



Legislation Details (With Text)

File #: ID 16-1043 **Version:** 1 **Name:**
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File created: 8/1/2016 **In control:** City Council
On agenda: 8/16/2016 **Final action:**
Title: Consider adoption of an ordinance releasing, abandoning and vacating a 0.08 acre portion of 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 a portion of public utility easement to allow for lot development: Worthington Street] The Public Utilities Board recommends approval (6-0).

Sponsors:

Indexes:

Code sections:

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

Date	Ver.	Action By	Action	Result
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Agenda Information Sheet

DEPARTMENT: Engineering Services

ACM: Jon Fortune

Date: August 16, 2016

SUBJECT

Consider adoption of an ordinance releasing, abandoning and vacating a 0.08 acre portion of 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 a portion of public utility easement to allow for lot development: Worthington Street] The Public Utilities Board recommends approval (6-0).

BACKGROUND

The property owner, Westgate Properties, L.P., requests the City to the partially abandon and vacate a portion of 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, Block A of the Medical Center Addition.

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 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 tract is not slated for utilization for any future public utilities.
3. The easement abandonment is in the public’s best interests, because the area for the subject abandonment is no longer needed by the public and the area encumbered is freed up for other uses, in the case at hand, redevelopment.
4. This abandonment will not set a precedent, because the above three standards have been met.

OPTIONS

1. Recommend approval.
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)

July 15, 2016 - Development Review Committee recommends approval

August 8, 2016 - Public Utilities Board recommends approval 6-0

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 Ordinance

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