

STAFF REPORT



Meeting: April 20, 2015

To: Planning Commission

From: Patrick B. Howard, AICP
Director

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Staff Planner: Jeff Fisher
Planner

Request: A partial street right-of-way abandonment of Ben Ficklin Road

Location: A variable width portion of 8,295 square feet of the unimproved public right-of-way of Ben Ficklin Road, extending 325.68 feet south from the southeast corner of South Bryant Boulevard and South Jackson Street, and immediately west of the Replat of Tract 1, Century Park Addition, in south San Angelo.

Legal Description: Being an area of 8,295 square feet of land out of the right-of-way of Ben Ficklin Road and being adjacent to the Replat of Lot 2 of the Replat of Tract 1, Century Park Addition, City of San Angelo, Tom Green County, Texas as per plat recorded in Volume 4, Page 443, Plat Records of Tom Green County, Texas.

Size: 0.190 acres (8,295 square feet)

General Information

Future Land Use: Commercial

Zoning: Neighborhood Commercial (CN)

Existing Land Use: Vacantland

Surrounding Zoning/Land Use:

North:	General Commercial/Heavy Commercial (CG/CH)	Housley Communications
West:	General Commercial (CG)	Days Inn
South:	Neighborhood Commercial (CN)	Vacant Land
East:	Neighborhood Commercial (CN)	Century Park Apartments

District: SMD#1–Rodney Fleming

Neighborhood: Rio Vista Neighborhood

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), South Bryant Boulevard is identified as an Arterial Street and is owned by TxDOT. An Arterial Street connects Collector Streets to freeways and other arterials carrying large volumes of traffic at high speeds, access is secondary, and mobility is the primary function of these streets. The portion of South Jackson Street that abuts the subject area to be abandoned is classified as a Local Street. A Local Street carries light neighborhood traffic at low speeds. This request appears to be consistent with the MTP, as the abandoned area is unimproved and both streets meet the minimum paving widths and right-of-way widths.

Recommendation:

The Planning Division recommends **APPROVAL** of this request **subject to the three (3) Conditions of Approval** listed below.

History and Background:

The subject property is located on the southeast corner of South Bryant Boulevard and South Jackson Street, immediately west of the Replat of Lot 2 of the Replat of Tract 1, Century Park Addition.

On January 21, 2014, City Council approved an Ordinance providing for the abandonment and closing of this portion of the right-of-way subject to conditions. The purpose of the abandonment as outlined in the Planning Staff Report dated January 7, 2014, to City Council was to extend the abandonment of another section of Ben Ficklin Road immediately north of the property on the other side of South Jackson Street in order to reduce the potential for traffic accidents on the unimproved right-of-way.

This abandonment requires a new Ordinance, however, because the original Ordinance a) referenced an incorrect metes-and-bounds description, and b) Section 5 of the said Ordinance referenced an incorrect assessment formula.

SKG Engineering, the applicant's representative, has subsequently provided a correct metes-and-bounds description which has been incorporated into the new proposed Ordinance attached. SKG Engineering has also provided a copy of a receipt confirming the correct assessment formula for 50% of the assessed taxable value of the adjacent properties to the property being abandoned in the amount of \$1,098.0, which was paid on January 24, 2014.

One of the conditions of approval in the original Ordinance is that the applicant combines the abandoned area into a configuration with Lots 2-9 of the Century Park Replat. The applicant submitted a Replat application showing this configuration on March 13, 2015.

This Ordinance aims to correct the two errors mentioned above so that the Replat may be processed and a quit claim deed can be filed.

Proposed Conditions:

1. Maintain a 20-foot electric easement and right-of-way for the existing line. This easement area shall be 20 feet in width, with 10 feet on each side of the centerline of the existing electric line.
2. Replat Lots 2 through 9 and the abandoned right-of-way into a configuration that falls in line with the development standards of the Subdivision Ordinance.
3. Maintain a 20-foot unobstructed utility easement running north and south as depicted on the plat recorded in 1983.

Notification:

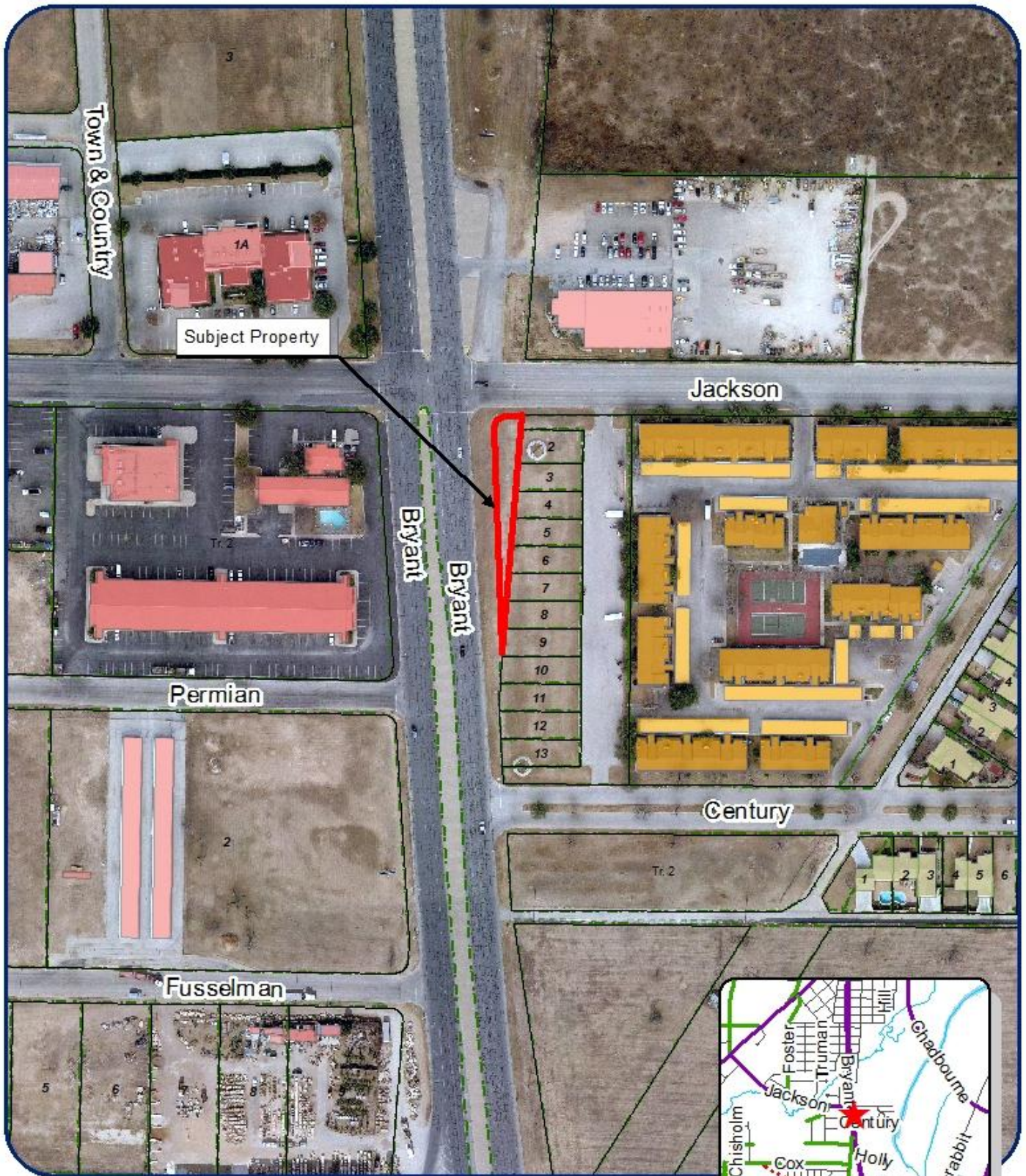
On April 7, 2015, 4 notifications were mailed out within a 200-foot radius of the subject site. As of April 15, 2015, there were 0 responses in favor and 0 responses in opposition of the request.

Action Requested:

The action requested is for the Planning Commission to **APPROVE** a request for a partial street right-of-way abandonment for a variable width portion of 8,295 square feet of land out of the right-of-way of Ben Ficklin Road, **subject to three (3) Conditions of Approval.**

Attachments:

- Aerial Map
- Future Land Use Map
- Zoning Map
- Major Thoroughfare Map
- 200' Notification Map
- Survey Plat showing Abandonment Area
- Assessment Formula Payment Receipt
- Previous Approved Ordinance (January 21, 2014)



Abandonment Case File

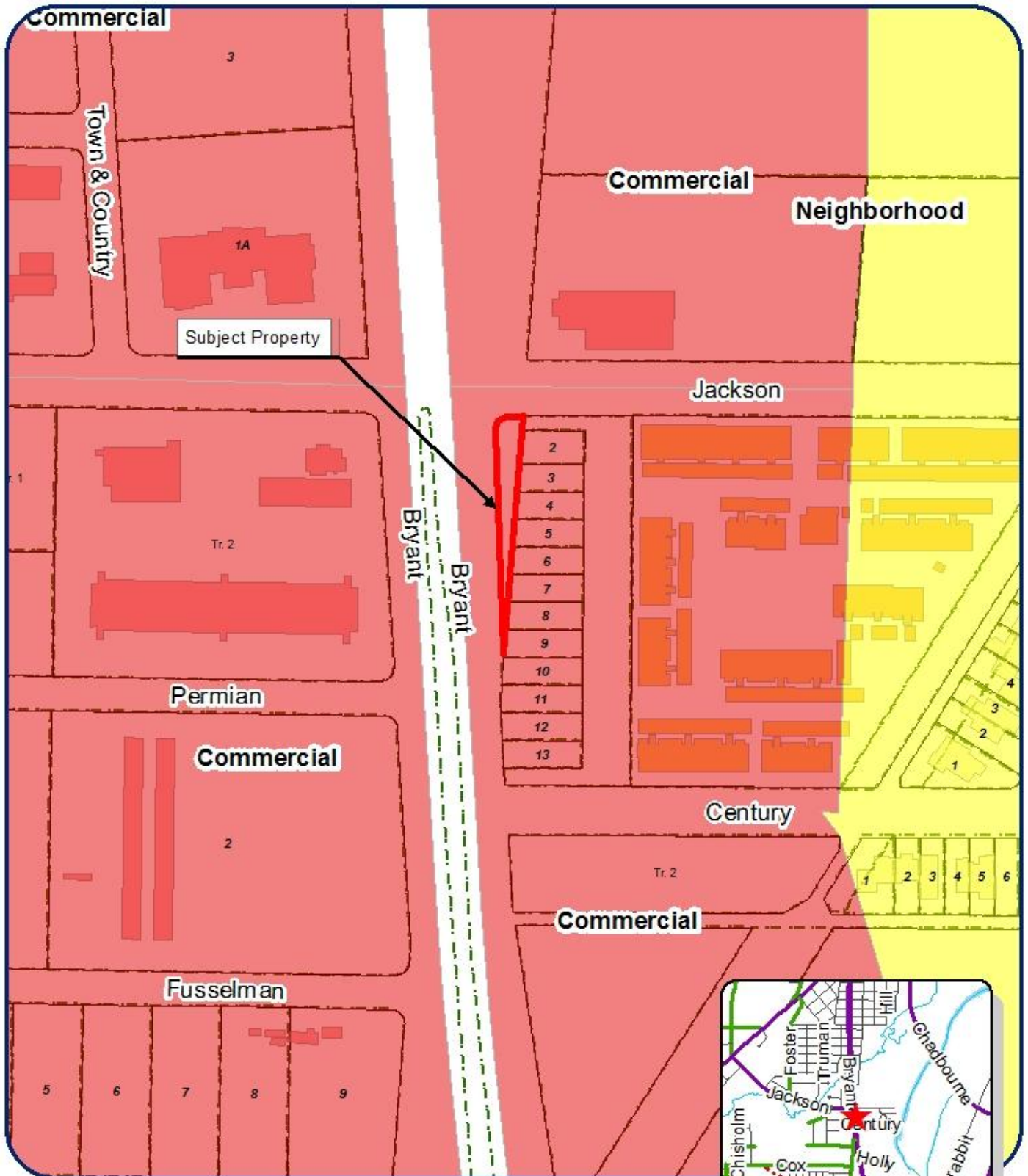
Ben Ficklin - Century Park ROW

Council District: Rodney Fleming (SMD #1)
 Neighborhood: Rio Vista
 Scale: 1" approx. = 184 ft
 Subject Property: SE corner S. Bryant Blvd/S. Jackson St.

Legend

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Commercial**



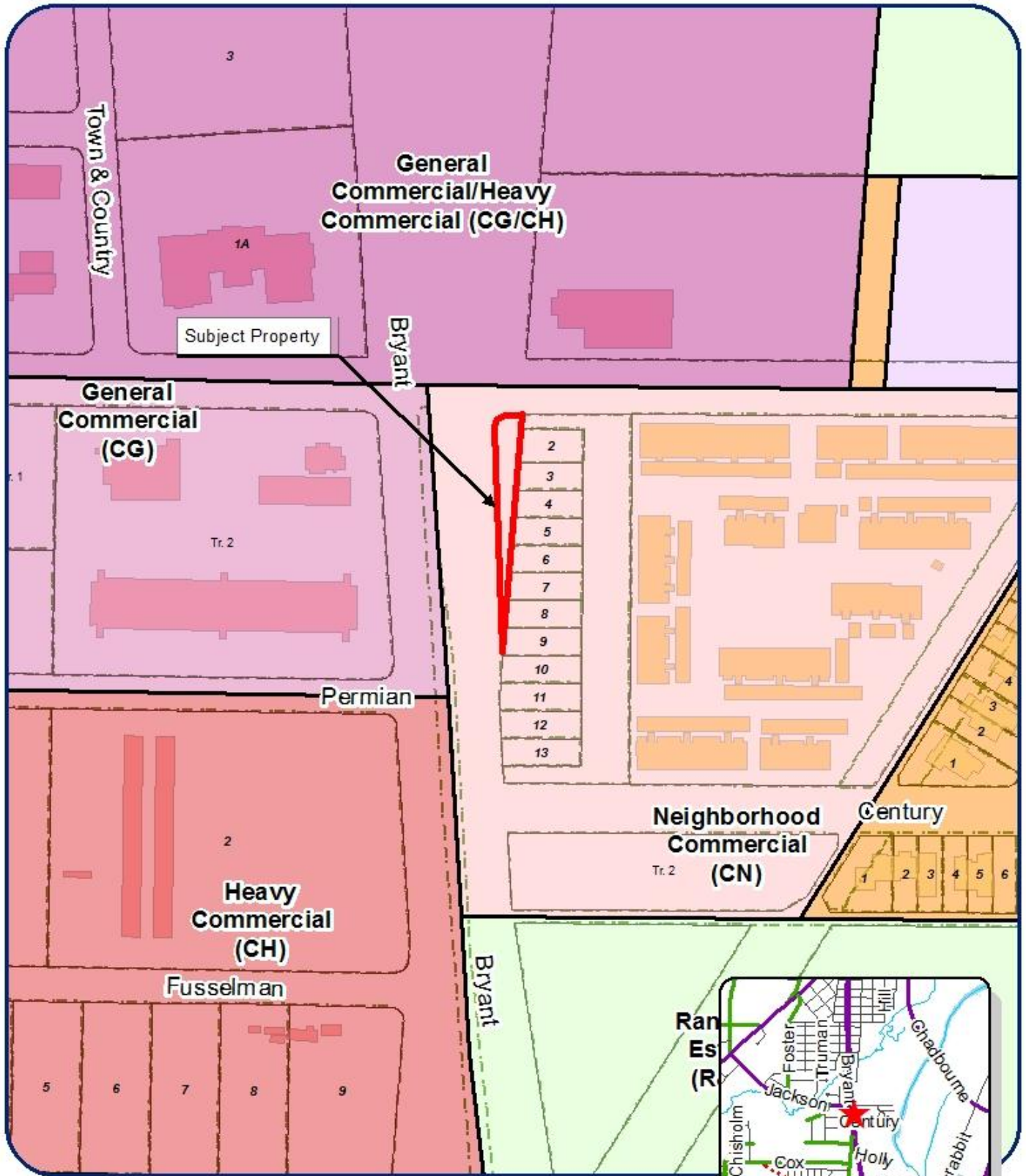


Abandonment Case File
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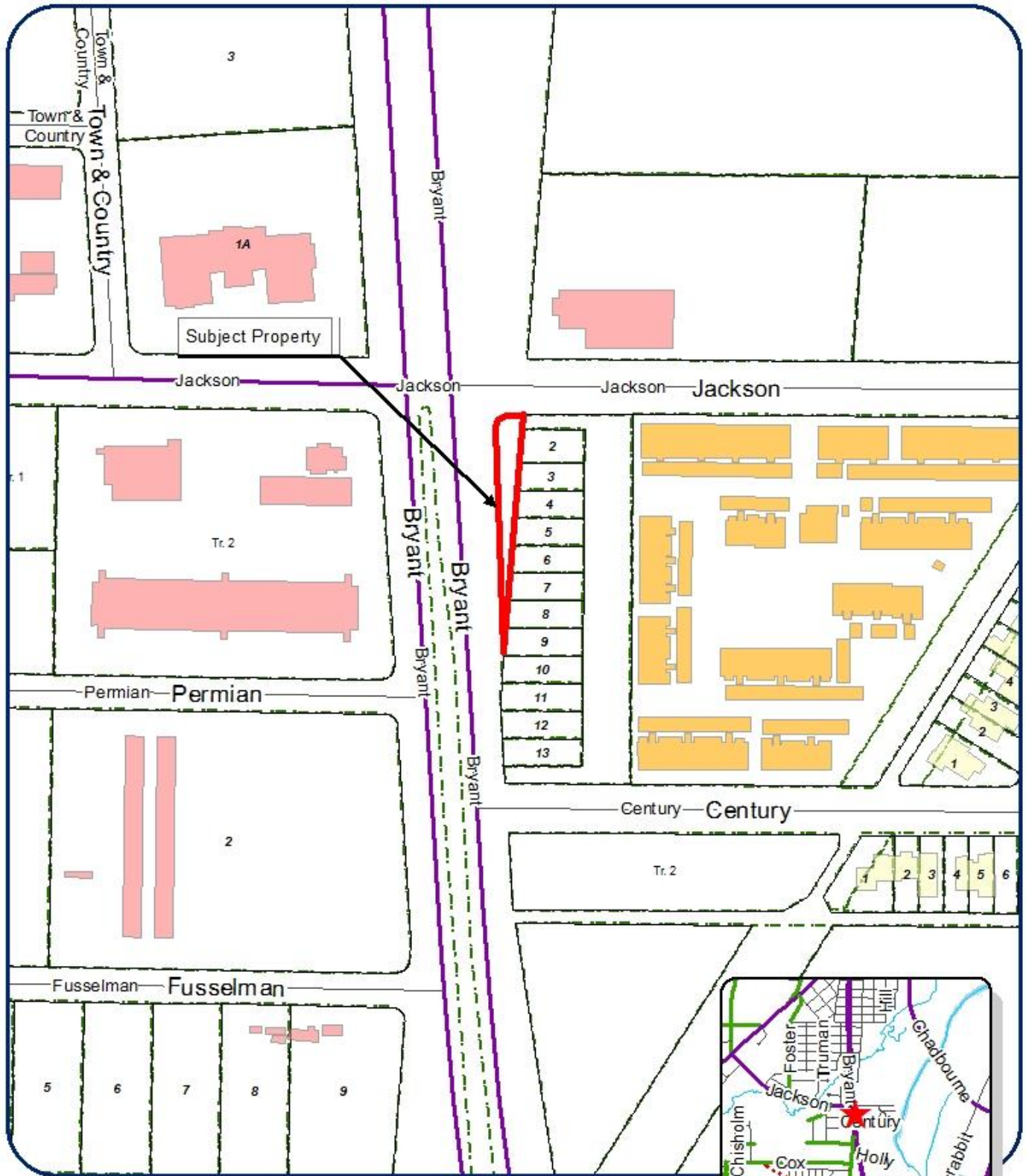
Scale: 1" approx. = 184 ft

Subject Property: SE corner S. Bryant Blvd/S. Jackson St.

Legend

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Commercial**





Abandonment Case File

Ben Ficklin - Century Park ROW

Council District: Rodney Fleming (SMD #1)

Neighborhood: Rio Vista

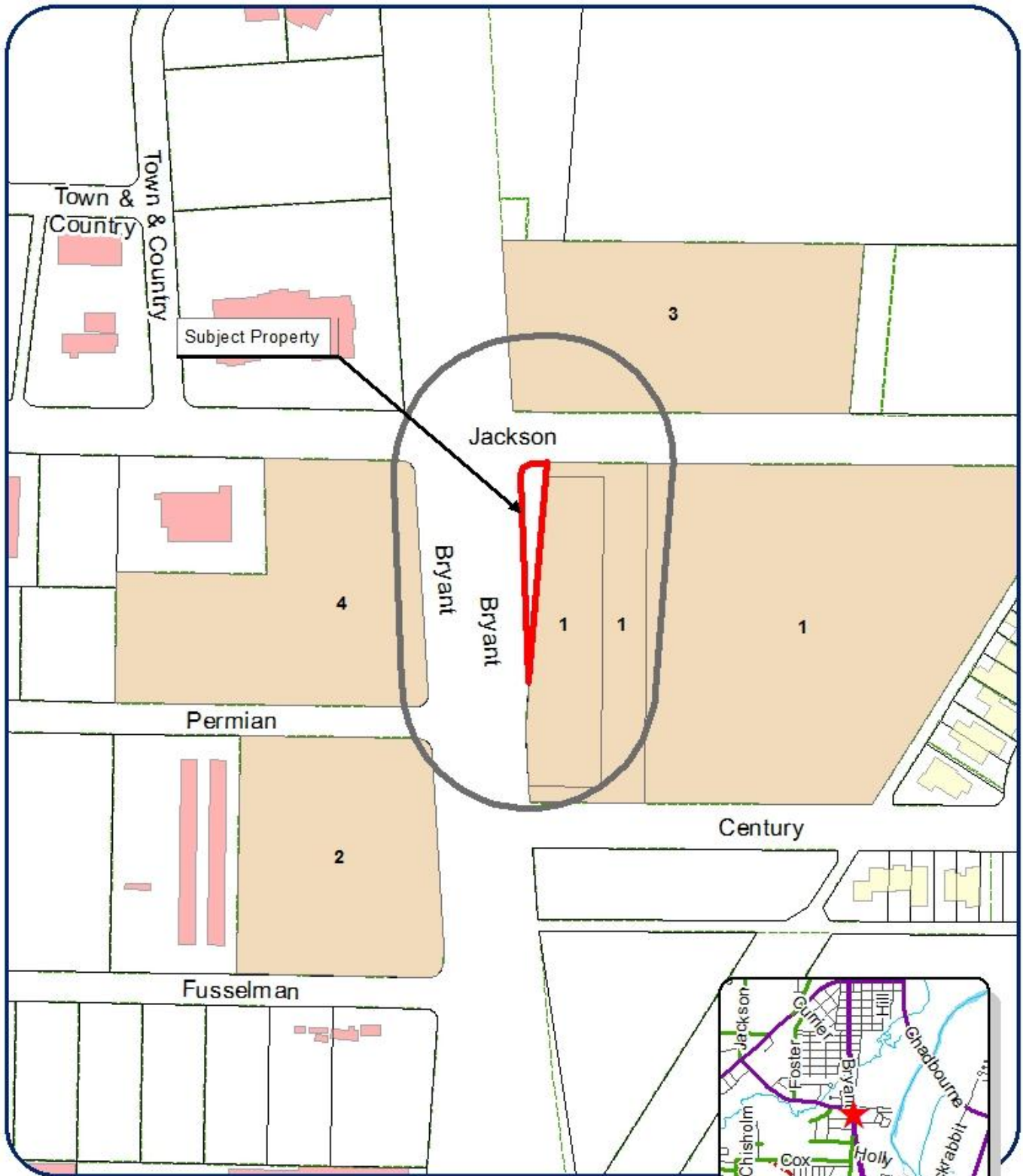
Scale: 1" approx. = 184 ft

Subject Property: SE corner S. Bryant Blvd/S. Jackson St.

Legend

- Subject Properties: —
- Current Zoning: **CN**
- Requested Zoning Change: **N/A**
- Vision: **Commercial**





Abandonment Case File

Ben Ficklin - Century Park ROW

Council District: Rodney Fleming (SMD #1)

Neighborhood: Rio Vista

Scale: 1" approx. = 200 ft

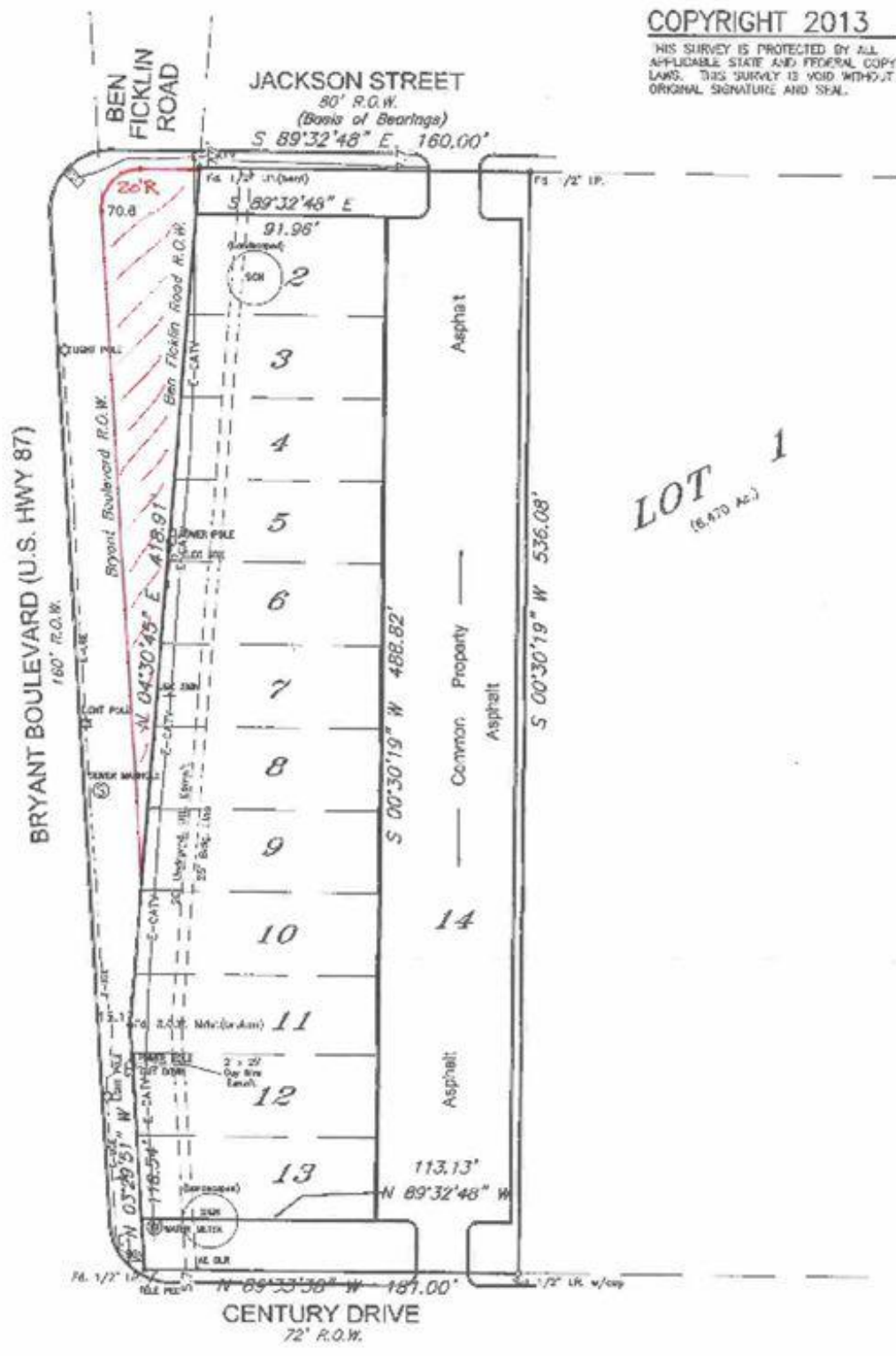
Subject Property: SE corner S. Bryant Blvd/S. Jackson St.

Legend

- Subject Properties: —
- Current Zoning: CN
- Requested Zoning Change: N/A
- Vision: Commercial



THIS SURVEY IS PROTECTED BY ALL APPLICABLE STATE AND FEDERAL COPYRIGHT LAWS. THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.



#2014-01-002#2014-01-172

AN ORDINANCE PROVIDING FOR THE ABANDONMENT AND CLOSING OF THE FOLLOWING STREET SEGMENT, TO WIT: **A variable width portion of the unimproved public right-of-way of Ben Ficklin Road, extending approximately 400 feet from the southeast corner of South Bryant Boulevard and South Jackson Street and immediately adjacent to the western border of the Century Park Addition, Tract 1, northeastern 22 feet of Lot 14 and Lots 2 through 9, in south central San Angelo;** AUTHORIZING THE CONVEYANCE THEREOF TO THE ABUTTING PROPERTY OWNERS; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE; AND PROVIDING FOR THE MAYOR TO EXECUTE AND DELIVER A QUIT CLAIM DEED TO THE ABUTTING PROPERTY OWNERS

RE: abandonment of public right-of-way for Ben Ficklin Road, extending approximately 400 feet from the southeast corner of South Bryant Boulevard and South Jackson Street and immediately adjacent to the western border of the Century Park Addition, Tract 1, northeastern 22 feet of Lot 14 and Lots 2 through 9 in south central San Angelo.

WHEREAS, the City Council of the City of San Angelo, acting pursuant to law, deems it advisable to abandon and convey the herein described tract of land to the abutting property owner(s) and is of the opinion that said land is not needed for public use, and that same should be abandoned and quit claimed to the abutting property owners as hereinafter provided; and

WHEREAS, the City Council of the City of San Angelo is of the opinion that the best interest and welfare of the public will be served by abandoning and conveying same to the abutting property owner(s), subject to the conditions and restrictions contained herein; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1. That the following described tract in the City of San Angelo, Tom Green County, Texas be and the same is hereby abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject however, to the conditions and restrictions hereinafter more fully set out:

The northwest 400 feet of public-right-of-way remaining for Ben Ficklin Road extending north from the east right-of-way line for South Bryant Boulevard and more particularly as follows:

BEGINNING at a point in the southwest corner of Lot 9 in Tract 1 of Century Park Addition, as said Lot and Tract are shown on a subdivision plat of the Century Park Addition in the City of San Angelo, Tom Green County, Texas, recorded on June 22, 1963;

THENCE continuing in a northward direction along the west boundary of said Lot 9 of Tract 1 and continuing vertically along the westerly boundaries of Lots 9 through 2 in Tract 1 of Century Park Addition and continuing 22.51 feet through the northwest corner of Lot 12 of same subdivision to the southerly portion of the right-of-way for Jackson Street;

THENCE continuing westward and horizontally along the southern border of the right-of-way for Jackson Street to the eastern portion of the South Bryant Boulevard right-of-way located 50 feet west of the northwest point of said Lot 12 of Century Park Addition;

THENCE commencing in a southerly direction along the eastern right-of-way line for South Bryant Boulevard to the southwest corner of lot 9 of Tract 1 of said Century Park Addition BEING THE POINT OF BEGINNING.

2. That the abandonment and conveyance provided for herein is made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.
3. That the abandonment and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of San Angelo may legally and lawfully abandon and vacate.
4. That the Mayor of the City of San Angelo is hereby authorized to execute and deliver a quit claim deed conveying the above-described tract to the abutting property owner(s).
5. That the Grantee(s) shall pay all reasonable costs associated with procedures necessitated by the request to abandon public right-of-way within the above-described tract, as well as a fee in compensation for the estimated market value of land in those portions of this right-of-way which were so dedicated with a subdivision plat of the Delmar Place Addition, based on 37.5% of the appraised unit value (per square foot, according to the Tom Green County Appraisal District) of comparable nearby properties.
6. That the terms and conditions contained in this ordinance shall be binding upon Grantee(s) and assigns.

INTRODUCED on the 7th day of January, 2014 and finally PASSED, APPROVED AND ADOPTED on this the 21st day of January, 2014.

THE CITY OF SAN ANGELO


Dwain Morrison, Mayor

ATTEST:


Alicia Ramirez, City Clerk

Approved As To Content:


AJ Fawver, AICP
Interim Development Services Director

Approved As To Form:


Lysia H. Bowling
City Attorney

18936

FIRST FINANCIAL BANK
P.O. BOX 0001, 0001 0001 0001
San Angelo, Texas 76901 0001
www.firstfinancialbank.com

CENTURY CREST OF SAN ANGELO
DBA CENTURY TERRACE APARTMENTS
3619 S. JACKSON ST.
SAN ANGELO, TEXAS 76904
PH: (325) 949-2811

1/24/2014

\$ **1,098.00

DOLLARS

PAY TO THE ORDER OF City of San Angelo

One Thousand Ninety-Eight and 00/100*****

City of San Angelo
P.O. Box 5820
San Angelo, Texas 76902-5820

DBA CENTURY TERRACE APARTMENTS


AUTHORIZED SIGNATURE

MEMO

Purchase of Land .241 acres

⑆0⑆18936⑆ ⑆11130687⑆ ⑆6110011360⑆

CENTURY CREST OF SAN ANGELO

City of San Angelo

Purchase of Land .241 acres

1/24/2014

18936

1,098.00

CITY OF SAN ANGELO - CASH RECEIPTS

234765

Date 1/24 20 14 San Ficklin
Dept. Planning Reference Low abandonment
Rec'd Of: Century Crest of
San Angelo, 3619 S. Jackson
San Angelo, TX 76904

Cash	
Check	18986
Money Order	

Descr. Ben Ficklin Rd abandonment
QUIT CLAIM

10
Rec'd By: Rexanne Johnston Total 1098.00
Prev. Bal. ✓ Pd. ✓ Bal. Due 0

1,098.00