

City Council  
Agenda Memo



City Council  
Meeting Date: 5/28/2015

**TO: Robert Hanna, City Manager**

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

**SUBJECT: First reading on an Ordinance for Case No. TC-2015-02, a request from the City of Abilene to abandon Foot Hills Ct, east of Foot Hills Dr in the Lake Fort Phantom Hill Subdivision, Section 4; and setting a public hearing for June 11, 2015.**

**GENERAL INFORMATION**

A plat was recently approved for Section 4 of the Lake Fort Phantom Hill Subdivision. The plat created a small cul-de-sac for Foot Hills Court. However, negotiations with the current resident at this location include revising the platted boundaries and eliminating the cul-de-sac. The improvements have not been made at this time for the street.

The abandonment of this cul-de-sac would not create any block or traffic issues. Foot Hills Drive will continue to the south in the future. The cul-de-sac was dedicated for the sole purpose of providing access to the current resident. There is no identifiable need for construction of Foot Hills Ct 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.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 15, 2015

Item No. 6.4

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 28<sup>th</sup> day of May, 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 17<sup>th</sup> day of April, 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 11<sup>th</sup> day of June, A.D. 2015.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

The City of Abilene hereby abandons: Foot Hills Ct, east of Foot Hills Dr in the Lake Fort Phantom Hill Subdivision, Section 4.

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-2015-02

## STAFF REPORT



### APPLICANT INFORMATION:

City of Abilene

### HEARING DATES:

P & Z Commission: May 4, 2015

City Council 1<sup>st</sup> Reading: May 28, 2015

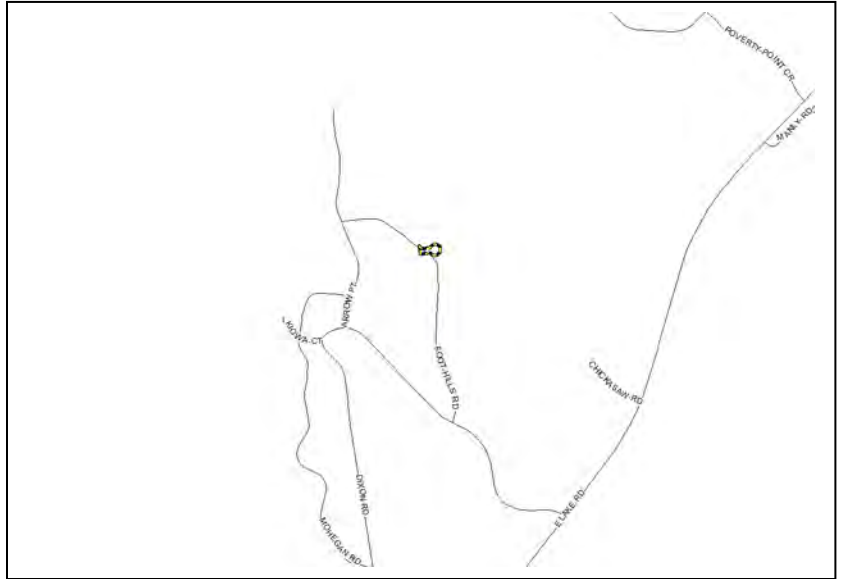
City Council 2<sup>nd</sup> Reading: June 11, 2015

### REQUESTED ACTION:

Abandon Foot Hills Ct, east of Foot Hills Dr in the Lake Fort Phantom Hill Subdivision, Section 4

### SITE CHARACTERISTICS:

A plat was recently approved for Section 4 of the Lake Fort Phantom Hill Subdivision. The plat created a small cul-de-sac for Foot Hills Court. However, negotiations with the current resident at this location include revising the platted boundaries and eliminating the cul-de-sac. The improvements have not been made at this time for the street.



### REQUEST ANALYSIS:

The abandonment of this cul-de-sac would not create any block or traffic issues. Foot Hills Drive will continue to the south in the future. The cul-de-sac was dedicated for the sole purpose of providing access to the current resident. There is no identifiable need for construction of Foot Hills Ct 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.*

### PLANNING AND ZONING COMMISSION:

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

**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
SPIVEY MARGERY	109 Foot Hills Rd	In Favor
ABILENE SAILING ASSOC	113 Foot Hills Rd	
CITY OF ABILENE	141 Foot Hills Rd	
CITY OF ABILENE	#4	
CITY OF ABILENE	#5	

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

