

**City Council  
Agenda Memo**



**City Council  
Meeting Date: 4/10/2014**

**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-2014-02, a request from Abilene Christian University, agent Enprotec/Hibbs & Todd, Inc., to abandon ACU Drive north of Ambler Avenue, abandon Margaret Street, and abandon the adjacent alleys totaling approximately 1,200 feet.**

**GENERAL INFORMATION**

The applicant is requesting to abandon the street and alley rights-of-way to be able to better utilize the area for campus improvements for ACU. ACU Dr is the only improved street or alley. ACU Dr provides a secondary means for traffic since the realignment of N. Judge Ely Blvd. Therefore the closing of the street will not directly affect traffic in the area. The remaining street and alleys are unimproved. The closure would result in some minor work necessary for the alley and street in the neighborhood to the north for proper connection to N. Judge Ely Blvd.

The closure of the alley does not create any violations to the maximum block length in this area. The existing 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. Utility Easements shall be required for existing public and private utilities (i.e., gas, phone, electricity, water & sewer) or relocation shall be the responsibility of the applicant.
2. Address the alley connection to Cloverleaf Ln and street alignment of Cloverleaf Ln to N. Judge Ely Blvd.
3. 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.

**BOARD OR COMMISSION RECOMMENDATION**

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

**ATTACHMENTS**

Ordinance

Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

March 31, 2014

Item No. 7.6

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 27<sup>th</sup> day of March, 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 14<sup>th</sup> day of February, 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 10<sup>th</sup> day of April, A.D. 2014.

ATTEST:

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

\_\_\_\_\_  
MAYOR

APPROVED:

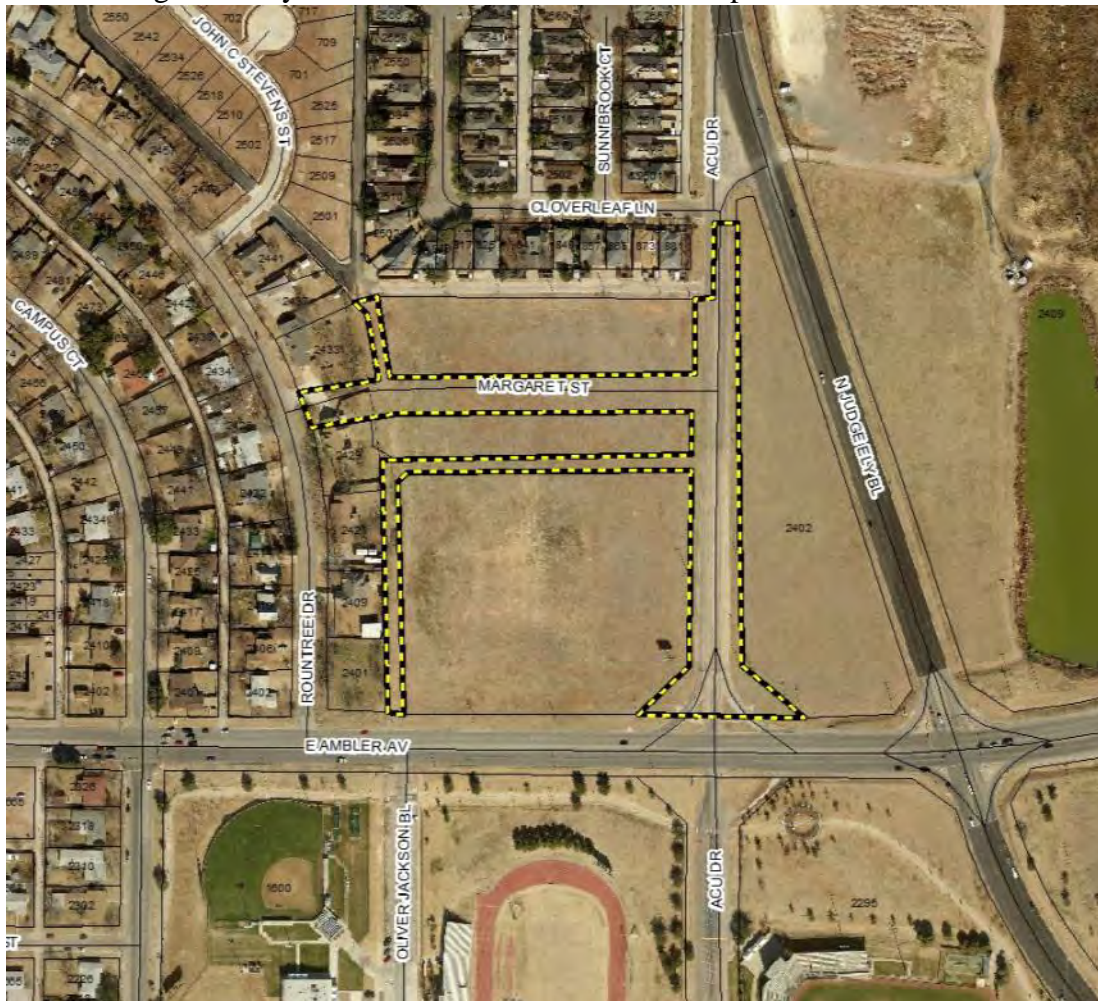
\_\_\_\_\_  
CITY ATTORNEY

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

EXHIBIT "A"

The City of Abilene hereby abandons: ACU Drive north of Ambler Avenue, abandon Margaret Street, and abandon the adjacent alleys totaling approximately 1,200 feet.

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



With the following conditions:

1. Utility Easements shall be required for existing public and private utilities (i.e., gas, phone, electricity, water & sewer) or relocation shall be the responsibility of the applicant.
2. Address the alley connection to Cloverleaf Ln and street alignment of Cloverleaf Ln to N. Judge Ely Blvd.
3. 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-2014-02

## STAFF REPORT



### APPLICANT INFORMATION:

Abilene Christian University  
Agent: Enprotec/Hibbs & Todd, Inc.

### HEARING DATES:

Planning & Zoning Commission: March 3, 2014  
City Council 1<sup>st</sup> Reading: March 27, 2014  
City Council 2<sup>nd</sup> Reading: April 10, 2014

### REQUESTED ACTION:

Abandon: ACU Drive north of Ambler Avenue, Margaret Street, and the adjacent alleys totaling approximately 1,200 feet



### SITE CHARACTERISTICS:

ACU Dr is an existing north-to-south roadway. Margaret St is an unimproved east-to-west right-of-way (ROW). The alleys are unimproved as well.

### REQUEST ANALYSIS:

The applicant is requesting to abandon the street and alley rights-of-way to be able to better utilize the area for campus improvements for ACU. ACU Dr is the only improved street or alley. ACU Dr provides a secondary means for traffic since the realignment of N. Judge Ely Blvd. Therefore the closing of the street will not directly affect traffic in the area. The remaining street and alleys are unimproved. The closure would result in some minor work necessary for the alley and street in the neighborhood to the north for proper connection to N. Judge Ely Blvd.

The closure of the alley does not create any violations to the maximum block length in this area. The existing 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. Utility Easements shall be required for existing public and private utilities (i.e., gas, phone, electricity, water & sewer) or relocation shall be the responsibility of the applicant.
2. Address the alley connection to Cloverleaf Ln and street alignment of Cloverleaf Ln to N. Judge Ely Blvd.
3. 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.

## PLANNING AND ZONING COMMISSION:

The Planning and Zoning Commission recommends approval per the Plat Review Committee recommendations by a vote of 4 in favor (Bixby, Glenn, McClarty, 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
ABILENE CHRISTIAN UNIV	2409 N JUDGE ELY BL	In Favor
STRADER ROBERT J & ROYCE SUE	2422 ROUNTREE DR	
ABILENE CHRISTIAN UNIV		In Favor
ABILENE CHRISTIAN UNIV		In Favor
ABILENE CHRISTIAN UNIV	1600 CAMPUS CT	In Favor
EDGAR STEVEN RANDALL & NANCY D	2409 ROUNTREE DR	
EARLES JAMES EDWARD & CYNTHIA ANN	2421 ROUNTREE DR	
ROBERSON BETHA LYNN	2438 ROUNTREE DR	
CARPENTER TOM P	2426 ROUNTREE DR	
MILLER AARON R & ELIZABETH A	2429 ROUNTREE DR	
COLLINSWORTH THAD J	2402 ROUNTREE DR	
DRENNAN JERRY DALE	2414 ROUNTREE DR	
ESCOBEDO JOSEPH T	2401 ROUNTREE DR	
HARRISON DOUGLAS M & EMILY R	2406 ROUNTREE DR	
ABILENE CHRISTIAN UNIV	2402 N JUDGE ELY BL	In Favor
KING BEVERLY C	801 CLOVERLEAF LN	
SPRABERRY ERNEST M & DOTTIE S	865 CLOVERLEAF LN	
DAVIDSON MASON & MADGE	857 CLOVERLEAF LN	
HOLMANS JIMMIE D & MYRA	825 CLOVERLEAF LN	
CLEMMER WILLIAM D & BETTY R	873 CLOVERLEAF LN	
COTTEN MARIE W	849 CLOVERLEAF LN	
CEDILLO OSCAR S & CARLA	2509 SUNNIBROOK CT	
CUMMINS ELIZABETH ANN	841 CLOVERLEAF LN	
ABILENE CHRISTIAN UNIV		In Favor
HARRIS NOBLE & BETTE JOYCE	2510 CLOVERLEAF LN	
BALDERSON MARIE	2517 SUNNIBROOK CT	
DELONY ROBERT L & MIKEE C	817 CLOVERLEAF LN	
TARRANT EDDIE D & CASSIE	881 CLOVERLEAF LN	
BABER DONALD C & SHIRLEY N	2502 CLOVERLEAF LN	In Favor
GRAY C G & BARBARA J	809 CLOVERLEAF LN	
CLUTE ALAN CHARLES & JENNIFER REBECCA	2433 ROUNTREE DR	
CORNING CARYN	2437 ROUNTREE DR	
PRAIRIE SONG LLC	2501 JOHN C STEVENS ST	
ROBERSON CHARLES W & GEORGAN	2434 ROUNTREE DR	



ARMER ALBERT & BEVERLY DIANE	2410 ROUNTREE DR	
PRAIRIE SONG LLC	2509 JOHN C STEVENS ST	
ABILENE CHRISTIAN UNIV		In Favor
WILLIAMS LINDA M	2501 SUNNIBROOK CT	
PRICE ALMA SUE LF EST	2441 ROUNTREE DR	
ABILENE CHRISTIAN UNIV	2295 ACU DR	In Favor

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

