



## Legislation Text

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### Agenda Information Sheet

**DEPARTMENT:** Engineering Services

**ACM:** Jon Fortune

**Date:** December 6, 2016

#### **SUBJECT**

Consider adoption of an ordinance closing, abandoning and vacating the right of way of Gary Street, conveyed in Volume 66 Page 623, Deed Records, Denton County, Texas, and located in the B.B.B. & C.R.R. Survey, Abstract No. 185, to accommodate construction by the Denton Independent School District; and declaring an effective date. [Abandonment of Gary Street - situated between North Locust and North Elm Street - DISD Administration facility expansion]

#### **BACKGROUND**

Denton Independent School District "DISD" has made a formal request for the City of Denton to abandon Gary Street. DISD is in the planning stages of near-term parking lot improvements and, in the long-term, a potential expansion of its Administration Building facility footprint.

In 1997, DISD acquired property tracts on the south side of Gary Street, with the long range outlook of someday assembling those tracts with their Administration Building property tract, situated on the north side of Gary Street. The abandonment of Gary Street, a "mid-block" street with no connectivity beyond the one block, will have a nominal impact regarding traffic and pedestrian mobility for the area, since the Second Street and Third Street connectors between North Elm Street and North Locust Street are within 500 feet of each other. No public or franchised utilities exist within the subject right-of-way abandonment tract. There are only DISD service lines exiting within the subject right-of-way tract, and DISD is planning to address them at permitting/construction of their slated improvements.

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

Staff performs an analysis on the request for abandonments as follows:

- Is the right-of-way tract requested for abandonment considered "excess right-of-way?"
- Does the right-of-way tract that is 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 right-of-way abandonment for future requests?

Staff findings on this analysis are as follows:

1. The requested right-of-way abandonment tract fits the criteria of “excess right-of-way.” Typically, excess right-of-way is defined as: Property acquired or used by the City for right-of-way 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). In this situation with the Denton Independent School District being the only abutting property owner on both sides of the street, the only applicable consideration is that there is no longer a need to provide for general public use, i.e., vehicular / pedestrian travel or placement of franchise utilities.
2. The right-of-way abandonment tract has no continued general public use, i.e., vehicular / pedestrian travel or placement of franchise utilities.
3. The right-of-way abandonment is in the public interest, because the area for the subject abandonment is no longer needed by the general public or franchise utilities.
4. This abandonment will not set precedent, because the above three standards have been met.

### **OPTIONS**

1. Approval of the Ordinance.
2. Denial of the Ordinance.

### **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 November 4, 2016.

### **EXHIBITS**

1. Location Map
2. Site Map
3. DISD project narrative letter
4. DISD near term Gary Street Concept map
5. DISD long term Gary Street Concept map
6. Ordinance

Respectfully submitted:  
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