

City Council
Agenda Memo



City Council
Meeting Date: 6/25/2015

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-2015-03, a request from Dempsey D. Peterson and the City of Abilene to abandon an unimproved alley along the rear (north side) of the properties located at 2650, 2658, 2666, 2674, 2682 & 2690 Madison Ave and 2650, 2654, & 2660 Garfield Ave; and setting a public hearing for July 9, 2015.

GENERAL INFORMATION

This is an unimproved section of alley that exists to the rear of properties along the north side of Madison Ave & Garfield Ave. The alley right-of-way (ROW) was dedicated with the plat for the subdivision but was never improved. A few accessory buildings have been built within this alley area. The original request is to abandon the alley behind 2650 Madison Ave so that improvements may be made to an accessory building. However, the alley does not provide any service and does not connect to the adjoining streets, so staff is recommending closure of the entire alley.

The abandonment of this alley would not create any block or traffic issues. There are some utilities within the alley ROW and any existing utilities will require an easement. Additionally, Cedar Creek runs just to the west. Drainage is accommodated from Madison Ave in an existing concrete drainage flume. However, if drainage is required in the alley ROW area, appropriate drainage easements may be needed.

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 with the addition that an individual property owner may plat their section only rather than the entire alley at once, eliminating the 12 month limitation. The request would not create a block or traffic issues.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

June 12, 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 25th day of June, 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 16th day of May, 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 9th day of July, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons: an unimproved alley along the rear (north side) of the properties located at 2650, 2658, 2666, 2674, 2682 & 2690 Madison Ave and 2650, 2654, & 2660 Garfield Ave

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. An individual property owner may plat their section only rather than the entire alley at once.

-END-

ZONING CASE TC-2015-03

STAFF REPORT



APPLICANT INFORMATION:

Dempsey D. Peterson and the City of Abilene

HEARING DATES:

P & Z Commission: June 1, 2015

City Council 1st Reading: June 25, 2015

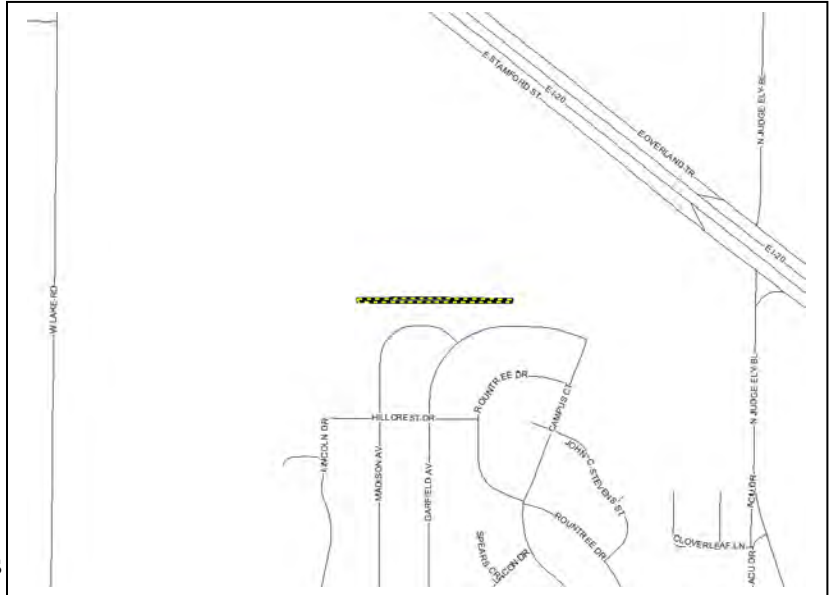
City Council 2nd Reading: July 9, 2015

REQUESTED ACTION:

Abandon: an unimproved alley along the rear (north side) of the properties located at 2650, 2658, 2666, 2674, 2682 & 2690 Madison Ave and 2650, 2654, & 2660 Garfield Ave

SITE CHARACTERISTICS:

This is an unimproved section of alley that exists to the rear of properties along the north side of Madison Ave & Garfield Ave. The alley right-of-way (ROW) was dedicated with the plat for the subdivision but was never improved. A few accessory buildings have been built within this alley area. The original request is to abandon the alley behind 2650 Madison Ave so that improvements may be made to an accessory building. However, the alley does not provide any service and does not connect to the adjoining streets, so staff is recommending closure of the entire alley.



REQUEST ANALYSIS:

The abandonment of this alley would not create any block or traffic issues. There are some utilities within the alley ROW and any existing utilities will require an easement. Additionally, Cedar Creek runs just to the west. Drainage is accommodated from Madison Ave in an existing concrete drainage flume. However, if drainage is required in the alley ROW area, appropriate drainage easements may be needed.

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 as needed.
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 with the addition that an individual property owner may plat their section only rather than the entire alley at once, eliminating the 12 month limitation. The request would not create any block or traffic issues.

PLANNING AND ZONING COMMISSION:

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

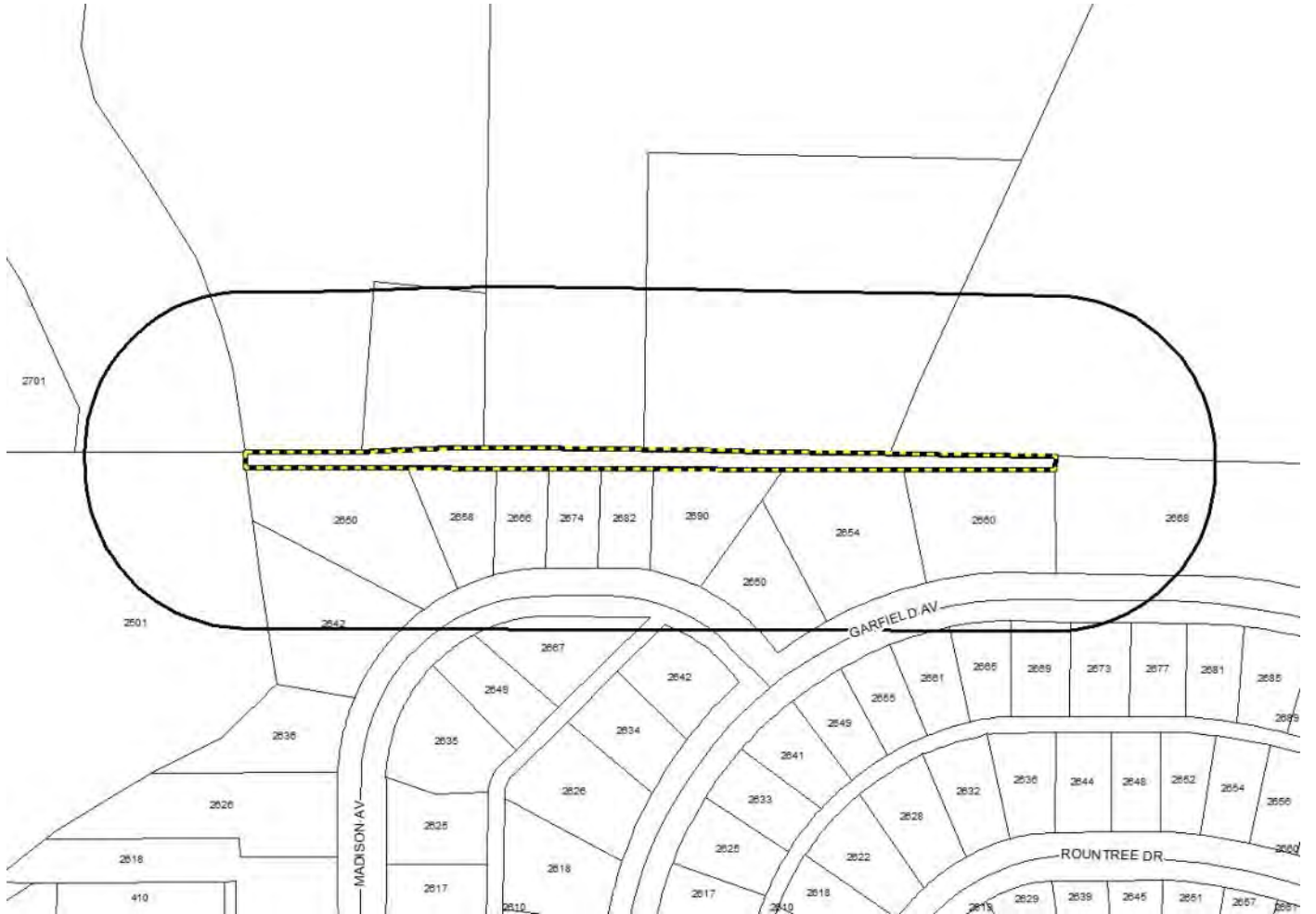
NOTIFICATION:

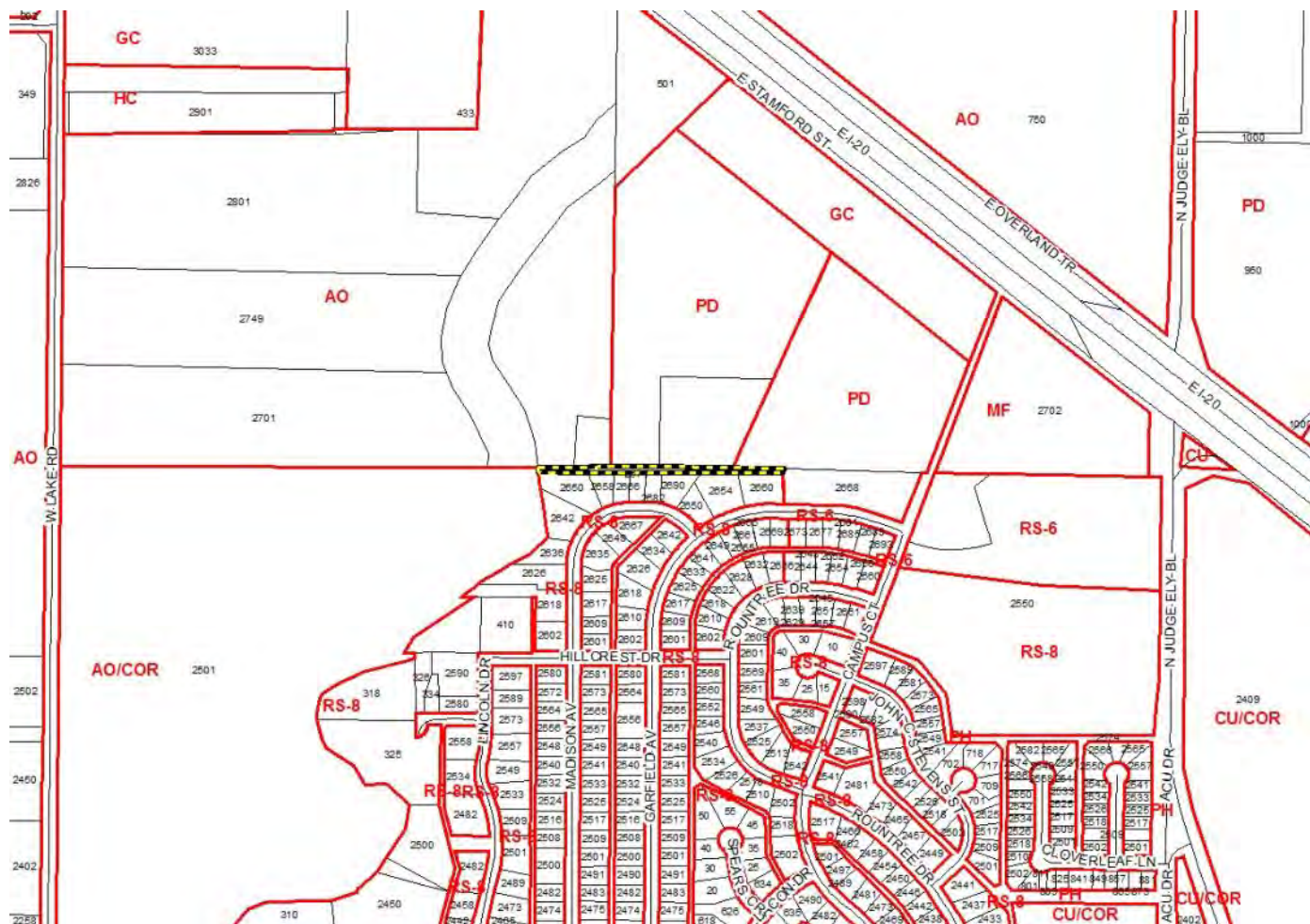
Property owners within the 200’ of the subject rights-of-way were notified.

OWNER	ADDRESS	RESPONSE
CITY OF ABILENE		
HOLLOWAY PATTI LYNN JONES		
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LEE BRANDON S	2658 MADISON AV	
LEE BRANDON S	2666 MADISON AV	
ANDERSON MARCUS R &	2642 MADISON AV	
PETERSON DEMPSEY & TERRI	2650 MADISON AV	
HERMANN RUTH	2501 W LAKE RD	
KISER DAVID FREDDIE &	2661 GARFIELD AV	
CAWOOD ELIZABETH MARION TR	2650 GARFIELD AV	
YOUNG AARON & ELIZABETH	2669 GARFIELD AV	
HARRISON AMY R	2682 MADISON AV	
LITTLE BETTY ANN	2690 MADISON AV	
ROGERS BOYD A REV LIV TR &	2642 GARFIELD AV	
PLOCHECK RUSSELL E & SHIRLENE J	2654 GARFIELD AV	
VILAFRANCA RODOLFO M &	2673 GARFIELD AV	
FIRST BAPTIST CHURCH		
PRAIRIE SONG LLC	2660 GARFIELD AV	
PRAIRIE SONG LLC	2668 GARFIELD AV	
WALKER EDWARD & TAMMY	2665 GARFIELD AV	
SOUTHWEST HOUSING PROVIDERS LLC		
BLACKBURN INC CO LLC	2674 MADISON AV	
KNIGHT LARRY & MARY K	2667 MADISON AV	
PRAIRIE SONG LLC		

0 in Favor- **Y**

0 Opposed- **N**









Water & Sewer Lines Map



Water City of Abilene, TX

Legend

- SS_Flow
- SS_Flow
- Water
- fire_hydrants
- manholes
- Water_Storage
- water_valves
- TAGC_VECTOR.DBO.ROADS
- sewer_shed
- water_lines
- Building Footprints
- TAGC_VECTOR.DBO.ABILENE_PARCELS