



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
www.cityofdenton.com

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Capital Projects

**CM/ DCM/ ACM:** Mario Canizares

**DATE:** July 18, 2017

### **SUBJECT**

Consider adoption of an ordinance releasing, abandoning and vacating a 2.056 acre public drainage easement granted to the City of Denton, Texas by Wynne/Jackson Lakes Development LP., a Texas limited partnership on May 25, 2005 and recorded as Instrument No. 2005-85937 in the Real Property Records of Denton County, Texas,; providing for severability and an effective date. [Abandonment of drainage easement for the development of Country Lakes North Phase 3A1 & 3B lots]

### **BACKGROUND**

Bloomfield Homes, L.P. a Texas limited partnership, has made a formal request for the City of Denton to abandon its drainage easement located on and across its property, also known as the Country Lakes North Phase 3A1 & 3B Addition. The slated drainage easement for abandonment was dedicated in 2005 to serve as a temporary drainage solution to allow for multi-phasing of the development without the construction of permanent public drainage improvements. The public improvements of the current phasing have been constructed and accepted by the City of Denton, therefore subject drainage easement is no longer necessary.

The property owner is currently developing its property of said addition that are encumbered with the subject drainage easement. In order for the property owner to develop the property the drainage easement needs to be formally abandoned to eliminate the encumbrance. This abandonment request is to formally remove the encumbrance from the property.

The subject abandonment request was reviewed by The Development Review Committee, and staff recommends the approval.

Staff performs an analysis on the request for abandonments as follows:

- Is the easement tract requested for abandonment considered “excess easement”?
- Does the easement tract requested for abandonment have a continued public use?
- Is it the best interests of the general public to abandon the government’s rights in the subject abandonment tract?
- Would the granting of this request establish a precedent for future abandonment requests?

Staff findings on this analysis are as follows:

1. The requested Drainage easement abandonment tract fits the criteria of “excess easement.” Excess easement is defined as: Property rights acquired or used by the City for easement subsequently declared excess (not needed for any public project, the continuation of operation and maintenance of public facilities, and/or no foreseeable utility application in the future).
2. The Drainage easement abandonment tract is not slated for utilization for any future Drainage facilities.

3. The Drainage easement abandonment is in the public's best interests, because the area for the subject abandonment is no longer needed by the general public and the area encumbered is freed up for other uses.
4. This abandonment will not set a precedent, because the above three standards have been met.

### **OPTIONS**

1. Recommend approval of the proposed ordinance.
2. Do not recommend approval the proposed ordinance.
3. Table for future consideration.

### **RECOMMENDATION**

Staff recommends approval of this request.

### **ESTIMATED SCHEDULE OF PROJECT**

The abandonment will be completed upon approval of City Council.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

Development Review Committee recommended approval on June 30, 2017.

### **FISCAL INFORMATION**

Not applicable.

### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area: Public Infrastructure**  
**Related Goal: 1.1 Manage financial resources in a responsible manner**

### **EXHIBITS**

1. Agenda Information Sheet
2. Location map
3. Easement abandonment illustration
4. Applicant narrative
5. Ordinance

Respectfully submitted:  
Paul Williamson  
Real Estate Manager

Prepared by:  
Mark A. Laird  
Real Estate Analyst