

Memo

Meeting Date: July 1, 2014

To: City Council members

From: Kevin Boyd, Planner

Subject: Alley Abandonment: Marc Clingaman, a request for approval of a right-of-way abandonment on the following property:

Property: An approximately 20 foot wide x 350 foot long portion of alley running east to west, perpendicular to North Bryant Boulevard located within Miles Addition, Block 33, immediately north of Lots 11 - 17 and south of Lots 4 - 10, in north central San Angelo.

Purpose: Approval or modification of this request would forward that recommendation to the City Council for a final decision on the matter.

Caption: First Public Hearing and consideration of introduction of an Ordinance authorizing abandonment of public right-of-way within Miles Addition, Block 33, in north central San Angelo.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT AND CLOSING OF THE FOLLOWING STREET SEGMENT, TO WIT: **An approximately 20 foot wide x 400 foot long portion of alley running east to west, perpendicular to North Bryant Boulevard located within Miles Addition, Block 33, immediately north of Lots 11 - 18 and south of Lots 3 - 10, in north 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

Contacts: Marc Clingaman, Representative 414-698-6632
Kevin Boyd, Planner 325-657-4210

Summary: The City Council may recommend:

- (1) **Approve** of the proposed abandonment;
- (2) **Modify** of the abandonment conditions to those believed to be more appropriate; or
- (3) **Denial** of the proposed abandonment.

Recommendation: City staff recommends **approval, with conditions** of the proposed abandonment request.

Planning Commission recommended **approval** of this request by a unanimous 5–0 vote, on June 23, 2014.

History and Background:

The alley abandonment being proposed is located along N Bryant Boulevard, two blocks north of W Houston Harte Expressway. Records from the County Clerk’s office indicate that the original plat for Miles Addition, Block 32, to include lots to surrounding the proposed abandonment, was formally recorded prior to 1949. The applicant is not seeking to abandon the entire alley, rather a 40 x 350 foot section – to comprise of the area north of Lots 4 - 10 and south of Lots 11 - 17, of the aforementioned block.

Much of the existing alley is not being utilized – this section remains unimproved at this time and covered with mature trees. Although the affected area is mainly zoned for residential, there are plans to rezone commercial which further removes the need for the alley. Further, the proposal involves a subdivision replat to consolidate much of block into a single tract, which necessitates abandonment of the alley. If approved, this request will relinquish city ownership of the land to surrounding property owners.

General Information

Existing Zoning: Two-Family Residential (RS-2)
Existing Land Use: Vacant residential alley right-of-way
Surrounding Zoning/Land Use:

North:	Two-Family Residential (RS-2)	Vacant residential lots
West:	Light Manufacturing (ML)	North Bryant Boulevard
South:	Two-Family Residential (RS-2)	Vacant residential lots
East:	General Commercial / Heavy Commercial (CG?CH)	Varies, vacant and residential lots

Storm Water/Drainage: The abandonment is not expected to create any drainage issues.
Topography: Abandonment of the right-of-way is not expected to generate any elevation problems or issues.
Water/Sewer Utilities: See conditions below.
Fire Protection: No fire access issues are expected to be generated as a result of this abandonment.
Access Management: No access management issues are anticipated as a result of this abandonment.
Notification Required: Yes

Notifications Sent:	16
Responses in Favor:	3
Responses in Opposition:	1

Special Information

Private Utilities:	This abandonment is not anticipated to create any concerns for private utilities .
Traffic Concerns:	Traffic patterns for this area should remain unaffected. This portion of alley has never been improved and many of the affected lots area now owned by the proponent of this request.

Analysis:

Staff recommends partial abandonment of the subject alley as requested, following an internal review and other factors relating to the site. Given the location, size and nature of the area, staff determined that the request will not threaten future development of the property or create undesirable effects for the general public. Although the site is currently zoned Two-Family Residential (RS-2), area characteristics indicate that the site is more suited for future commercial development. First, the block directly abuts N Bryant Boulevard, a major city thoroughfare and within 500 feet of W Houston Harte Expressway – points north and south of the immediate area are part of an emerging and well established commercial corridor, respectively. Presently, the alley runs east to west and terminates into the limited access arterial street; the configuration is not ideal and effectively makes portions of the alley non-functional. Second, most of the block remains vacant and has been for many years – there’s a clear indication that the area is trending more commercial.

The proposed abandoned section of the alley remains unimproved and is covered with vegetation of mature trees; currently, there is no real use for this section of the alley. Failure to abandon threatens future commercial development, larger scale projects are rendered impossible given the location of the alley and general standards in land development for the site. The block maintains sufficient access via W 9th Street and W 10th Street and a suitable grid street network.

The review revealed that public utilities currently run through the alley; no private utilities exist in the alley. A condition of approval requires the developer to provide an open and unobstructed easement for ongoing maintenance or relocate existing public utilities around the site. Relocation of such utilities will occur at the developer’s expense.

Proposed Conditions

1. Provide utility plans showing the sewer main being maintained but redirected for Lots 1, 2, and 18-20, and showing the water line being maintained for these same lots. In addition, show how existing services for nearby residences will be addressed.

(NOTE: With this condition, staff would **only** recommend abandonment of the proposed section, *save and except for* the portion of alley between Lots 3 and 18)

1. Reserve a 20' utility easement for the full extent of the alley.

(NOTE: This is an alternative to the condition 1 above.)

Attachments:

Excerpt from zoning map, showing the general location within the City of San Angelo;

Excerpt from zoning map, highlighting subject property;

Aerial photo, highlighting subject property;

Citizen Response;

Draft minutes from 06/23/14 Planning Commission meeting;
and

Draft Ordinance.

Presentation:

Kevin Boyd, Planner
Patrick Howard, Director of Development Services

Reviewed by:

Patrick Howard, Director of Development Services



**Alley Abandonment: Marc Clingaman
Miles Addition, Block 33, Lots 4 - 17**

1 inch = 1,000 feet



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COMMERCIAL DISTRICTS

- CN (NEIGHBORHOOD COMMERCIAL)
- CO (OFFICE COMMERCIAL)
- CG (GENERAL COMMERCIAL)
- CGCH (GENERAL COMMERCIAL / HEAVY COMMERCIAL)
- CH (HEAVY COMMERCIAL)
- CBD (CENTRAL BUSINESS DISTRICT)
- OW (OFFICE WAREHOUSE)
- PD (PLANNED DEVELOPMENT)

RESIDENTIAL DISTRICTS

- R&E (RANCH AND ESTATE)
- RS-1 (SINGLE-FAMILY RESIDENCE)
- RS-2 (TWO-FAMILY RESIDENCE)
- RS-3 (ZERO LOT LINE, TWINHOME AND TOWNHOUSE RESIDENCE)
- RM-1 (LOW RISE MULTI-FAMILY RESIDENCE)
- RM-2 (HIGH RISE MULTI-FAMILY RESIDENCE)
- MHP (MANUFACTURED HOUSING PARK)
- MHS (MANUFACTURED HOUSING SUBDIVISION)

MANUFACTURING DISTRICTS

- ML (LIGHT MANUFACTURING)
- MH (HEAVY MANUFACTURING)
- CU (CONDITIONAL USE)
- SP (SPECIAL PERMIT)
- SU (SPECIAL USE)
- ZC (ZONE CHANGE)



**Alley Abandonment: Marc Clingaman
Miles Addition, Block 33, Lots 4 - 17**

1 inch = 115 feet



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Alley Abandonment: Marc Clingaman
Miles Addition, Block 33, Lots 4 - 17

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TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903. THIS FORM CAN ALSO BE FAXED TO THE PLANNING DIVISION AT 325-657-4227.

() IN FAVOR

() IN OPPOSITION

REASON(S) _____

NAME: Alicia Rojas Cisneros

ADDRESS: 905 N. M.L. & D.

SIGNATURE: Alicia Rojas Cisneros

Z 13-11, Marc Clingaman, property owner number: 04

If you have any questions about these proceedings, please call Mr. Kevin Boyd or Mr. Patrick Howard with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached at fax number 325-657-4227.

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()

IN FAVOR

()

IN OPPOSITION

REASON(S)

Land has been vacant for over thirty years.

NAME: Mike Terrazas Jr.

ADDRESS: 522 Angelo Blvd

SIGNATURE:

Mike Terrazas Jr.

Alley Abandonment: Marc Clingaman, property owner number: 16

If you have any questions about these proceedings, please call Mr. Kevin Boyd or Mr. Patrick Howard with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached at fax number 325-657-4227.

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() IN FAVOR (✓) IN OPPOSITION

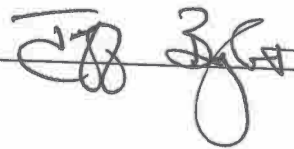
REASON(S) _____

We are opposed to the zone change + abandonment of this property.

Thank you

NAME: San Angelo ISD

ADDRESS: 1621 University
San Angelo, TX 76904

SIGNATURE:  Asst. Supt

Alley Abandonment: Marc Clingaman, property owner number: 12
If you have any questions about these proceedings, please call Mr. Kevin Boyd or Mr. Patrick Howard with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached at fax number 325-657-4227.

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() IN FAVOR

(✓) IN OPPOSITION

REASON(S) _____

We are opposed to the zone change & abandonment of this property.

Thank you

NAME: San Angelo JUSD

ADDRESS: 1621 University
San Angelo, TX 76904

SIGNATURE: [Signature] Asst. Supt

Alley Abandonment: Marc Clingaman, property owner number: 12.
If you have any questions about these proceedings, please call Mr. Kevin Boyd or Mr. Patrick Howard with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached at fax number 325-657-4227.

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IN FAVOR

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IN OPPOSITION

REASON(S) _____

NAME: Charlotte Rufenacht

ADDRESS: 1000 Martin L. King
San Angelo, TX 76903

SIGNATURE: Charlotte Rufenacht

Alley Abandonment: Marc Clingaman, property owner number: 15
If you have any questions about these proceedings, please call Mr. Kevin Boyd or Mr. Patrick Howard with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached at fax number 325-657-4227.

A. Alley Abandonment, Miles Addition, Block 33: Marc Clingaman

A request for approval of a right-of-way abandonment on the following property:

An approximately 20 foot wide x 350 foot long portion of alley running east to west, perpendicular to North Bryant Boulevard located within Miles Addition, Block 33, immediately north of Lots 11 - 17 and south of Lots 4 - 10, in north central San Angelo.

Kevin Boyd, Planner, came forward to present this case consistent with staff approval. Stating that the alleyway is underutilized and vacant. He further added that it was not accessible throughout the block and did not empty out into N. Bryant Boulevard.

Using maps and images, he further illustrated the openness of the alleyway and showed that the connections associated with alleyways was absent with this alleyway. He further noted that the Carter School alleyway was abandoned late last year. This alleyway is located on the block south of the subject property included here. He explained that future trends were developing commercially and that the area was not growing with residential use; just the opposite. Mr. Boyd mentioned that one of the conditions was that the utility easements be maintained. The applicant could either reroute or maintain existing utility easements.

Mr. Crisp asked why we would not abandon the entire alleyway where the residents were located on the eastern portion of the block.

Valerie Priess made the motion to approve, Sammy Farmer seconded the motion and the motion carried 5-0.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT AND CLOSING OF AN ALLEY SEGEMENT, TO WIT: **An approximately 20 foot wide x 350 foot long portion of alley running east to west, perpendicular to North Bryant Boulevard located within Miles Addition, Block 33, immediately south of Lots 4 – 10 and north of Lots 11 - 17, in north 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 a 20' x 350' segment of the public right-of-way located in Miles Addition, Block 33

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) within the City Limits 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) within the City Limits, 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 alley between Lots 4-10 and 11-17, being 0.161 acre (7000.00 sq. ft.) of land out of Block 33, Miles Addition (Deed records Volume X, Page 334, Tom Green County, Texas). The 0.161 acre (7000.00 sq. ft.) of land is described further by metes and bounds as follows:

Beginning at a found ½ iron pin with cap, for the southeast corner of Lot 4 and the southwest corner of Lot 3.

Thence S 29° 14' 20" E - 20.00' to a point for the northeast corner of Lot 17 and the northwest corner of Lot 18.

Thence S 60° 45' 40" W - 350.00' to a point in the east right of way of North Bryant Boulevard, the northwest corner of Lot 11.

Thence S 29° 14' 20" W - 20.00' along the east right-of-way of North Bryant Boulevard to a point in the southwest corner of Lot 10.

Thence N 60° 45' 40" E - 350.00' to the point of beginning and containing 0.161acre (7000.00 sq. ft.) of land more or less.

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) within the City Limits.
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.
6. To provide utility plans showing the sewer main being maintained but redirected for Lots 1, 2, and 18-20, and showing the water line being maintained for these same lots. In addition, show how existing services for nearby residences will be addressed; alternatively, Reserve a 20' utility easement for the full extent of the alley.

INTRODUCED on the **1st day of July, 2014** and finally PASSED, APPROVED AND ADOPTED on this the **15th day of July, 2014**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

Alicia Ramirez, City Clerk

Approved As To Content:

Approved As To Form:

Patrick Howard, Director of
Development

Lysia H. Bowling, City Attorney