

City Council  
Agenda Memo



City Council  
Meeting Date: 12/19/2013

**TO:** Larry D. Gilley, City Manager

**FROM:** Jon James, AICP  
Director of Planning and Development Services

**SUBJECT:** First reading on an Ordinance for Case No. TC-2013-07, a request from Abilene Independent School District, agent Enprotec/Hibbs & Todd, to abandon N. 19th St & Green St and the associated alleys in the block between Burger St & Shelton St and between N. 18th St & N. 20th St; and setting a public hearing for January 9, 2014.

**GENERAL INFORMATION**

The applicant is requesting to abandon the street rights-of-way (ROWs) and alley ROWs to be able to clean up the property records for the area in order to facilitate a land swap with the City of Abilene. The street & alleys have not been constructed and therefore will not affect traffic in the area. All properties within this block will be combined and platted in order to initiate the land swap. The surrounding properties are all zoned for single-family residential and are all developed with homes.

The closure of the streets and alleys does not create any violations to the maximum block length in this area. The adjacent streets remain open for traffic to maneuver the area. None of the existing conditions are being affected by this action.

**PLAT REVIEW COMMITTEE**

The Plat Review Committee recommends approval of the requested street ROW closure with the following condition:

1. The applicant must replat within 12 months, at which time any issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

**STAFF RECOMMENDATION**

Staff recommends approval of the requested ROW abandonment per the Plat Review Committee.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval per the Plat Review Committee by a vote of 5 in favor (Bixby, Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 9, 2013

Item No. 6.8

Disposition by City Council

- Approved Ord/Res# \_\_\_\_\_
- Denied \_\_\_\_\_
- Other \_\_\_\_\_

\_\_\_\_\_  
City Secretary

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

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in Exhibit A.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING this 19<sup>th</sup> day of December, A.D. 2013.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15<sup>th</sup> day of November, 2013, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON FINAL READING THIS 9<sup>th</sup> day of January, A.D. 2014.

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

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

EXHIBIT "A"

The City of Abilene hereby abandons: N. 19th St & Green St and the associated alleys in the block between Burger St & Shelton St and between N. 18th St & N. 20th St.

All Public Right of Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. The applicant must replat within 12 months, at which time any issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

-END-



# THOROUGHFARE CLOSURE CASE TC-2013-07

## STAFF REPORT

### APPLICANT INFORMATION:

Abilene Independent School District  
Agent: Enprotec/Hibbs & Todd

### HEARING DATES:

Planning & Zoning Commission: December 2, 2013  
City Council 1<sup>st</sup> Reading: December 19, 2013  
City Council 2<sup>nd</sup> Reading: January 9, 2014

### REQUESTED ACTION:

Abandon: N. 19<sup>th</sup> St & Green St and the associated alleys in the block between Burger St & Shelton St and between N. 18<sup>th</sup> St & N. 20<sup>th</sup> St



### SITE CHARACTERISTICS:

A north-to-south street right-of-way (ROW), an east-to-west street ROW and 2 north-to-south alleys were dedicated by a plat. Fannin Elementary School was developed on the block. Improvements have not been made for any of these segments in this block.

### REQUEST ANALYSIS:

The applicant is requesting to abandon the street rights-of-way (ROWs) and alley ROWs to be able to clean up the property records for the area in order to facilitate a land swap with the City of Abilene. The street & alleys have not been constructed and therefore will not affect traffic in the area. All properties within this block will be combined and platted in order to initiate the land swap. The surrounding properties are all zoned for single-family residential and are all developed with homes.

The closure of the streets and alleys does not create any violations to the maximum block length in this area. The adjacent streets remain open for traffic to maneuver the area. None of the existing conditions are being affected by this action.

### RECOMMENDATIONS:

**Plat Review Committee:** Approval of the requested street ROW closure with the following condition:

1. The applicant must replat within 12 months, at which time any issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

**Staff Recommendation:** Approval of the requested ROW abandonments per the Plat Review Committee recommendations.

## PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommends approval per the Plat Review Committee by a vote of 5 in favor (Bixby, Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

## NOTIFICATION:

Property owners within the 200' of the subject rights-of-way were notified.

| OWNER                                  | ADDRESS         | RESPONSE |
|--|-----------------|----------|
| GONZALES JOSIE                         | 2542 N 18TH ST  |          |
| FLORES EDWARD & MARY                   | 2002 BURGER ST  |          |
| HANNA BOB                              | 2001 BURGER ST  |          |
| ABILENE SUNRISE PROPERTIES             | 1902 BURGER ST  |          |
| GOMEZ CARLOS                           | 2010 GREEN ST   |          |
| FLEMING MARY H                         | 2802 N 18TH ST  |          |
| RODRIQUEZ AMELIA                       | 1950 BURGER ST  |          |
| ARREDONDO FELIZ                        | 2017 BURGER ST  |          |
| GONZALES REFUGIO JR                    | 2017 GREEN ST   |          |
| ARREDONDO JOE ANGEL III                | 2009 BURGER ST  |          |
| TREVINO ROBERT                         | 2534 N 18TH ST  |          |
| HERNANDEZ ARTEMIO JR & MICHELLE TORRES | 1910 BURGER ST  |          |
| SILGUERO ANDREW ET UX                  | 1942 BURGER ST  |          |
| DORADO PROPERTIES LLC                  | 1926 BURGER ST  |          |
| MARTINEZ HENRY R                       | 2002 GREEN ST   |          |
| SHAVER GUY M                           | 2818 N 18TH ST  |          |
| GREENWOOD ALAN W & DONNA C             | 2810 N 18TH ST  |          |
| ROMAN J W                              | 1918 BURGER ST  | In Favor |
| MARTINEZ LYDIA G                       | 2001 SHELTON ST |          |
| VALDEZ JESSIE                          | 2009 GREEN ST   |          |
| GONZALES LINDA                         | 2010 SHELTON ST |          |
| ACOSTA PETE VILLA SR & MARY STOKES     | 1934 BURGER ST  |          |
| MARTINEZ JOSE TR                       | 2001 GREEN ST   |          |
| RUIZ IRENE GUERRERO                    | 1957 SHELTON ST |          |
| DOMINGUEZ MATILDE V                    | 1925 SHELTON ST |          |
| NEW FRONTIER DEVELOPMENT               | 1901 SHELTON ST |          |
| TONCHE DOMINGO & LORENZA               | 1909 SHELTON ST |          |
| RUIZ IRENE GUERRERO                    | 1965 SHELTON ST |          |
| RAMIREZ RICKY R & ROSALINDA            | 1917 SHELTON ST |          |
| DURRINGTON WALLS LLC                   | 1949 SHELTON ST |          |
| CARDENAS PABLO                         | 2018 SHELTON ST |          |
| MARTINEZ RICARDO                       | 1941 SHELTON ST |          |
| SANCHEZ MINERVA T                      | 1933 SHELTON ST |          |
| BORREGO JOHN PHILLIP                   | 2002 SHELTON ST |          |
| GARCIA LORENZO A & DIANA E             | 1966 BURGER ST  | Opposed  |



ABILENE IND SCHOOL DIST

2726 N 18TH ST

DELAPAZ REYES SALVADOR

2018 GREEN ST

1 in Favor- **Y**

1 Opposed- **N**











