

City Council
Agenda Memo



City Council
Meeting Date: 3/13/2014

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-2014-01, a request from Lance Johnson to abandon the alley located north of 137 Oak St running the length of the building.

GENERAL INFORMATION

The applicant is requesting to abandon the alley right-of-way to be able to utilize the area for better access and use of his new office located at 137 Oak St. The alley has not been used recently and therefore will not directly affect traffic in the area. However, both public and private utilities are located within the alley ROW and therefore a utility easement will be needed. The remaining portions of the alley will stay open and provide for access to the other properties in the block except for the property to the north. The closure would result in no alley access for the property to the north and staff only supports the abandonment if there is no opposition from the property owner to the north.

The closure of the alley does not create any violations to the maximum block length in this area. The adjacent streets remain open for traffic to maneuver the area.

PLAT REVIEW COMMITTEE

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

1. A 20' Utility Easement shall be required for existing public and private utilities.
2. The applicant must replat within 12 months, at which time any issues regarding access to utilities and/or 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 recommendations and if there is no opposition from the property owner to the north.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 4, 2014

Item No. 7.2

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 27th day of February, A.D. 2014.

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 17th day of January, 2014, 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 March, A.D. 2014.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

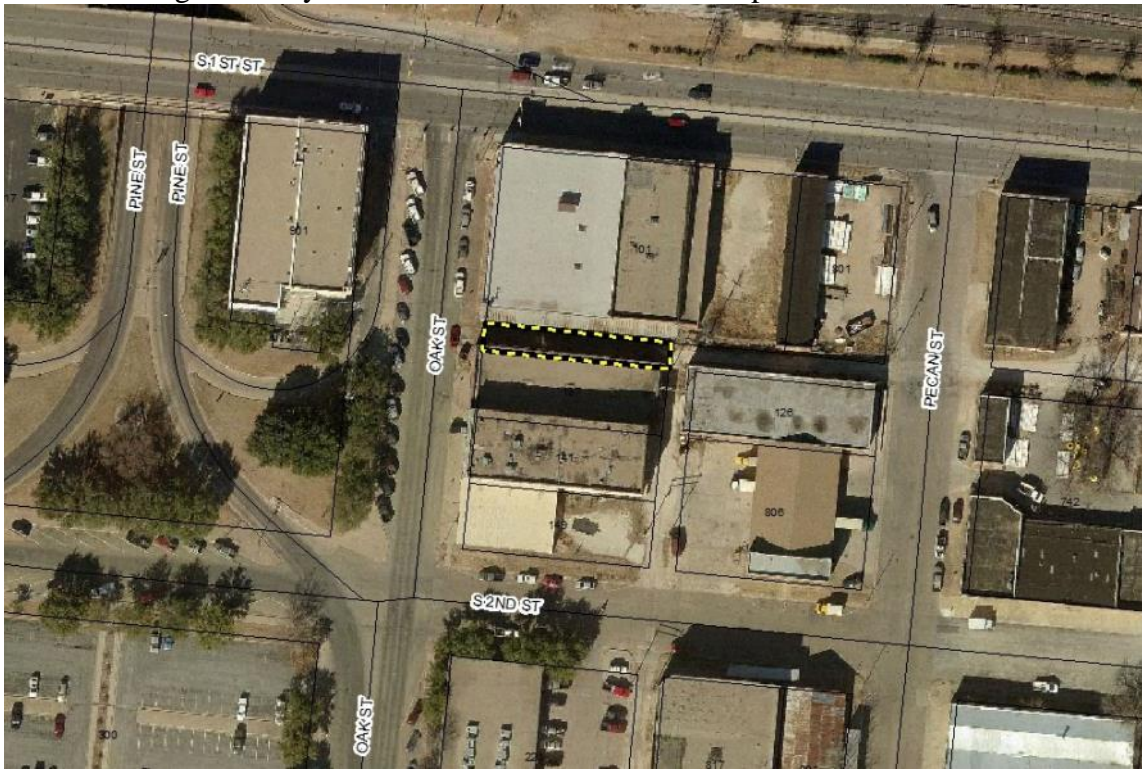
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons: the alley located north of 137 Oak St running the length of the building.

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



With the following conditions:

1. A 20' Utility Easement shall be required for existing public and private utilities.
2. The applicant must replat within 12 months, at which time any issues regarding access to utilities and/or relocation of utilities will be resolved. The replat must not create any non-conforming lots.

-END-

THOROUGHFARE CLOSURE CASE TC-2014-01

STAFF REPORT

APPLICANT INFORMATION:

Lance Johnson

HEARING DATES:

Planning & Zoning Commission: February 3, 2014
 City Council 1st Reading: February 27, 2014
 City Council 2nd Reading: March 13, 2014

REQUESTED ACTION:

Abandon: the alley located north of 137 Oak St, running the length of the building

SITE CHARACTERISTICS:

An east-to-west alley right-of-way (ROW) between 137 Oak St and the old Matera Paper building that burned down recently. Minimal improvements have been made to this segment of the alley in this block.



REQUEST ANALYSIS:

The applicant is requesting to abandon the alley right-of-way to be able to utilize the area for better access and use of his new office located at 137 Oak St. The alley has not been used recently and therefore will not directly affect traffic in the area. However, both public and private utilities are located within the alley ROW and therefore a utility easement will be needed. The remaining portions of the alley will stay open and provide for access to the other properties in the block except for the property to the north. The closure would result in no alley access for the property to the north and staff only supports the abandonment if there is no opposition from the property owner to the north.

The closure of the alley does not create any violations to the maximum block length in this area. The adjacent streets remain open for traffic to maneuver the area.

RECOMMENDATIONS:

Plat Review Committee: Approval of the requested street ROW closure with the following conditions:

1. A 20' Utility Easement shall be required for existing public and private utilities.
2. The applicant must replat within 12 months, at which time any issues regarding access to utilities and/or 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 and if there is no opposition from the property owner to the north.

PLANNING AND ZONING COMMISSION:

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

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
PAMY HOLDINGS INC	806 S 2ND ST	
BLAY FAMILY LLC	126 PECAN ST	
CRAIN GARY L	149 OAK ST	Opposed
WHITENER FAMILY LIMITED PTSHP 1	901 S 1ST ST	
CRAIN GARY	141 OAK ST	Opposed
CITY OF ABILENE		
SONJOHN PROPERTY LLC	137 OAK ST	
ABILENE PLUMBING SUPPLY	801 S 1ST ST	
ABILENE MATERA LLC	101 OAK ST	

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

