

City Council
Agenda Memo



City Council
Meeting Date: 5/14/2015

TO: David A. Vela, Interim 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-2015-01, a request from Jon McDonald to abandon S. 20th St, east of Oak St & S. Treadaway Blvd and west of the railroad.

GENERAL INFORMATION

This section of S. 20th St does not exist today and has no plans for improvement. The right-of-way terminates at the railroad to the west. The adjacent uses utilize a portion of the right-of-way for parking. However, an abandonment is needed for any building expansions.

The abandonment of this section of S. 20th St would not create any block or traffic issues. With the closure of this section of S. 20th St, traffic will still be able to maneuver various other streets in the vicinity. The railroad to the west provides a physical barrier to extending S. 20th St to the east. A water line exists along the south side of the right-of-way. A utility easement is needed to allow for maintenance of this line. There is no identifiable need for construction of S. 20th St at this location.

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.
2. 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 a block or traffic issues and the abandonment of this section of S. 20th St would allow for expansion of the use to the south.

BOARD OR COMMISSION RECOMMENDATION

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

ATTACHMENTS

Ordinance
Staff Report with Maps

Prepared by:

Name: Ben Bryner

Title: Planning Services Manager

May 1, 2015

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 23rd day of April, 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 20th day of March, 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 14th day of May, A.D. 2015.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons: S. 20th St, east of Oak St & S. Treadaway Blvd and west of the railroad.

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.
2. The adjacent properties must be replatted within 12 months. The replat must not create any non-conforming lots.

-END-

ZONING CASE TC-2015-01

STAFF REPORT



APPLICANT INFORMATION:

Jon McDonald

HEARING DATES:

P & Z Commission: April 6, 2015

City Council 1st Reading: April 23, 2015

City Council 2nd Reading: May 14, 2015

REQUESTED ACTION:

Abandon this section of S. 20th St, east of Oak St S. Treadaway Blvd and west of the railroad

SITE CHARACTERISTICS:

This section of S. 20th St does not exist today and for improvement. The right-of-way terminates at the railroad to the west. The adjacent uses utilize a portion of the right-of-way for parking.

However, an abandonment is needed for any building expansion.



REQUEST ANALYSIS:

The abandonment of this section of S. 20th St would not create any block or traffic issues. With the closure of this section of S. 20th St, traffic will still be able to maneuver various other streets in the vicinity. The railroad to the west provides a physical barrier to extending S. 20th St to the east. A water line exists along the south side of the right-of-way. A utility easement is needed to allow for maintenance of this line. There is no identifiable need for construction of S. 20th St at this location.

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.*
2. *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 or traffic issues and the abandonment of this section of S. 20th St would allow for expansion of the use to the south.*

PLANNING AND ZONING COMMISSION:

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

NOTIFICATION:

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

OWNER	ADDRESS	RESPONSE
RODRIGUEZ EDWARD JR & MARIA G &	1966 S TREADAWAY BL	
HENDRICK MEDICAL CENTER	2025 S TREADAWAY BL	In Favor
WEATHERBY PROPERTIES LLC	1920 S TREADAWAY BL	
RIOS LINDA M	1958 OAK ST	
	2003 S TREADAWAY BL	
SCHNEIDER WILBERT C	2050 S TREADAWAY BL	
MC MILLEN RACHEL	1950 OAK ST	
BRYANT ETHEL DALE	1942 OAK ST	
THE FEATHERLITE CORP	2065 OAK ST	
SALT FORK PROPERTIES LLC	1939 S TREADAWAY BL	In Favor
MC DONALD JON	2001 OAK ST	In Favor
RGP ENTERPRISES INC	1925 S TREADAWAY BL	
WHITENER FAMILY LIMITED PTSHP 1	501 S 18TH ST	
VMB PROPERTIES LLC	1941 S TREADAWAY BL	In Favor

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







