City of Denton

Legislation Details (With Text)

File #:	ID 17-321	**Version:** 1	**Name:**	
Type:	Ordinance			
File created:	2/27/2017		**In control:**	City Council
On agenda:	4/4/2017		**Final action:**	
Title:	Consider adoption of an ordinance releasing, abandoning and vacating a public drainage easement granted to the City of Denton, Texas, by CPM Financial Corporation on July 2, 2004 and recorded in Cabinet V Page 760, Real Property Records, Denton County, Texas, situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 186, Denton County, Texas, and located within the 1600 block of Stuart Lane. [Amending Plat, The Village Phase 1, Lots 1A & 2A Block 4]			
Sponsors:	City Council			
Indexes:				
Code sections:				
Attachments:	1. Release of Easement with Ordinance, 2. Site map Illustrating Drainage Easement, 3. FEMA Map Illustrating New Area			

Date	Ver.	Action By	Action	Result

AGENDA INFORMATION SHEET

DEPARTMENT: Development Services

CM/ACM: Todd Hileman

DATE: April 4, 2017

SUBJECT

Consider adoption of an ordinance releasing, abandoning and vacating a public drainage easement granted to the City of Denton, Texas, by CPM Financial Corporation on July 2, 2004 and recorded in Cabinet V Page 760, Real Property Records, Denton County, Texas, situated in the B.B.B. & C.R.R. Co. Survey, Abstract No. 186, Denton County, Texas, and located within the 1600 block of Stuart Lane. [Amending Plat, The Village Phase 1, Lots 1A & 2A Block 4]

BACKGROUND

The request is to abandon and vacate a public drainage easement located along the south boundary line of Lot 1A and 2A Block 4 of the Village Phase I.

The drainage easement was conveyed to the City in 2004 for the development of Lot 1A and 2A, The Village Phase 1 Addition. The drainage easement was established to provide protection of an area that would encompass the encroachment of the flood way onto the subject property. Subsequently, on March 2, 2006, the Federal Emergency Management Agency (FEMA) issued a Letter of Map Revision Based on Fill Determination Document (Removal), which remapped the limits of the floodplain and floodway to an area outside the boundaries reflected on the lot thereby eliminating the need for this easement.

The owner of Loy 1A submitted plans for a fence along the rear property line of lot 1A and it was discovered that the redundant easement was compromising the owner's ability to install a perimeter fence. Due to the fact that the easement is no longer needed and in an effort to assist the property owners of both lots in using their property to the fullest extent, an abandonment request was reviewed by Development Services staff and, after consulting with DRC Engineering and Real Estate, staff recommends the approval of the abandonment.

Staff findings after conferring with the appropriate divisions were:

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.
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.
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.

EXHIBITS
1   Release of Easement with Ordinance
2   Site Map Illustrating Drainage Easement
3   FEMA Map Illustrating New Area

Respectfully submitted:
Munal Mauladad
Director of Development Services

Prepared by:
Rodney Patterson
Building Official