



## Legislation Details (With Text)

**File #:** PUB16-184    **Version:** 1    **Name:**  
**Type:** Public Utilities Board  
**File created:** 7/28/2016    **In control:** Public Utilities Board  
**On agenda:** 8/8/2016    **Final action:**  
**Title:** Consider recommendation of adopting of an ordinance partially releasing, abandoning and vacating a 0.188 acre public utilities easement recorded in Volume 923 Page 431, Deed Records, Denton County, Texas, and located in the A. Hill Survey, Abstract No. 623; and declaring an effective date. [Abandonment of public utility easement to allow for lot development; Locust Substation Addition]  
**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 0.188 acre public utilities easement recorded in Volume 923 Page 431, Deed Records, Denton County, Texas, and located in the A. Hill Survey, Abstract No. 623; and declaring an effective date. [Abandonment of public utility easement to allow for lot development; Locust Substation Addition]

### BACKGROUND

Denton Municipal Electric is developing a tract of land located at the southwest corner of Collins Street and South Locust Street known as the Locust Substation Addition. This location is for the construction of a new electric substation to aid the City wide power grid. In order to construct the new substation, Denton Municipal Electric has made a formal request to partially abandon an easement on the subject tract. The easement was dedicated to the City of Denton in 1978 to aid with the public utilities of the area. With the planned construction of the substation, said utilities are no longer necessary. The Development Review Committee has reviewed and approved the construction plans to address the removal and construction of the public utilities. The subject easement has created a burden on the planned substation. The partial easement abandonment will allow Denton Municipal Electric to utilize the entire tract for the necessary electrical improvements.

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

the 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:  
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