



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Development Services, Real Estate

ACM: Cassandra Ogden

DATE: May 16, 2023

SUBJECT

Consider adoption of an ordinance of the City of Denton providing for the abandonment, release, and quitclaim of 1) a portion of Audra Lane right-of-way located between the east line of Loop 288 and the northwest line of Prominence Parkway and 2) an electric easement conveyed to Texas Power & Light company recorded in Volume 264 Page 149, Deed records, Denton County, Texas and assigned to the City of Denton in Volume 756 Page 669, Deed records, Denton County, Texas, all located in the W. Lloyd Survey, Abstract No. 774, within the City and County of Denton, Texas; providing for the quitclaim thereof to Us Alliance Prominence Venture, LLC; providing for the terms and conditions of the abandonment and quitclaim herein; providing for the reservation and conveyance of a needed public utility easement therein to the City of Denton; providing for the indemnification of the City of Denton against damages arising out of the abandonment herein; providing for barricading; providing for consideration to be paid to the City of Denton; providing for severability and an effective date.

BACKGROUND

US Alliance Prominence Venture LLC., a Delaware limited liability company, ("Owner"), is the record owner of Lot 1, Block A, Prose Prominence Addition and has requested the City of Denton to abandon and release the section of Audra Lane ("Road Abandonment") right-of-way located between the east line of Loop 288 and the northwest line of Prominence Parkway, reserving a public utility easement of the same area, and an electric easement assigned to the City of Denton, ("Subject Easement").

The Road Abandonment area has been closed and is no longer needed for vehicular or public access. The Road Abandonment area is known as East Audra Lane and was closed with the dedication and acceptance of Prominence Parkway in 2004. The Zoning Plan for the Owners property established by Ordinance 2000-417 set conditions for Audra Lane to be abandoned upon the dedication and construction of Prominence Parkway. No application for the Audra Lane abandonment was made by the Property Owner until recent. The Road Abandonment area has no formal dedication instrument and the area was defined by its use. The road area was absorbed into the City when the area was annexed in 1965. Currently within the Road Abandonment area is an electric line and some service lines that are still active, so a Public Utility Easement is being reserved for those facilities.

The Subject Easement was initially a Texas Power and Light Easement that was assigned to the City of Denton in 1975. The Subject Easement area is unable to be defined and located on the ground because of its written description. Denton Municipal Electric has identified and located all of its facilities within the Owners property and this easement is not referenced or used for any use of electric facilities. Denton Municipal Electric has worked with the Owner on its need for electric service and have defined required easements on its current Final Plat that has been approved.

Additionally, to make note, the Owner has constructed public paving and sidewalk improvements at a cost of \$69,293.10, public sanitary sewer improvements at a cost of \$41,567.30, public drainage improvements at a cost of \$591,110.85 and public water improvements at a cost of \$115,922.28, for a total estimated cost of \$ 817,893.53 in public improvements made for the development of the Prose Prominence Addition. And with the constructed public improvements, the Owner has dedicated by Plat, right-of-way for streets and new easements for public infrastructure.

In accordance with Texas Local Government Code, section 272 an independent appraisal of the slated Abandonment areas was obtained. The fair market value total of the requested areas for abandonment is \$59,983 “Fifty-Nine Thousand Nine Hundred Eighty-Three Dollars and No Cents”;

Staff recommends abandoning and releasing the Abandonment areas at no cost to the Owner as the area has been developed in such a manner that the requested abandonment tracts are no longer necessary to address previous public improvements concerns on the property or for any current or future public road projects.

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

- Is the Abandonment area considered “excess land rights”? Excess land rights is defined as: Property rights acquired or used by the City but later deemed not needed for any public project, the continuation of operation and maintenance of public infrastructure, and/or no foreseeable public improvements in the future.
- Does the Abandonment area have a current, continued, or identified future public use?
- Is it in the best interest of the public to abandon the City’s rights in the easement?

Staff findings on this analysis are as follows:

1. The requested area known as the Abandonment Area and Subject Easement, does fit 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 road/electric project, the continuation of operation and maintenance of public road/electric, and/or no foreseeable public access improvement applications in the future).
2. No, the public road and the electric easement abandonment areas are not slated for utilization for any future public road facilities. A reservation for the Public Utilities of the road area is being made.
3. Abandoning easement Abandonment Area is in the public’s best interests, because the areas are no longer needed for public road improvement and the electric easement encumbered on the Owners property can be freed up for other uses.

If a Council member determines that he or she has a conflict of interest pursuant to the Ethics Ordinance, he or she may contact the City Attorney’s Office to have a Recusal Form prepared prior to consideration of this agenda item.

OPTIONS

1. Approve proposed ordinance
2. Decline to approve proposed ordinance

RECOMMENDATION

Staff recommends approval of the Ordinance.

ESTIMATED SCHEDULE OF PROJECT

Spring of 2023

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

N/A

FISCAL INFORMATION

All costs associated with the processing of the abandonment request are being borne by the Applicant.

EXHIBITS

1. Agenda Information Sheet
2. Location Map
3. Site Map
4. Secretary of State Corporation members list
5. Ordinance

Respectfully submitted:
Deanna Cody, Deputy Director
Development Services-Real Estate

Prepared by:
Mark Laird
Senior Real Estate Specialist