

City Council  
Agenda Memo



City Council  
Meeting Date: 4/23/2015

**TO: David A. Vela, Interim City Manager**

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

**SUBJECT: First reading on an Ordinance for Case No. TC-2015-01, a request from Jon McDonald to abandon S. 20th St, east of Oak St & S. Treadaway Blvd and west of the railroad; and setting a public hearing for May 14, 2015.**

**GENERAL INFORMATION**

This section of S. 20th St does not exist today and has no plans for improvement. The right-of-way terminates at the railroad to the west. The adjacent uses utilize a portion of the right-of-way for parking. However, an abandonment is needed for any building expansions.

The abandonment of this section of S. 20<sup>th</sup> St would not create any block or traffic issues. With the closure of this section of S. 20<sup>th</sup> St, traffic will still be able to maneuver various other streets in the vicinity. The railroad to the west provides a physical barrier to extending S. 20<sup>th</sup> St to the east. A water line exists along the south side of the right-of-way. A utility easement is needed to allow for maintenance of this line. There is no identifiable need for construction of S. 20<sup>th</sup> St at this location.

**PLAT REVIEW COMMITTEE**

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

1. Provide appropriate drainage easements and utility easements.
2. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

**STAFF RECOMMENDATION**

Approval per the Plat Review Committee. The request would not create a block or traffic issues and the abandonment of this section of S. 20<sup>th</sup> St would allow for expansion of the use to the south.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none opposed.

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

April 10, 2015

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 23<sup>rd</sup> day of April, A.D. 2015.

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 20<sup>th</sup> day of March, 2015, 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 14<sup>th</sup> day of May, A.D. 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

The City of Abilene hereby abandons: S. 20th St, east of Oak St & S. Treadaway Blvd and west of the railroad.

All Public ROW as indicated and shown in the map below within the dashed line:



With the following conditions:

1. Provide appropriate drainage easements and utility easements.
2. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

-END-

# ZONING CASE TC-2015-01

## STAFF REPORT



### APPLICANT INFORMATION:

Jon McDonald

### HEARING DATES:

P & Z Commission: April 6, 2015

City Council 1<sup>st</sup> Reading: April 23, 2015

City Council 2<sup>nd</sup> Reading: May 14, 2015

### REQUESTED ACTION:

Abandon S. 20<sup>th</sup> St, east of Oak St & S. Treadaway Blvd and west of the railroad

### SITE CHARACTERISTICS:

This section of S. 20<sup>th</sup> St does not exist today and has no plans for improvement. The right-of-way terminates at the railroad to the west.

The adjacent uses utilize a portion of the right-of-way for parking. However, an abandonment is needed for any building expansion.



### REQUEST ANALYSIS:

The abandonment of this section of S. 20<sup>th</sup> St would not create any block or traffic issues. With the closure of this section of S. 20<sup>th</sup> St, traffic will still be able to maneuver various other streets in the vicinity. The railroad to the west provides a physical barrier to extending S. 20<sup>th</sup> St to the east. A water line exists along the south side of the right-of-way. A utility easement is needed to allow for maintenance of this line. There is no identifiable need for construction of S. 20<sup>th</sup> St at this location.

### RECOMMENDATIONS:

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

1. *Provide appropriate drainage easements and utility easements.*
2. *The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.*

**Staff Recommendation:** *Approval per the Plat Review Committee. The request would not create any block or traffic issues and the abandonment of this section of S. 20<sup>th</sup> St would allow for expansion of the use to the south.*

### PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommends approval by a vote of 6 in favor (Bixby, Calk, Ellinger, McClarty, Rosenbaum, and Famble) and none opposed.

**NOTIFICATION:**

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

<b>OWNER</b>	<b>ADDRESS</b>	<b>RESPONSE</b>
RODRIGUEZ EDWARD JR & MARIA G &	1966 S TREADAWAY BL	
HENDRICK MEDICAL CENTER	2025 S TREADAWAY BL	In Favor
WEATHERBY PROPERTIES LLC	1920 S TREADAWAY BL	
RIOS LINDA M	1958 OAK ST	
	2003 S TREADAWAY BL	
SCHNEIDER WILBERT C	2050 S TREADAWAY BL	
MC MILLEN RACHEL	1950 OAK ST	
BRYANT ETHEL DALE	1942 OAK ST	
THE FEATHERLITE CORP	2065 OAK ST	
SALT FORK PROPERTIES LLC	1939 S TREADAWAY BL	In Favor
MC DONALD JON	2001 OAK ST	In Favor
RGP ENTERPRISES INC	1925 S TREADAWAY BL	
WHITENER FAMILY LIMITED PTSHP 1	501 S 18TH ST	
VMB PROPERTIES LLC	1941 S TREADAWAY BL	In Favor

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









