

Memo

Meeting Date: June 23, 2014

To: Planning Commission members

From: Kevin Boyd, Planner

Subject: Easement Release, Homestead, Section 1B, Block 1, Lot 11 and Saddle Club, Section 1B, Block 1, Lot 9: Nick Kauten, a request for approval of a release of an access easement on the following property:

Location: 3901 Margaret Lane and 6205 Hallye Court, located approximately 650 feet southeast of the intersection of Margaret Lane and Massenburg Drive and 190 feet southwest of the intersection of Hallye Court and Sammye Lane, respectively; more specially occupying the Homestead, Section 1B, Block 1, Lot 11 and Saddle Club, Section 1B, Block 1, Lot 9, in southwest San Angelo.

Contacts: Nick Kauten, Owner 325-245-7705
Kevin Boyd, Planner 325-657-4210

Summary: The Planning Commission may:

- (1) **Recommend approving** the proposed zone change as requested; or
- (2) **Recommend modifying** the application to some alternative zoning classification believed to be more appropriate; or
- (3) **Deny** the proposed zone change, altogether.

Recommendation: City staff recommends **approval** the proposed easement release.

History and Background:

This request was initiated by the proponent in an effort to increase the resell values of parcels located at 3901 Margaret Lane and 6205 Hallye Court (refer to the maps below). The County Clerk's office records indicate that the original plats were recorded in early 2009. The realtor involved with the sale of subject property at 6205 Hallye Court, claimed that the access easement – dedicated for fire emergency vehicles – reduces the value of the parcel around 15 percent of similar sized lots in the area.

The easement measures around 210 feet in length, covers around 4,000 sq. ft. and spans two properties (on the aforementioned lots). Nearly 90 percent (or 3,660 sq. ft.) of easements exists on the property located at 6205 Hallye Court, which is also comparably, the larger of the two lots; the remaining 10 percent (or 350 sq. ft.), extends into 3901 Margaret Lane. Due to circumstances, which includes the recent bankruptcy of the developer, the easement was never paved and remains unimproved at this time.

Requests for release of easements require a recommendation by Planning Commission but receive final approval by the City Council, and are duly recorded with the County Clerk's office.

General Information

Existing Zoning: Single-Family Residential (RS-1)

Existing Land Use: residential tracts

Surrounding Zoning/Land Use:

North:	Single-Family Residential (RS-1)	residential tracts
West:	Single-Family Residential (RS-1)	residential tracts
South:	Single-Family Residential (RS-1)	residential tracts
East:	Single-Family Residential (RS-1)	residential tracts

Thoroughfares/Streets: Hallye Court and Margaret Lane are classified as "local" streets which are designed to carry light neighborhood traffic.

Storm Water/Drainage: There will be no drainage issues if this easement is released.

Water/Sewer Utilities: The only issue is to ensure that the proper relocation of the easement is meet

Fire Protection: There will be no fire protection issues if this easement is released.

Access Management: There will be no access issues if this easement is released.

Private Utilities: There will be no issues for any private utilities if this easement is released.

Special Information

Private Utilities: N/A

Analysis

Following an internal review, information obtained as it relates to the site and area characteristics, staff recommends approval. The easement was solely dedicated to provide secondary emergency fire access to the affected subdivisions in the area. As referenced above, the alley was never improved to meet the set forth specifications. Prior to this request, the applicant met with the Fire Chief and Marshal to wave the need for the existing easement, in which both individuals endorsed. Otherwise, there is no need for the easement. Staff recommends release of the easement from that which is indicated on the recorded subdivision plat.

Proposed Conditions

N/A

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;
Purpose statement from applicant

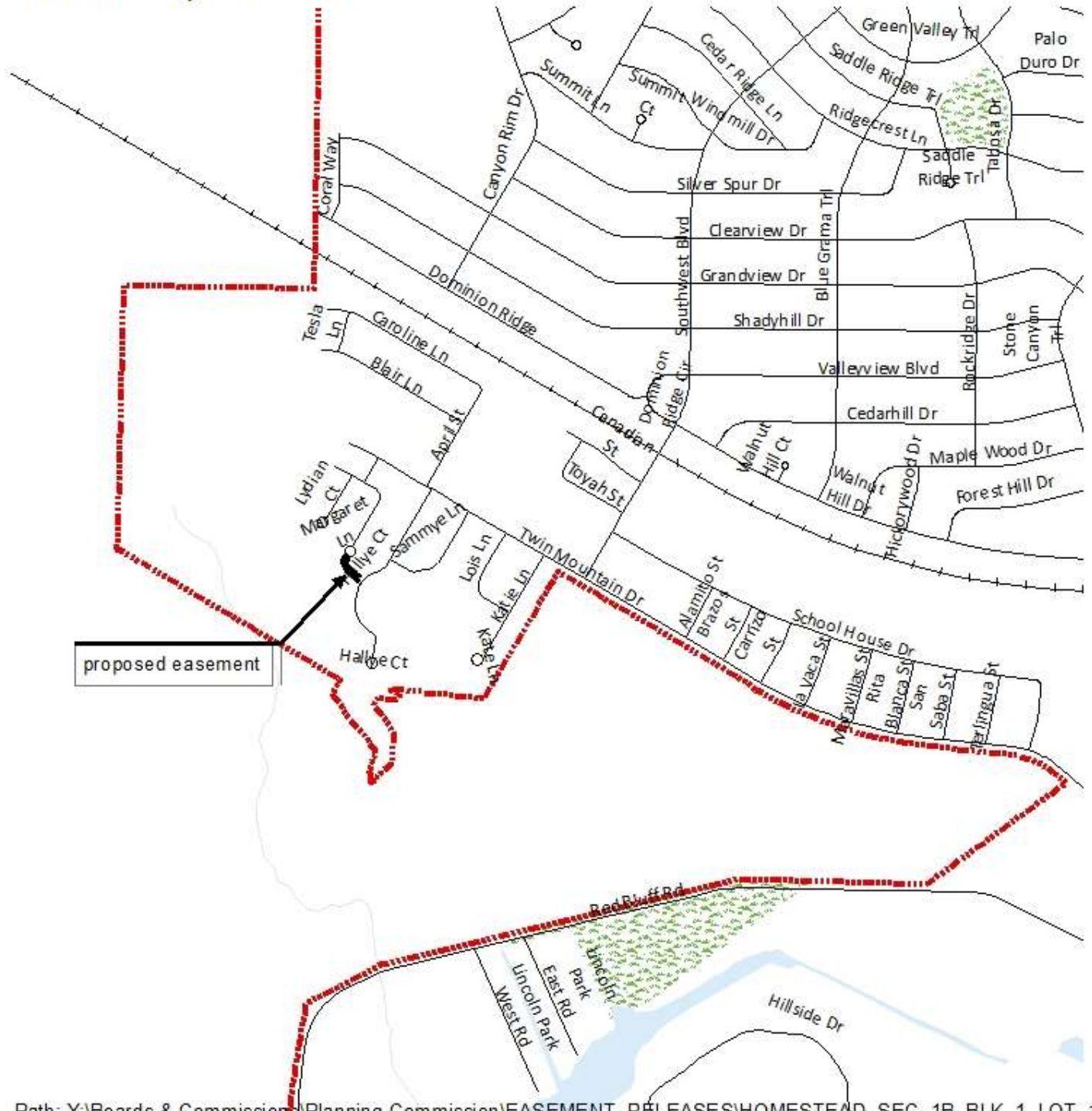
Presentation: Kevin Boyd, Planner

Reviewed by:



1 inch = 1,000 feet

Easement Release:
 Homestead, Sec 1, Blk 1, Lot 11
 Saddle Club, Sec 1, Blk 1, Lot 9
 (3901 Margaret Lane and 6205 Hallye Court)



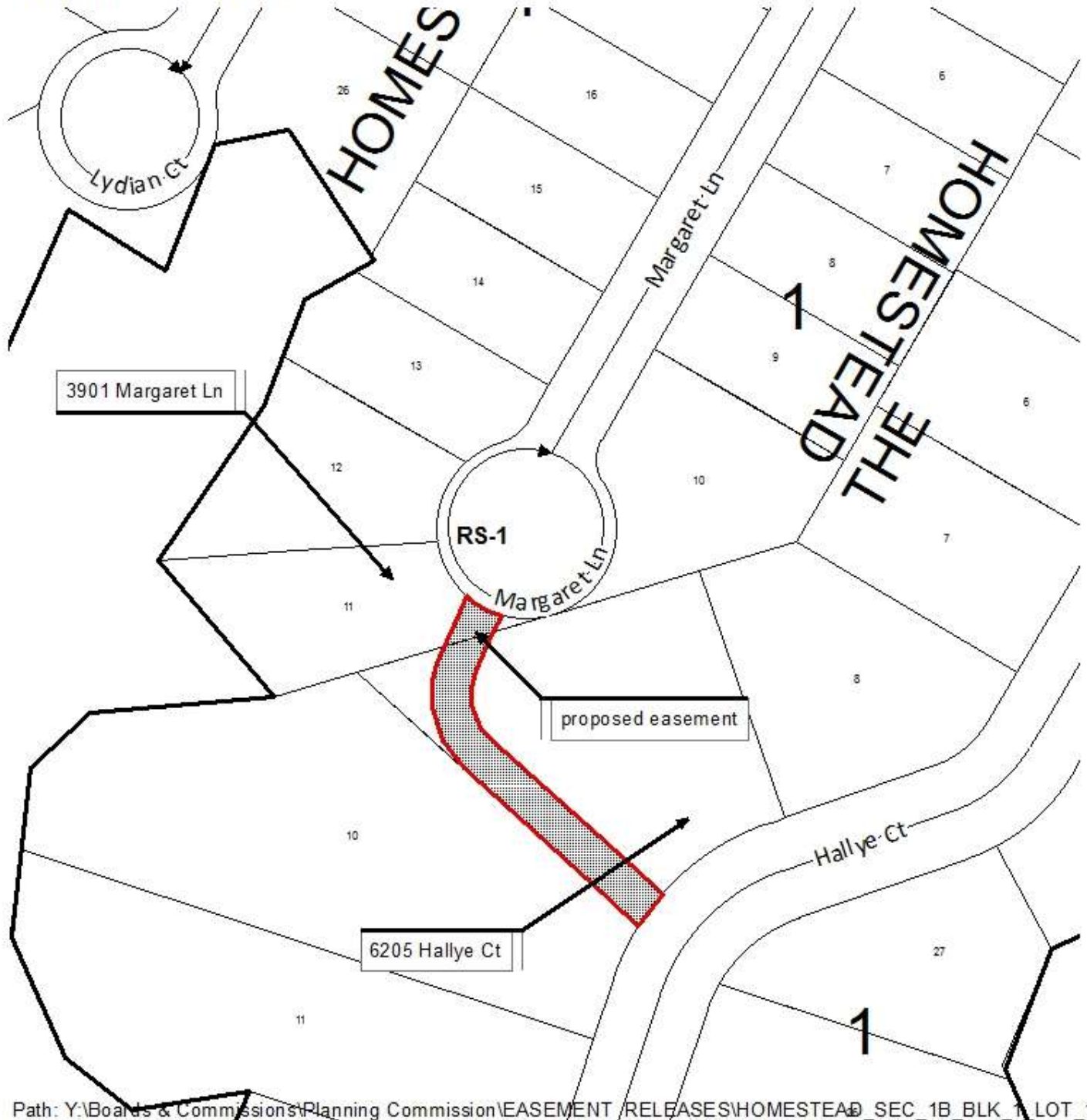
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COMMERCIAL DISTRICTS	RESIDENTIAL DISTRICTS	MANUFACTURING DISTRICTS
CN (NEIGHBORHOOD COMMERCIAL)	R&E (RANCH AND ESTATE)	ML (LIGHT MANUFACTURING)
CO (OFFICE COMMERCIAL)	RS-1 (SINGLE-FAMILY RESIDENCE)	MH (HEAVY MANUFACTURING)
CG (GENERAL COMMERCIAL)	RS-2 (TWO-FAMILY RESIDENCE)	
CG/CH (GENERAL COMMERCIAL / HEAVY COMMERCIAL)	RS-3 (ZERO LOT LINE, TWINHOME AND TOWNHOUSE RESIDENCE)	
CH (HEAVY COMMERCIAL)	RM-1 (LOW RISE MULTI-FAMILY RESIDENCE)	CU (CONDITIONAL USE)
CBD (CENTRAL BUSINESS DISTRICT)	RM-2 (HIGH RISE MULTI-FAMILY RESIDENCE)	SP (SPECIAL PERMIT)
OW (OFFICE WAREHOUSE)	MHP (MANUFACTURED HOUSING PARK)	SU (SPECIAL USE)
	MHS (MANUFACTURED HOUSING SUBDIVISION)	ZC (ZONE CHANGE)
PD (PLANNED DEVELOPMENT)		



Easement Release:
 Homestead, Sec 1, Blk 1, Lot 11
 Saddle Club, Sec 1, Blk 1, Lot 9
 (3901 Margaret Lane and 6205 Hallye Court)

1 inch = 70 feet

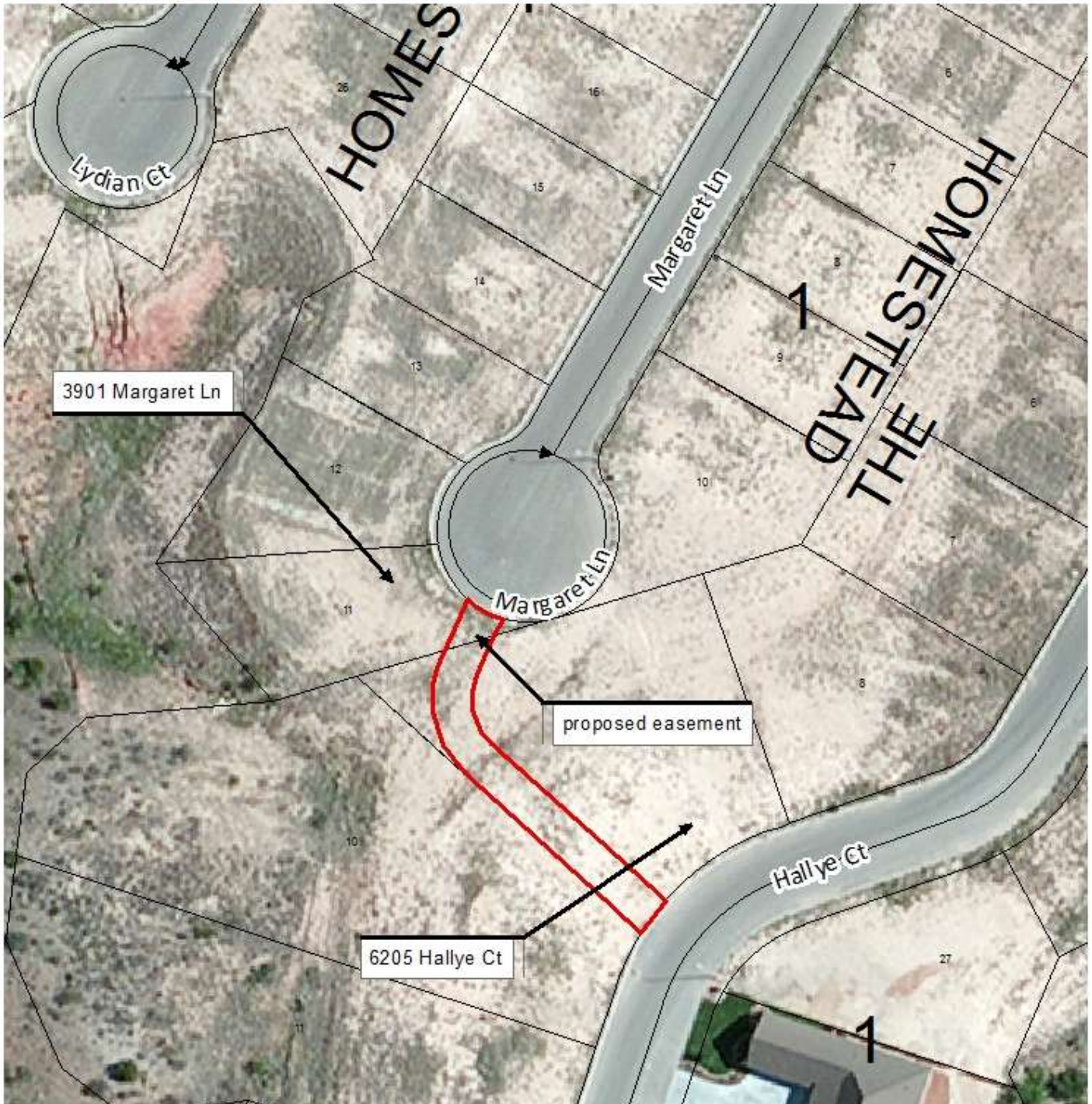


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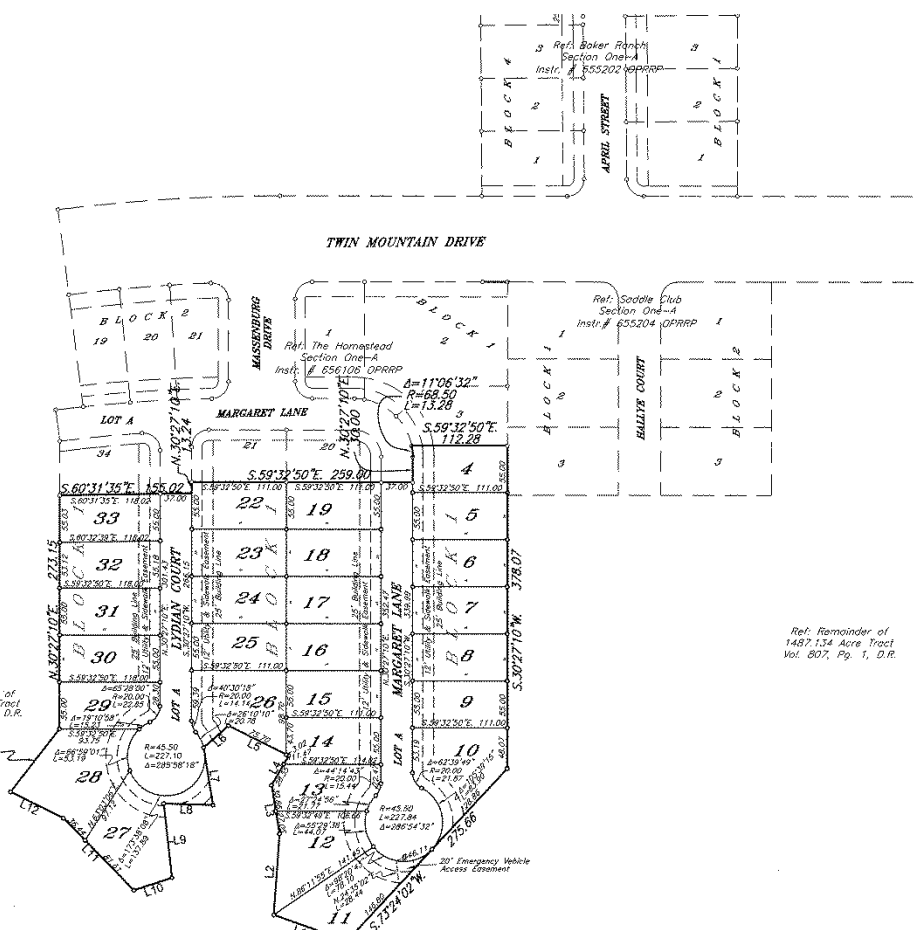
1 inch = 70 feet



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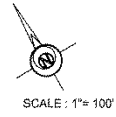
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PD (PLANNED DEVELOPMENT)		

NOTE: See instruments No. 664688 thru 664694 Official Public Records of Real Property Tom Green County, Texas for information pertaining to off-site Stormwater Discharge.



The emergency vehicle access easement shall be obstructed only by gates or fixtures readily removable by emergency service personnel.

LINE	BEARING	LENGTH
L1	N139°59'44"W	80.95
L2	S84°47'48"E	87.76
L3	N21°05'06"E	57.71
L4	N80°22'52"E	40.01
L5	N12°05'47"W	88.72
L6	S78°45'47"W	38.59
L7	S51°19'54"W	68.48
L8	N52°49'14"W	57.73
L9	S24°01'36"W	87.18
L10	N77°55'39"W	48.90
L11	N142°07'34"W	118.08
L12	N43°11'25"W	89.10



THE HOMESTEAD
Section One-B
City of San Angelo, Tom Green County, Texas.
OWNER/DEVELOPER: BAKER REALTY DEVELOPMENT CORP.

DESCRIPTION: Being 5.249 Acres of Land out of G Maures Survey 182, Abstract No. 1949 and being out of that certain 1487.134 Acre Tract described and recorded in Volume 807, Page 1 Deed Records of Tom Green County, Texas.



SURVEYOR'S CERTIFICATE
Know all men by these presents that I, Russell T. Gully RPLS, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo, and I further certify that the tract of land herein depicted lies within the city limits of the City of San Angelo, Texas.

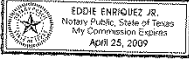
PLANNING COMMISSION
Approved for recording this 20th day of February, 2009, by the City Planning Commission of San Angelo, Texas.
By: *[Signature]*
Bradley Stone, Chairman

DEPARTMENT OF WATER UTILITIES
Approved for recording this 17th day of February, 2009.
By: *[Signature]*
Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
Approved for recording this 17th day of February, 2009.
By: *[Signature]*
Director of Public Works

ACKNOWLEDGEMENT/DEDICATION
We, Baker Realty Development Corp., do hereby adopt this plan as the subdivision of our property and dedicate for the use of the public the easements shown hereon and do furthermore dedicate Lot A as a private access easement for the benefit of this subdivision and as an emergency vehicle access easement, refuse collection equipment and drainage and utility easement.
By: *[Signature]*
Perry Baker Hall, CEO

STATE OF TEXAS
COUNTY OF TOM GREEN
This instrument was acknowledged before me on 26th day of February, 2009, by Perry Baker Hall in the capacity shown.
By: *[Signature]*
Notary Public, State of Texas



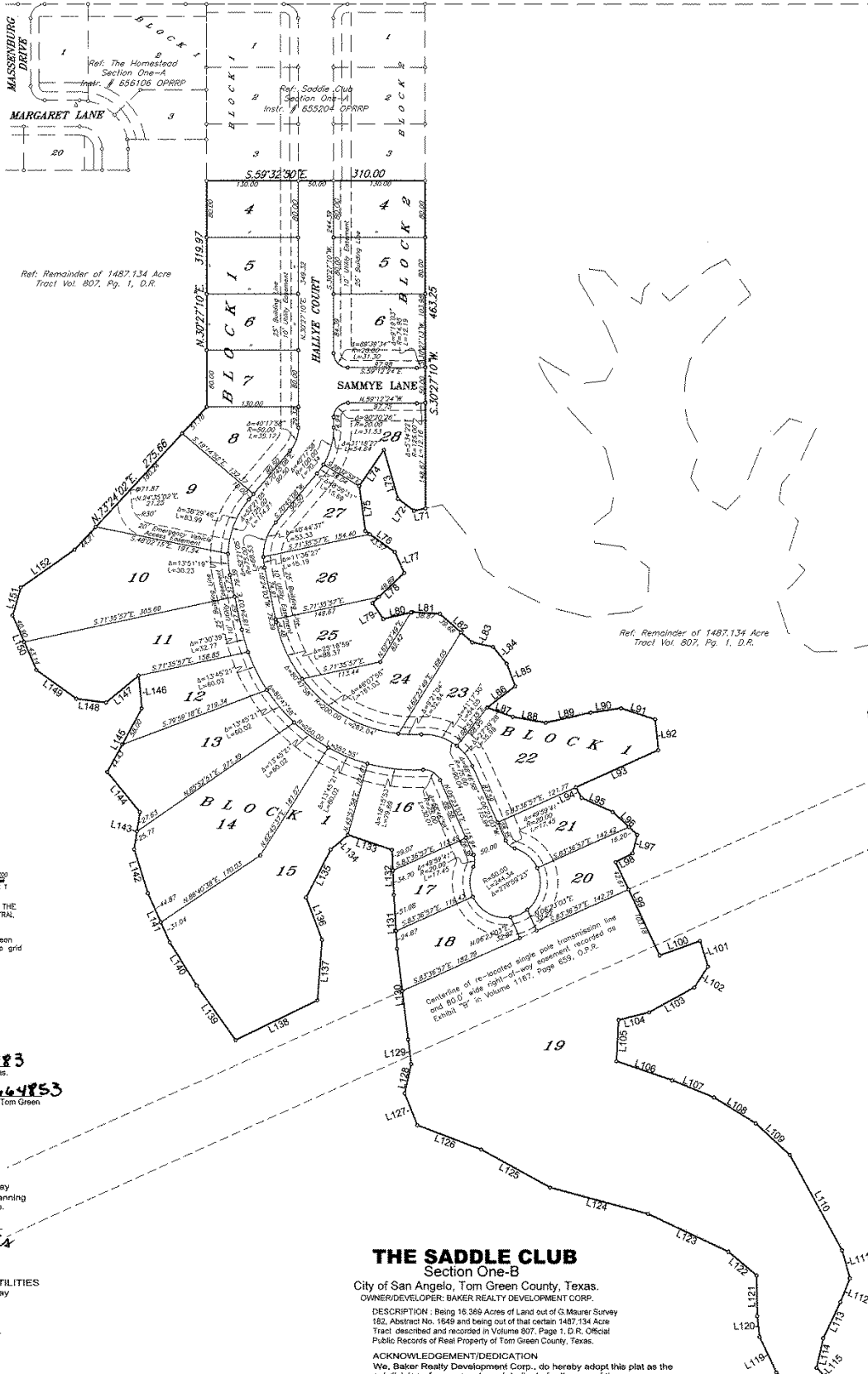
PLM 665725
I PG
COUNTY CLERK
Filed for record this 27th day of February, 2009 @ 8:10 AM
County Clerk of Tom Green Co., Tx.
By: *[Signature]*

This Plat is Filed in Cabinet C, Slide 197
Plat Records of Tom Green County, Texas.
Field Notes are filed as Instrument No. 665726
Official Public Records of Real Property, Tom Green County, Texas.

SKG
ENGINEERING
SURVEYING • LABORATORY • ENVIRONMENTAL
1122 SOUTH BRYANT BLVD.
SAN ANGELO, TEXAS 76903
PHONE: 325.455.1288
FAX: 325.657.8189

NOTE: See Instruments No. 664688 thru 664694 Official Public Records of Real Property Tom Green County, Texas for information pertaining to off-site Stormwater Discharge.

TWIN MOUNTAIN DRIVE



LINE	BEARING	LENGTH
L171	N71°25'39\"	16.69
L72	N72°25'39\"	28.37
L73	N14°24'46\"	71.82
L74	S85°03'07\"	81.88
L75	S22°47'24\"	64.28
L76	S24°04'33\"	81.33
L77	S88°18'15\"	22.41
L78	S78°25'34\"	62.18
L79	S69°24'10\"	27.24
L80	S72°02'00\"	74.42
L81	S65°38'37\"	38.87
L82	S88°18'15\"	22.41
L83	S47°08'52\"	30.31
L84	S69°24'10\"	30.52
L85	S62°44'44\"	33.94
L86	S83°30'12\"	50.02
L87	S39°47'49\"	38.92
L88	S89°27'56\"	47.27
L89	S72°16'13\"	65.14
L90	S67°38'48\"	43.76
L91	N1°41'42\"	30.95
L92	S24°51'44\"	43.25
L93	N82°48'08\"	16.95
L94	S62°08'45\"	72.43
L95	S35°15'07\"	48.55
L96	S67°38'48\"	43.76
L97	S48°17'16\"	26.97
L98	N87°30'21\"	27.18
L99	S62°08'45\"	72.43
L100	S78°25'34\"	60.86
L101	S13°14'21\"	38.00
L102	S24°04'33\"	81.33
L103	N88°18'15\"	73.13
L104	N73°34'26\"	44.34
L105	S37°18'24\"	64.03
L106	S67°38'48\"	69.92
L107	S18°40'28\"	65.82
L108	S31°13'19\"	35.92
L109	S14°28'31\"	41.21
L110	S62°20'24\"	36.23
L111	S69°05'29\"	16.86
L112	S43°08'17\"	43.08
L113	S17°20'24\"	22.76
L114	S10°14'21\"	74.29
L115	S87°02'57\"	38.97
L116	N12°08'38\"	25.27
L117	S62°20'24\"	36.23
L118	N62°14'26\"	128.05
L119	N24°02'58\"	29.72
L120	S67°38'48\"	69.92
L121	N18°31'50\"	62.16
L122	N34°38'26\"	125.89
L123	S62°20'24\"	74.29
L124	N62°14'26\"	128.05
L125	N52°15'24\"	111.45
L126	N38°41'48\"	36.53
L127	N68°34'02\"	48.74
L128	N43°14'20\"	42.85
L129	N22°28'05\"	36.22
L130	N49°08'48\"	35.97
L131	N72°07'34\"	75.95
L132	N62°14'26\"	66.09
L133	S78°33'38\"	32.04
L134	S78°33'38\"	32.04
L135	S69°38'10\"	43.81
L136	S34°50'01\"	86.84
L137	N62°14'26\"	128.05
L138	N52°15'24\"	84.74
L139	N61°44'47\"	71.87
L140	N62°14'26\"	74.91
L141	N13°07'18\"	65.36
L142	N38°28'24\"	53.25
L143	N49°08'48\"	75.36
L144	N69°08'30\"	102.43
L145	N52°15'24\"	60.13
L146	N62°07'38\"	42.84
L147	N62°14'26\"	68.35
L148	N47°08'47\"	41.25
L149	N68°17'46\"	93.43

SCALE: 1" = 100'
 GRAPHIC SCALE: FEET
 NOTE: All Courses, Distances, and Coordinates shown hereon refer to the TEXAS COORDINATE SYSTEM - CENTRAL ZONE.
 To obtain horizontal distance at mean elevation for this area multiply map grid distance by 1.00014665.

LEGEND:
 • Found 1/2" Iron Pipe or Rod (unless otherwise noted)
 • Set 1/2" Iron Rod with Cap

This Plat is Filed in Cabinet **G** Slid. **183**
 Plat Records of Tom Green County, Texas.
 Field Notes are filed as Instrument No. **664853**
 Official Public Records of Real Property, Tom Green County, Texas.

PLANNING COMMISSION
 Approved for recording this 7 day
 of January, 2009, City Planning
 Commission of San Angelo, Texas.
 By: *[Signature]*
 Secretary

DEPARTMENT OF WATER UTILITIES
 Approved for recording this 28 day
 of January, 2009.
 By: *[Signature]*
 Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
 Approved for recording this 28 day
 of January, 2009.
 By: *[Signature]*
 Director of Public Works

COUNTY CLERK
 Filed for record this 10 day of
December, 2008 at 11:03 a.m.
 County Clerk of Tom Green Co., Tx.
 By: *[Signature]*

THE SADDLE CLUB
 Section One-B
 City of San Angelo, Tom Green County, Texas.

OWNER/DEVELOPER: BAKER REALTY DEVELOPMENT CORP.
 DESCRIPTION: Being 16.369 Acres of Land out of G Causey Survey 182, Abstract No. 1849 and being out of that certain 1487.134 Acre Tract described and recorded in Volume 807, Page 1, D.R. Official Public Records of Real Property of Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION
 We, Baker Realty Development Corp., do hereby adopt this plat as the subdivision of our property and dedicate for the use of the public the streets and easements shown hereon.

STATE OF TEXAS
 COUNTY OF TOM GREEN
 This instrument was acknowledged before me on December 10, 2008 by Baker Realty Development Corp. a corporation organized under the laws of the State of Texas.
 Notary Public, State of Texas



SURVEYOR'S CERTIFICATE
 Know all men by these presents that I, Daniel T. Gully R.E.S., do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown hereon were properly placed, under my supervision, in accordance with the rules for land subdivision by the City Council of the City of San Angelo, and I further certify that the tract of land herein plotted lies within the city limits of the City of San Angelo, Texas.

Application for Easement Release

Nick Kauten
4834 N Bentwood Dr
San Angelo, TX 76904
May 8, 2014

Planning Commission

City of San Angelo, TX
52 W College Ave
San Angelo, TX 76903

Subject: Release of Easement located at: Lot: 9 SEC 1B, Blk: 1 Subd: SADDLE CLUB and
Lot: 11 SEC 1B, Blk: 1 Subd: HOMESTEAD

Members of the Planning Commission:

The primary reason for this application for release of an easement is because the easement has hindered my ability to sell the lot located at 6205 Hallye Court, Legal Description: Lot: 9 SEC 1B, Blk: 1, Subd: SADDLE CLUB. Please see attachment "A" for a copy of the plat map of the subdivisions referenced. Additional reasons for release to follow.

My wife and I purchased the referenced lot in October 2011 with the intent to build but due to changing circumstances, we opted for an existing home. We listed the lot "For sale by Owner" but received few inquiries. We ultimately listed with a realtor - Leah Kuhlmann. After our initial agreement expired, I contacted Leah to determine why the lot hadn't sold yet. In discussions with Leah, she said that 100% of the requests she received withdrew after learning of the easement, even after the price was reduced to approximately 15% less than similar lots in the same subdivision.

I began researching the release of the easement after the recent changes to the code regarding routes of ingress and egress. I understand the easement is grandfathered under the previous code but I am requesting amendment based on the following reasons: the easement does not physically exist, the easement provides problematic use for emergency purposes due to its curvature and the construction of possible horse fencing, and it would be unnecessary with the recent changes to the code.

The easement was never built by the developer and he has since filed bankruptcy. From what I've gathered, ownership of the remaining lots was assumed by First Financial Bank upon foreclosure but they have since sold all the available lots within the Saddle Club 1 subdivision. Due to this unique situation, the easement was never constructed by the developer nor was it constructed by First Financial Bank.

In meetings with both Fire Chief Brian Dunn and Fire Marshal Ross Coleman, both felt that the easement's layout could hinder some of the fire department vehicles' ability to navigate the sharp turn of the easement. Additionally, with the new build-out of Saddle Club 2 subdivision, specifically Sammie Lane (see "Attachment A"), the easement is no longer required for a turn-around point for fire vehicles because the easement access is located under the maximum 750ft to the cul-de-sac located at the end of Hallye Court. Additionally, there are three fire hydrants for firefighting purposes in this area, and a 100-foot diameter cul-de-sac located at the end of Hallye Court, which is 4 feet greater than 96-foot minimum required as a turn around.

Finally, the two subdivisions referenced have fewer lots than are required under the current code. The Homestead subdivision has 34 lots and the Saddle Club 1 subdivision has 28 lots, each of which are less than what the current code requires. I understand that the easement is grandfathered but I am respectfully requesting an amendment and release of this easement based on this and the aforementioned reasons. Thank you for your time and consideration.

Sincerely,



Nick Kauten
325.245.7705
nkauten@hotmail.com