



City of Denton

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

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 0.083 acre electric easement granted to the City of Denton, Texas, by Alex Williams on October 11, 1956 and recorded in Volume 426 Page 97, Deed Records, Denton County, Texas, and located in Block 20 of the Original Town of Denton, Denton County, Texas); providing for severability and an effective date. [111 South Austin Street (Wells Fargo parking area), removal of easement encumbrance]

BACKGROUND

Apartments at Victoria Square #1, L.L.C., a Texas limited liability company, has made a formal request for the City of Denton to abandon its electric easement located on and across its property, also known as the Wells Fargo downtown parking lot. The existing electric easement was dedicated in 1956 for the benefit of an electric transformer bank to serve the property and adjacent area. A reworking of the downtown electric distribution system in the 1990's rendered the easement under consideration for abandonment unoccupied in regard to any electric infrastructure. The current property owner is entertaining the idea of developing its property at this location. In order for the property owner to develop the property the electric easement needs to be formally abandoned to clear the location for future private improvements. Denton Municipal Electric has reviewed the request and endorses the abandonment. 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 electric 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 electric easement abandonment tract is not slated for utilization for any future electric facilities.

3. The electric 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.

Public Utility Board recommended approval on July 10, 2017 vote 5-0.

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 survey exhibit
4. Applicant narrative
5. Ordinance

Respectfully submitted:
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