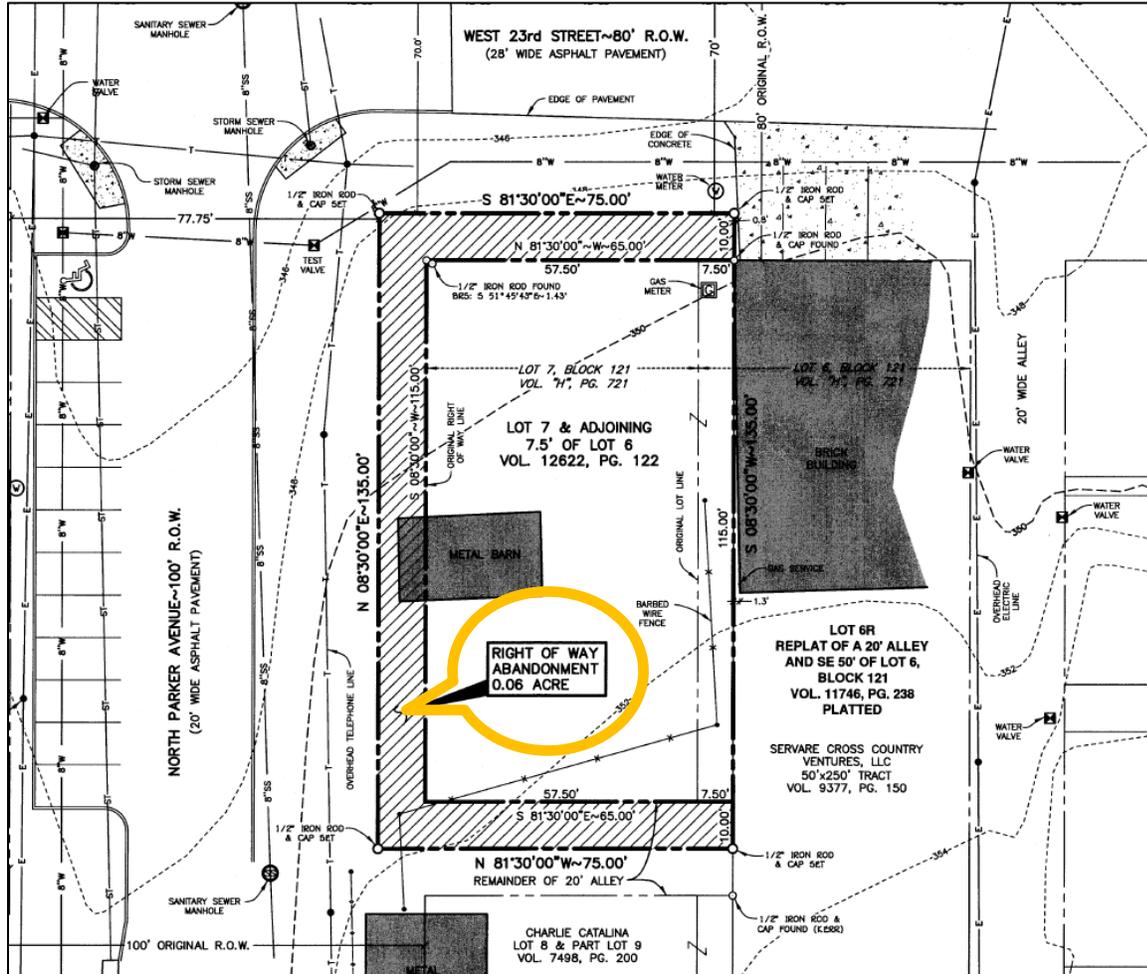
**APPLICANT(S):** Emile Chris Lawrence

**STAFF CONTACT:** Randy Haynes, AICP, Senior Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested right-of-way abandonment, **subject to a condition** (see page 3).



**DETAIL OF DRAWING SHOWING THE AREA OF RIGHT-OF-WAY REQUESTED TO BE ABANDONED:**



**RIGHT-OF-WAY REQUESTED TO BE ABANDONED:**

The applicant, Emile Chris Lawrence, is requesting the official abandonment of portions of public street rights-of-way for West 23<sup>rd</sup> Street and North Parker Avenue, adjoining the north and west sides of Block 121 of the Bryan Original Townsite at the southeast corner of North Parker Avenue and West 23<sup>rd</sup> Street, and also a portion of public alley right-of-way adjacent and to the south of the applicant’s property to formally integrate this land with his ownership of the adjoining land. The rights-of-way requested to be abandoned are 0.06 acres (2,614 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.

A replat request (case no. RP16-25) showing the to be abandoned land and the applicant’s land to be combined into one lot is also scheduled for consideration on the Planning and Zoning Commission’s September 15, 2016 regular meeting agenda. Before that replat may be recorded, the Bryan City Council must first approve this right-of-way abandonment request.

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 and 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. Staff finds that because the land has never been improved or has otherwise served as a functioning street or alleyway, 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 allow efficient and orderly urban development. Staff contends that the recommended rearrangement of land will have the most likely long-range public benefit.