

**City Council
Agenda Memo**



**City Council
Meeting Date: 3/27/2014**

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-2014-03, a request from the City of Abilene to abandon a 0.295 acre portion of Forrest Hill Rd adjacent to 4250 Forrest Hill Rd; and setting a public hearing for April 10, 2014.

GENERAL INFORMATION

The City is requesting to abandon a triangle-shaped area of extra street right-of-way to be able to better define the limits of Forrest Hill Rd. The abandonment of the additional street ROW will not directly affect the street function of Forrest Hill Rd.

PLAT REVIEW COMMITTEE

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

1. Utility Easements shall be required for existing public and private utilities (i.e., gas, phone, electricity, water & sewer) or relocation shall be the responsibility of the applicant.
2. The applicant must replat within 12 months, at which time any issues regarding access to utilities and/or 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 recommendations.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval per the Plat Review Committee recommendations by a vote of 6 in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble) and none opposed.

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by: Name: <u>Ben Bryner</u> Title: <u>Planning Services Manager</u> March 14, 2014	Item No. <u>6.7</u>	Disposition by City Council <input type="checkbox"/> Approved Ord/Res# <input type="checkbox"/> Denied _____ <input type="checkbox"/> Other _____ City Secretary
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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 27th day of March, A.D. 2014.

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 14th day of February, 2014, 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 10th day of April, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons: a 0.295 acre portion of Forrest Hill Rd adjacent to 4250 Forrest Hill Rd.

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



With the following conditions:

1. Utility Easements shall be required for existing public utilities (i.e., water) or relocation shall be required with the plat.
2. The property must be replatted within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots.

-END-



THOROUGHFARE CLOSURE CASE TC-2014-03

STAFF REPORT

APPLICANT INFORMATION:

City of Abilene

HEARING DATES:

Planning & Zoning Commission: March 3, 2014

City Council 1st Reading: March 27, 2014

City Council 2nd Reading: April 10, 2014

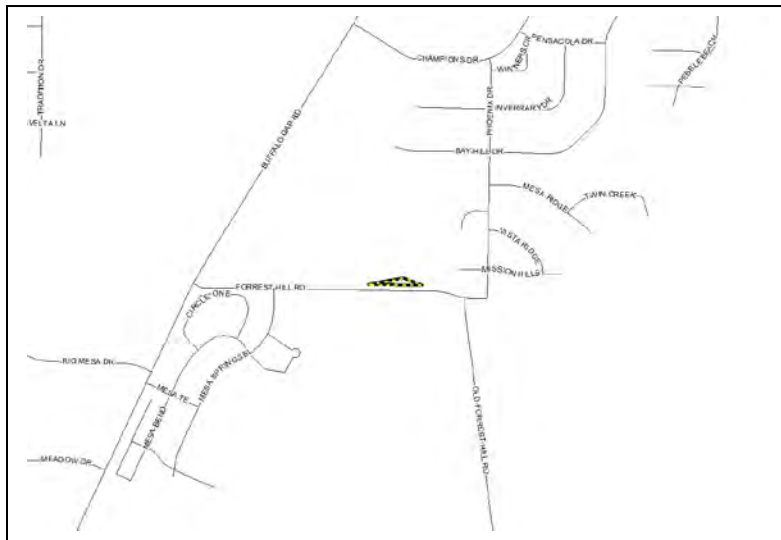
REQUESTED ACTION:

Abandon: a 0.295 acre portion of Forrest Hill Rd adjacent to 4250 Forrest Hill Rd

SITE CHARACTERISTICS:

Forrest Hill Rd is an existing east-to-west roadway.

A triangle-shaped area of extra right-of-way (ROW) exists adjacent to 4250 Forrest Hill Rd that does not serve any purpose for maintaining the ROW.



REQUEST ANALYSIS:

The City is requesting to abandon a triangle-shaped area of extra street right-of-way to be able to better define the limits of Forrest Hill Rd. The abandonment of the additional street ROW will not directly affect the street function of Forrest Hill Rd.

RECOMMENDATIONS:

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

1. Utility Easements shall be required for existing public utilities (i.e., water) or relocation shall be required with the plat.
2. The property must be replatted within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots.

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

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommends approval per the Plat Review Committee recommendations by a vote of 6 in favor (Bixby, Glenn, McClarty, Todd, Yungblut, and Famble) and none opposed.

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
INTERNATIONAL MEDICAL		
BLAKELY MARK E & SARA A	1 MISSION HILLS	
INTERNATIONAL MEDICAL		
THOMPSON J W REV TRUST	4025 FORREST HILL RD	
FOSAH HENRY M & LUTALINE A	2 MISSION HILLS	
AJWO INC	4250 FORREST HILL RD	
INTERNATIONAL MEDICAL		

0 in Favor- **Y**
 0 Opposed- **N**

