



## Legislation Text

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**File #:** ID 16-1044, **Version:** 1

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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 0.103 acre portion of a 0.187 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 a portion of public utility easement to allow for lot development: DME Locust Street Substation] The Public Utilities Board recommends approval (6-0).

#### **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 slated for the construction of a new electric substation facility 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 accommodate public utilities in the area. With the planned construction of the substation, the utility extensions are no longer necessary and will be taken out of service within the easement abandonment area. The Development Review Committee has reviewed and approved the construction plans to address the removal and construction of the public utilities. The subject easement is an encumbrance to the planned substation. The partial easement abandonment will allow Denton Municipal Electric to utilize the entire substation tract, unencumbered.

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 general public and the area encumbered is freed up for other uses.
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:  
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