



Legislation Details (With Text)

File #: PUB16-181 **Version:** 1 **Name:**
Type: Public Utilities Board
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On agenda: 8/8/2016 **Final action:**
Title: Consider recommendation of adopting of an ordinance partially releasing, abandoning and vacating a 0.4138 acre public utilities easement recorded in Volume 2637 Page 12, Real Property Records, Denton County, Texas, and located in the B.B.B. & C.R.R. Survey, Abstract No. 141; and declaring an effective date. [Abandonment of public utility easement in Medical Center Addition to allow for lot development]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Location Map, 2. Exhibit 2 - Site Map, 3. Exhibit 3 - Survey Exhibit

Date	Ver.	Action By	Action	Result
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Agenda Information Sheet

DEPARTMENT: Engineering Services

ACM: Jon Fortune

Date: August 8, 2016

SUBJECT

Consider recommendation of adopting of an ordinance partially releasing, abandoning and vacating a 0.4138 acre public utilities easement recorded in Volume 2637 Page 12, Real Property Records, Denton County, Texas, and located in the B.B.B. & C.R.R. Survey, Abstract No. 141; and declaring an effective date. [Abandonment of public utility easement in Medical Center Addition to allow for lot development]

BACKGROUND

The property owner, Westgate Properties, L.P., requests the City to partially abandon and vacate a 0.4138 acre public utility easement to remove the easement encumbrances on Lot 3, Block A in the Medical Center Addition. The subject easement was conveyed to the City in 1989, to address the public utility requirements of the Medical Center Addition. Since then, with the progression and re-design of the overall property, the public utility improvements within said easement have been removed and relocated. The subject public utility easement has created an encumbrance on said Lot 3. The partial abandonment will allow said Lot 3 to utilize more area for private development.

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

Staff performs an analysis on requests 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 in the best interest 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 easement abandonment tracts 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 project, the continuation of operation and maintenance of public facilities, and/or no foreseeable utility application in the future).
2. The easement abandonment tracts are not slated for utilization for any future public utilities.
3. The easement abandonments are in the public interest, because the areas for the subject abandonments are no longer needed by the public and/or have not been utilized by the public.
4. These abandonments will not set precedent, because the above three standards have been met.

OPTIONS

1. Recommend approval of the Ordinance.
2. Do not recommend approval.

RECOMMENDATION

Staff recommends approval of the Ordinance.

ESTIMATED SCHEDULE OF PROJECT

Fall of 2016.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Developmental Review Committee recommended approval on July 15, 2015.

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: **3.4 Encourage development, redevelopment, recruitment, and retention**

EXHIBITS

- 1 Location Map
- 2 Site Map
- 3 Survey Exhibit

Respectfully submitted:
John T. Davis, PE
Director of Engineering Services

Prepared by:
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Right-of-Way Agent
Real Estate and Capital Support