



Legislation Details (With Text)

**File #:** ID 17-287      **Version:** 1      **Name:**

**Type:** Ordinance

**File created:** 2/20/2017      **In control:** City Council

**On agenda:** 3/7/2017      **Final action:**

**Title:** Consider adoption of an ordinance releasing, abandoning and vacating a 2.249 acre public drainage easement granted to the City of Denton, Texas, by Teasley Commons, Ltd. on August 5, 2004 and recorded as Instrument No. 2004-111117, Real Property Records, Denton County, Texas, situated in the C. Poulallier Survey, Abstract No. 1006, Denton County, Texas, and located within the 3200 block of Teasley Lane. [Minor Plat, Teasley Commons, Lots 5 & 6 Block A]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Location Map, 2. Exhibit 2 - Pending Teasley Commons, 3. Exhibit 3 - Applicant request letter, 4. Exhibit 4 - 2004 Drainage Easement, 5. Exhibit 5 - Ordinance

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**AGENDA INFORMATION SHEET**

**DEPARTMENT:** Engineering Services

**ACM:** Jon Fortune

**DATE:** March 7, 2017

**SUBJECT**

Consider adoption of an ordinance releasing, abandoning and vacating a 2.249 acre public drainage easement granted to the City of Denton, Texas, by Teasley Commons, Ltd. on August 5, 2004 and recorded as Instrument No. 2004-111117, Real Property Records, Denton County, Texas, situated in the C. Poulallier Survey, Abstract No. 1006, Denton County, Texas, and located within the 3200 block of Teasley Lane. [Minor Plat, Teasley Commons, Lots 5 & 6 Block A]

**BACKGROUND**

On January 30, 2017 the property owner, CDI Sundown LLC, Ltd., made a formal request for the City to abandon and vacate a 2.249 acre public drainage easement to remove that easement encumbrance so that Lots 5 and 6 Block A, Teasley Commons Addition can be developed.

The subject easement was conveyed to the City in 2004 for the development of Lot 2, Teasley Commons Addition, also known as the South Denton DATCU branch location. The drainage easement was to provide an interim storm water detention solution so that the DATCU lot could be developed ahead of an overall permanent drainage solution for the remainder of the development. The Owner has recently submitted plans for a permanent drainage solution which are currently under review. The ordinance is styled so that the release of the subject drainage easement is contingent upon the approval and acceptance by the City of the drainage

improvements and the recordation of the final plat dedicating the land rights necessary to accommodate the permanent drainage solution.

The subject abandonment request was reviewed by The Development Review Committee, and staff recommends the approval provided the following conditions have been met: (1) upon the construction, completion, and acceptance by the City of the planned permanent drainage infrastructure required for the overall Teasley Commons Addition; and (2) upon the dedication of new drainage easements to the City, as evidenced by the recordation of the pending final subdivision plat of Lots 5 and 6, Block A, Teasley Commons Addition.

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 in 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 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 drainage application in the future).
2. The easement abandonment tract is not slated for utilization for any future public drainage, save that area to be dedicated by required plat.
3. The easement abandonment will be in the public interest, because the area for the subject abandonment will no longer be needed by the public, once the conditions for abandonment have been fulfilled.
4. This abandonment will not set precedent, because the above three standards have been met.

### **OPTIONS**

1. Approve the proposed ordinance.
2. Not approve the proposed ordinance.
3. Table for future consideration.

### **RECOMMENDATION**

Staff recommends approval of the ordinance.

### **ESTIMATED SCHEDULE OF PROJECT**

Spring of 2017.

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

Development Review Committee recommended approval on February 17, 2017.

### **EXHIBITS**

- 1 Location map
- 2 Pending Teasley Commons plat depiction
- 3 Applicant request letter

- 4 2004 Drainage Easement
- 5 Ordinance

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

Prepared by:  
Mark A. Laird  
Real Estate Analyst