



# City of Denton

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

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Capital Projects

**ACM:** Mario Canizares

**DATE:** June 6, 2017

### **SUBJECT**

Consider adoption of an ordinance releasing, abandoning and vacating a 0.1195 acre portion of a 0.232 acre sanitary sewer easement recorded in Volume 1729, Page 177, Real Property Records, Denton County, Texas, and located in the B.B.B. & C.R.R. Survey, Abstract No. 192; and declaring an effective date. [Abandonment of a portion of a sanitary sewer easement to remove the encumbrance from the property and update the City real estate records] Public Utility Board approved 7-0

### **BACKGROUND**

As a housekeeping measure, staff is formally requesting a portion of an existing sanitary sewer be abandoned located on Lot 1 Block 1, QT 912 Addition. Staff noticed that the sanitary sewer easement that contained a 10 inch sanitary sewer line was never abandoned. The sanitary sewer line that was housed within said easement was removed and rerouted in 2011. Said sanitary sewer easement is 0.232 acres and is recorded in Volume 1729 Page 177, Real Property Records, Denton County, Texas. The public utilities for the site were accepted and approved in 2011. The building for the site was erected thereafter and has been open ever since. This abandonment request is to remove the encumbrance from the property and update the City real estate records.

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 sanitary sewer 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 sanitary sewer easement abandonment tract is not slated for utilization for any future sanitary sewer facilities.

3. The sanitary sewer 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 Ordinance.
2. Do not recommend approval the Ordinance.
3. Table for future consideration.

### **RECOMMENDATION**

The Development Review Committee 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 April 7, 2017.

Public Utility Board approved 7-0 on May 22, 2017

### **FISCAL INFORMATION**

Not applicable.

### **BID 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. Site Map
4. Ordinance

Respectfully submitted:  
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