

City Council  
Agenda Memo



City Council  
Meeting Date: 9/12/2013

**TO:** Larry D. Gilley, City Manager

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

**SUBJECT:** Final reading and public hearing on an Ordinance for Case No. TC-2013-05, a request from Raj Bhakta, Agent Enprotec/Hibbs & Todd, Inc., to abandon an unimproved right-of-way for Eastview Drive, projecting east of W. Lake Rd.

**GENERAL INFORMATION**

The applicant is requesting to abandon the street right-of-way (ROW) to be able to utilize the area for development of a hotel. The street has not been improved on this segment and does not provide direct access for adjacent properties. The properties to the north and east are large, undeveloped properties. The properties to the south are currently developed and have access to W. Lake Rd or I-20.

**PLAT REVIEW COMMITTEE**

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

1. The applicant must replat within 12 months, at which time any issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

**STAFF RECOMMENDATION**

Staff recommends approval of the requested street ROW abandonment.

**BOARD OR COMMISSION RECOMMENDATION**

The Planning and Zoning Commission recommends approval per the Plat Review Committee by a vote of 4 in favor (Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

**ATTACHMENTS**

Ordinance  
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

August 30, 2013

Item No. 7.11

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 22<sup>nd</sup> day of August, A.D. 2013.

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 19<sup>th</sup> day of July, 2013, 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 12<sup>th</sup> day of September, A.D. 2013.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

EXHIBIT "A"

The City of Abilene hereby abandons Eastview Drive, projecting east of W. Lake Rd.

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



With the following conditions:

1. The applicant must replat within 12 months, at which time any issues regarding access to utilities and relocation of utilities will be resolved. The replat must not create any non-conforming lots.

-END-



**NOTIFICATION:**

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

OWNER	ADDRESS	RESPONSE
Y HOSPITALITY LLC	3526 W LAKE RD	
CK MOTEL INC	350 W I-20	Opposed
KAYTEX FOODS INC	120 E I-20	
ALLSUPS CONVENIENCE STORE	202 W I-20	
RAMSEY LEASING INC	128 E I-20	
BHAKTA RAJENDRA B & DINA	3525 W LAKE RD	
BRE/LQ TX PROPERTIES LP	3501 W LAKE RD	
BHAKTA RAJENDRA B & DINA	3517 W LAKE RD	
EDWARDS BRUCE LYNN	3641 W LAKE RD	
EDWARDS GARY ESTATE		
RAMSEY LEASING INC	142 E OVERLAND TR	
RAMSEY LEASING INC	302 E OVERLAND TR	

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







