

**City Council
Agenda Memo**



**City Council
Meeting Date: 1/9/2014**

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-2013-07, a request from Abilene Independent School District, agent Enprotec/Hibbs & Todd, to abandon N. 19th St & Green St and the associated alleys in the block between Burger St & Shelton St and between N. 18th St & N. 20th St.

GENERAL INFORMATION

The applicant is requesting to abandon the street rights-of-way (ROWs) and alley ROWs to be able to clean up the property records for the area in order to facilitate a land swap with the City of Abilene. The street & alleys have not been constructed and therefore will not affect traffic in the area. All properties within this block will be combined and platted in order to initiate the land swap. The surrounding properties are all zoned for single-family residential and are all developed with homes.

The closure of the streets and alleys does not create any violations to the maximum block length in this area. The adjacent streets remain open for traffic to maneuver the area. None of the existing conditions are being affected by this action.

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 ROW abandonment per the Plat Review Committee.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval per the Plat Review Committee by a vote of 5 in favor (Bixby, Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

ATTACHMENTS

Ordinance
Staff Report with Maps
Surrounding Property Owner Response

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

December 27, 2013

Item No. 7.7

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 19th day of December, 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 15th day of November, 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 9th day of January, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons: N. 19th St & Green St and the associated alleys in the block between Burger St & Shelton St and between N. 18th St & N. 20th St.

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-

For the PLANNING & ZONING COMMISSION

Ben Bryner, Planning Services Manager

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

CASE #: TC - 2013-07

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

Name: MARTINEZ LYDIA G
Address: 2001 SHELTON 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

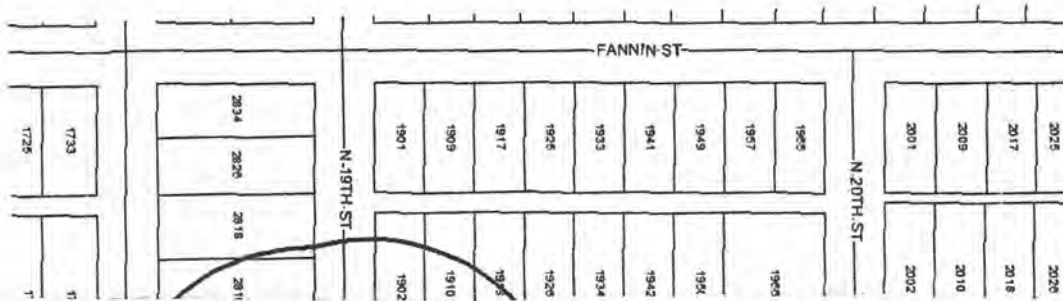
I am opposed

December 3, 2013

Additional Comments:

With all due respect:
What happens to the parking places that are used on North 19th street?
The people park their cars in ~~the back~~ their back yards,
I want to know why the Request? I do not understand why
these meetings are scheduled when people around this area, might
be working? WHY NOW?

Lydia Martinez



For the PLANNING & ZONING COMMISSION

Ben Bryner, Planning Services Manager

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Name: GARCIA LORENZO A & DIANA E
Address: 1966 BURGER 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:

We prefer that a new park be built on the proposed area,
that focus should be on streets we already have and that we
can maintain.



THOROUGHFARE CLOSURE CASE TC-2013-07

STAFF REPORT

APPLICANT INFORMATION:

Abilene Independent School District
Agent: Enprotec/Hibbs & Todd

HEARING DATES:

Planning & Zoning Commission: December 2, 2013
City Council 1st Reading: December 19, 2013
City Council 2nd Reading: January 9, 2014

REQUESTED ACTION:

Abandon: N. 19th St & Green St and the associated alleys in the block between Burger St & Shelton St and between N. 18th St & N. 20th St



SITE CHARACTERISTICS:

A north-to-south street right-of-way (ROW), an east-to-west street ROW and 2 north-to-south alleys were dedicated by a plat. Fannin Elementary School was developed on the block. Improvements have not been made for any of these segments in this block.

REQUEST ANALYSIS:

The applicant is requesting to abandon the street rights-of-way (ROWs) and alley ROWs to be able to clean up the property records for the area in order to facilitate a land swap with the City of Abilene. The street & alleys have not been constructed and therefore will not affect traffic in the area. All properties within this block will be combined and platted in order to initiate the land swap. The surrounding properties are all zoned for single-family residential and are all developed with homes.

The closure of the streets and alleys does not create any violations to the maximum block length in this area. The adjacent streets remain open for traffic to maneuver the area. None of the existing conditions are being affected by this action.

RECOMMENDATIONS:

Plat Review Committee: 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: Approval of the requested ROW abandonments per the Plat Review Committee recommendations.

PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommends approval per the Plat Review Committee by a vote of 5 in favor (Bixby, Glenn, McClarty, Rosenbaum, and Famble), none opposed, and 2 abstained (Todd & Yungblut).

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
GONZALES JOSIE	2542 N 18TH ST	
FLORES EDWARD & MARY	2002 BURGER ST	
HANNA BOB	2001 BURGER ST	
ABILENE SUNRISE PROPERTIES	1902 BURGER ST	
GOMEZ CARLOS	2010 GREEN ST	
FLEMING MARY H	2802 N 18TH ST	
RODRIQUEZ AMELIA	1950 BURGER ST	
ARREDONDO FELIZ	2017 BURGER ST	
GONZALES REFUGIO JR	2017 GREEN ST	
ARREDONDO JOE ANGEL III	2009 BURGER ST	
TREVINO ROBERT	2534 N 18TH ST	
HERNANDEZ ARTEMIO JR & MICHELLE TORRES	1910 BURGER ST	
SILGUERO ANDREW ET UX	1942 BURGER ST	
DORADO PROPERTIES LLC	1926 BURGER ST	
MARTINEZ HENRY R	2002 GREEN ST	
SHAVER GUY M	2818 N 18TH ST	
GREENWOOD ALAN W & DONNA C	2810 N 18TH ST	
ROMAN J W	1918 BURGER ST	In Favor
MARTINEZ LYDIA G	2001 SHELTON ST	Opposed
VALDEZ JESSIE	2009 GREEN ST	
GONZALES LINDA	2010 SHELTON ST	
ACOSTA PETE VILLA SR & MARY STOKES	1934 BURGER ST	
MARTINEZ JOSE TR	2001 GREEN ST	
RUIZ IRENE GUERRERO	1957 SHELTON ST	
DOMINGUEZ MATILDE V	1925 SHELTON ST	
NEW FRONTIER DEVELOPMENT	1901 SHELTON ST	
TONCHE DOMINGO & LORENZA	1909 SHELTON ST	
RUIZ IRENE GUERRERO	1965 SHELTON ST	
RAMIREZ RICKY R & ROSALINDA	1917 SHELTON ST	
DURRINGTON WALLS LLC	1949 SHELTON ST	
CARDENAS PABLO	2018 SHELTON ST	
MARTINEZ RICARDO	1941 SHELTON ST	
SANCHEZ MINERVA T	1933 SHELTON ST	
BORREGO JOHN PHILLIP	2002 SHELTON ST	
GARCIA LORENZO A & DIANA E	1966 BURGER ST	Opposed

ABILENE IND SCHOOL DIST

2726 N 18TH ST

DELAPAZ REYES SALVADOR

2018 GREEN ST

1 in Favor- **Y**

2 Opposed- **N**

