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:		Disposition by City Council		
		□ Approved Ord/Res#		
Name: Ben Bryner		Denied		
Title: Planning Services Manager	Item No. 6.8	□ Other		
December 9, 2013		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 19th 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 <u>15th</u> day of <u>November</u>, 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 9th 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 1st Reading: December 19, 2013 City Council 2nd Reading: January 9, 2014

REQUESTED ACTION:

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



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:

<u>Plat Review Committee:</u> 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.

Case # TC-2013-07

Prepared: December 9, 2013

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.

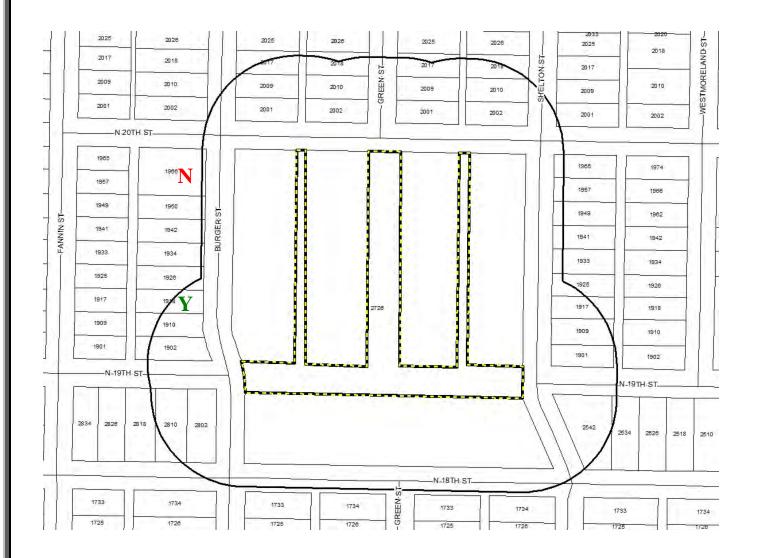
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DOMINGUEZ MATILDE V NEW FRONTIER DEVELOPMENT 1901 SHELTON ST TONCHE DOMINGO & LORENZA 1909 SHELTON ST RUIZ IRENE GUERRERO 1965 SHELTON ST RAMIREZ RICKY R & ROSALINDA 1917 SHELTON ST DURRINGTON WALLS LLC 1949 SHELTON ST CARDENAS PABLO 2018 SHELTON ST MARTINEZ RICARDO 1941 SHELTON ST SANCHEZ MINERVA T 1933 SHELTON ST BORREGO JOHN PHILLIP 2002 SHELTON ST	MARTINEZ JOSE TR	2001 GREEN ST	
NEW FRONTIER DEVELOPMENT TONCHE DOMINGO & LORENZA RUIZ IRENE GUERRERO RAMIREZ RICKY R & ROSALINDA DURRINGTON WALLS LLC CARDENAS PABLO MARTINEZ RICARDO SANCHEZ MINERVA T BORREGO JOHN PHILLIP 1901 SHELTON ST 1909 SHELTON ST 1965 SHELTON ST 1949 SHELTON ST 2018 SHELTON ST 1941 SHELTON ST 2002 SHELTON ST	RUIZ IRENE GUERRERO	1957 SHELTON ST	
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RUIZ IRENE GUERRERO RAMIREZ RICKY R & ROSALINDA DURRINGTON WALLS LLC 1949 SHELTON ST CARDENAS PABLO MARTINEZ RICARDO 1941 SHELTON ST SANCHEZ MINERVA T BORREGO JOHN PHILLIP 1965 SHELTON ST 1949 SHELTON ST 1949 SHELTON ST 1941 SHELTON ST 2002 SHELTON ST	NEW FRONTIER DEVELOPMENT	1901 SHELTON ST	
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DURRINGTON WALLS LLC CARDENAS PABLO CARDENAS PABLO MARTINEZ RICARDO SANCHEZ MINERVA T BORREGO JOHN PHILLIP 1949 SHELTON ST 2018 SHELTON ST 1941 SHELTON ST 2002 SHELTON ST	RUIZ IRENE GUERRERO	1965 SHELTON ST	
CARDENAS PABLO 2018 SHELTON ST MARTINEZ RICARDO 1941 SHELTON ST SANCHEZ MINERVA T BORREGO JOHN PHILLIP 2002 SHELTON ST	RAMIREZ RICKY R & ROSALINDA	1917 SHELTON ST	
MARTINEZ RICARDO 1941 SHELTON ST SANCHEZ MINERVA T 1933 SHELTON ST BORREGO JOHN PHILLIP 2002 SHELTON ST	DURRINGTON WALLS LLC	1949 SHELTON ST	
SANCHEZ MINERVA T 1933 SHELTON ST BORREGO JOHN PHILLIP 2002 SHELTON ST	CARDENAS PABLO	2018 SHELTON ST	
BORREGO JOHN PHILLIP 2002 SHELTON ST	MARTINEZ RICARDO	1941 SHELTON ST	
	SANCHEZ MINERVA T	1933 SHELTON ST	
GARCIA LORENZO A & DIANA E 1966 BURGER ST Opposed	BORREGO JOHN PHILLIP	2002 SHELTON ST	
	GARCIA LORENZO A & DIANA E	1966 BURGER ST	Opposed

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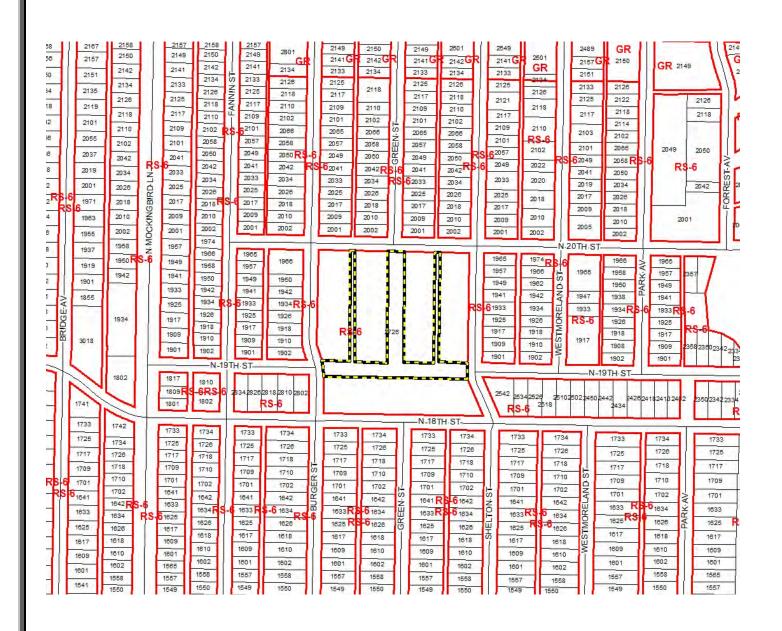
Prepared: December 9, 2013

ABILENE IND SCHOOL DIST	2726 N 18TH ST	
DELAPAZ REYES SALVADOR	2018 GREEN ST	

1 in Favor- **Y** 1 Opposed- **N**



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