

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 23rd 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 19th day of June, 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 13th day of August, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons: Beech St between N. 21st St & Ambler Ave; an east-west alley north of N. 21st St between Grape St & Beech St; & a north-south alley east of Beech St between N. 21st St & Ambler 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 as needed.
2. The proponent must pay the cost for retirement and removal of street lights along the right-of-way to be abandoned.
3. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

-END-

For the PLANNING & ZONING COMMISSION

Ben Bryner, Planning Services Manager

Please call me at (325) 676-6237 if you have questions about this notice.

*Beech
St*

CASE #: TC - 2015-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the ad
You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address
below. All correspondence must include your name and address.

Name: HENDERSON COLLETTE IRENE
Address: 1541 N 21ST ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor

I am opposed

Additional Comments:

*How on earth can you gro
"Abandon" a city street. This once being
my neighbors & I paid for the paving of
same 45 years ago
Mrs Henderson
1541 N 21st St Abilene*

ZONING CASE TC-2015-04

STAFF REPORT



APPLICANT INFORMATION:

Wal-Mart Stores East, LP
Agent: Kimley-Horn & Assoc, Inc.

HEARING DATES:

P & Z Commission: July 6, 2015
City Council 1st Reading: July 23, 2015
City Council 2nd Reading: August 13, 2015

REQUESTED ACTION:

Abandon: Beech St between N. 21st St & Ambler Ave; an east-west alley north of N. 21st St between Grape St & Beech St; & a north-south alley east of Beech St between N. 21st St & Ambler Ave



SITE CHARACTERISTICS:

The street and alleys currently exist and provide access to the adjacent properties. The request is to abandon the street and alleys in this block so that a new Wal-Mart development with fuel sales can be accommodated. There are water and/or sewer lines that are located in each of these rights-of-way. There are also other utilities that will need to remain.

REQUEST ANALYSIS:

The abandonment of this alley would not create any block or traffic issues. The maximum block length permitted is 1,200 feet. The abandonment of Beech St will leave a block length of approximately 720 feet between Grape St and Simmons Ave. There are some utilities within the street and alleys and any existing utilities will require an easement or be relocated and be the responsibility of the developer.

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 proponent must pay the cost for retirement and removal of street lights along the right-of-way to be abandoned.
3. 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 issues.

PLANNING AND ZONING COMMISSION:

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

NOTIFICATION:

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

| OWNER | ADDRESS | RESPONSE |
|-----------------------------------|-----------------|----------|
| HENDRICK MEDICAL CENTER | 2142 SIMMONS AV | In Favor |
| MARIANO NANCY F | 2102 BEECH ST | |
| HENDRICK MEDICAL CENTER | 1518 N 21ST ST | |
| HALIBURTON WILLIAM R | 1618 AMBLER AV | |
| HENDRICK MEDICAL CENTER | 1502 N 21ST ST | In Favor |
| HENDRICK MEDICAL CENTER | 1505 N 21ST ST | |
| HENDRICK MEDICAL CENTER | 1501 AMBLER AV | In Favor |
| HARDIN-SIMMONS UNIVERSITY | 1608 AMBLER AV | |
| UNIVERSITY BAPTIST CHURCH | 2141 GRAPE ST | |
| MAJKUT KENNETH P & LINDA | 1515 N 21ST ST | In Favor |
| SELF VALVRIE HONEA | 2118 BEECH ST | |
| HENDRICK MEDICAL CENTER | 2118 SIMMONS AV | |
| HENDRICK MEDICAL CENTER | 2126 SIMMONS AV | In Favor |
| HARDIN SIMMONS UNIVERSITY | 1602 AMBLER AV | |
| DONOVAN B KYLE GROUP LLC | 1626 AMBLER AV | |
| YOUNG GEORGE R & MARY F | 1525 N 21ST ST | In Favor |
| HENDRICK MEDICAL CENTER | 1633 N 21ST ST | In Favor |
| HENDRICK MEDICAL CENTER | 1541 AMBLER AV | |
| HENDRICK MEDICAL CENTER | 2150 SIMMONS AV | In Favor |
| HUERTA RICHARD THOMAS & MARIA | 1641 N 21ST ST | |
| GREGORY QUINTIN H | 1625 N 21ST ST | |
| LUMBUR DOROTHY M | 1657 N 21ST ST | Opposed |
| HENDERSON COLLETTE IRENE | 1541 N 21ST ST | Opposed |
| ABILENE SUNRISE PROPERTIES | 2142 GRAPE ST | |
| SEGURA BALDOMERO & CELINA | 2150 GRAPE ST | |
| HENDRICK MEDICAL CENTER | 2149 BEECH ST | |
| SIMMONS ROBERT W & AMPARO | 2110 GRAPE ST | |
| HENDRICK MEDICAL CENTER | 1535 AMBLER AV | |
| AUSTIN PERRY J & RUTH A | 2042 BEECH ST | |
| HENDRICK MEDICAL CENTER | 2134 SIMMONS AV | In Favor |
| HENDRICK MEDICAL CENTER | 2125 BEECH ST | |
| SMITH JAMES WELTON & YVONNE ADAIR | 1533 N 21ST ST | |
| HENDRICK MEDICAL CENTER | 2149 SIMMONS AV | In Favor |
| UNIVERSITY BAPTIST CHURCH | 2141 GRAPE ST | |
| UNIVERSITY BAPTIST CHURCH | 2141 GRAPE ST | |
| HARDIN SIMMONS UNIVERSITY | 1540 AMBLER AV | |
| HENDRICK MEDICAL EXEMPT | 1401 AMBLER AV | In Favor |
| HENDRICK MEDICAL CENTER | 1542 N 21ST ST | |
| HUEY RANDALL HAWKINS | 2102 GRAPE ST | Opposed |

| | | |
|---------------------------|-----------------|--|
| HENDRICK MEDICAL CENTER | 2133 BEECH ST | |
| HARDIN SIMMONS UNIVERSITY | 2200 HICKORY ST | |

11 in Favor- **Y**
 3 Opposed- **N** (+2 outside 200')







