

STAFF REPORT



Meeting: December 2, 2014

To: City Council

From: Patrick B. Howard, AICP
Director

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

Request: A request for approval of an alley right-of-way abandonment behind Lots 6, 7, 10 and 11, Block 138, Fort Concho Addition

Location: An undeveloped 2,000-square foot area, being a 20-foot wide alley behind Lots 6, 7, 10, and 11 in Block 138 of the Fort Concho Addition, west of South Chadbourne Street between West Avenue Q and West Avenue R, extending a distance of 100 feet west from South Chadbourne Street, in south central San Angelo

Size: 2,000 square feet

Caption: First Public Hearing and consideration of introduction of an Ordinance authorizing abandonment of public right-of-way in Fort Concho addition, Block 138, behind lots 6, 7, 10, and 11.

AN ORDINANCE PROVIDING FOR THE ABANDONMENT AND CLOSING OF THE FOLLOWING STREET SEGMENT, TO WIT: **An undeveloped 2,000-square foot area, being a 20-foot wide alley behind Lots 6, 7, 10, and 11 in Block 138 of the Fort Concho Addition, west of South Chadbourne Street between West Avenue Q and West Avenue R, extending a distance of 100 feet**

west from South Chadbourne Street, 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

General Information

Future Land Use: Commercial

Current Zoning: CG/CH General Commercial/Heavy Commercial

Existing Land Use: San Angelo Elks Lodge #1880

Surrounding Zoning / Land Use:

North:	CG/CH	Apex Limited Cleaning Services
West:	RS-1	Single Family Homes
South:	CG/CH	Single Family Homes
East:	CG/CH	Angelo Truck & Trailer Repair

District: SMD #3 Johnny Silvas

Neighborhood: Rio Vista

Major Thoroughfare Plan: South Chadbourne Street is classified as a Major Arterial; Major Arterial roads carry the longest trips and have the highest traffic volumes. South Chadbourne Street exists as a four-lane undivided section, but may be upgraded to a five-lane section in the future.

Special Information

Private Utilities: Unknown

Public Utilities: Unknown

Notification Required: Yes

Notifications Sent: 5

Responses in Favor: 0

Responses in Opposition: 0

Recommendation:

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

On November 17, 2014, the Planning Commission recommended **APPROVAL** of the alley abandonment, subject to (3) Conditions of Approval, by a unanimous vote of 6-0.

The following reflects the November 17, 2014, Planning Commission minutes for the request:

Edward Vigil, Senior Planner, introduced the application to abandon a segment of an unused right-of-way (alley).

The Planning Commission Chair asked for public comment. There were no public comments, and so the Chair closed the public hearing.

As the Planning Commission had no issues for discussion, the Planning Commission Chair asked for a motion.

Commissioner Valerie Priess made a motion to approve the request.

Commissioner Sammy Farmer seconded the motion.

The motion passed unanimously, 6-0.

History and Background:

An application for an abandonment of the right-of-way for an alley was submitted to the Planning Department on October 10, 2014. It is the applicant's intent to vacate the existing 20 foot wide by 100 foot long alley and re-plat the site in order to increase the property area by 200 square feet. The applicant proposes to construct a building addition to the existing San Angelo Elks Lodge #1880. Building Permit and Site Plan

approval will be required before construction of the addition may begin. As of November 14, 2014, no permits or plans have been submitted to the City for review.

General Information

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Neighborhood: Rio Vista

Major Thoroughfare Plan: South Chadbourne Street is classified as a Major Arterial; Major Arterial roads carry the longest trips and have the highest traffic volumes. South Chadbourne Street exists as a four-lane undivided section, but may be upgraded to a five-lane section in the future.

Special Information

Notification Required: Yes

Notifications Sent: 14

Responses in Favor: 0

Responses in Opposition: 0

City staff does not anticipate any issues with abandoning a segment of the alley. Generally, alleys are abandoned in their entirety or not at all, but in this case staff can recommend approval of just a portion of alleyway. This abandonment will not affect any other property owners. The existing alley has never been used for access or to drive on. There are no municipal facilities within the abandonment area. However, several private utility companies have facilities within the alley and/or an existing easement at the back of the property that will likely need to be relocated. This relocation does not appear to affect the abandonment of the alley and the relocation of these private utilities is the responsibility of the property owner. Although Staff recommends approval of the abandonment from a municipal standpoint, staff does reiterate that there are other issues that will need to be taken care of to satisfy requirements of private utility companies who will be affected.

Action Requested:

The action requested is for City Council to **APPROVE** the alley right-of-way abandonment request behind Lots 6, 7, 10 and 11, Block 138, Fort Concho Addition **subject to three (3) Conditions of Approval.**

Proposed Conditions:

1. Provide the Planning Division staff with a copy of certification from the Tom Green County Appraisal District, indicating there to be no delinquent taxes on the subject property of this subdivision.
2. Approval of a replat, absorbing the alley segment into a unified lot(s) meeting all requirements of Chapter 5, Zoning Ordinance shall be required.
3. Provide a notation on the replat document referencing the ordinance abandoning the alley segment.


Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Notification Map
List of Individuals / Entities Notified
Draft Ordinance

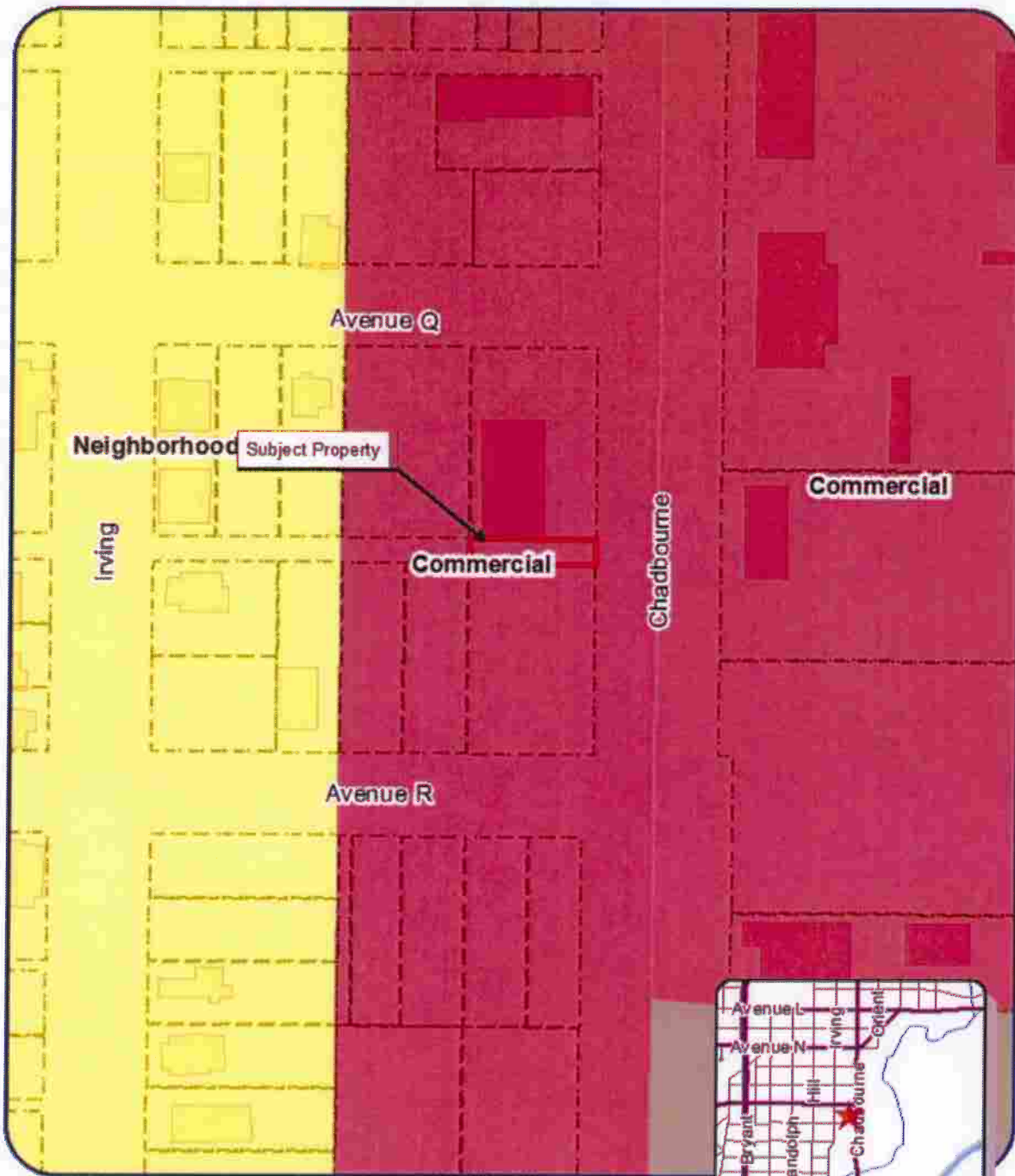


Zoning Case File

ROW Abandonment: Fort Concho Add'n Blk 138
 Council District: Johnny Silvas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 100 ft
 Subject Property Legal Description(s): Fort Concho Addition, Block 138, Alley behind Lots 6, 7, 10, 11

Legend
 Subject Properties: 
 Current Zoning: **CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Commercial**






Zoning Case File

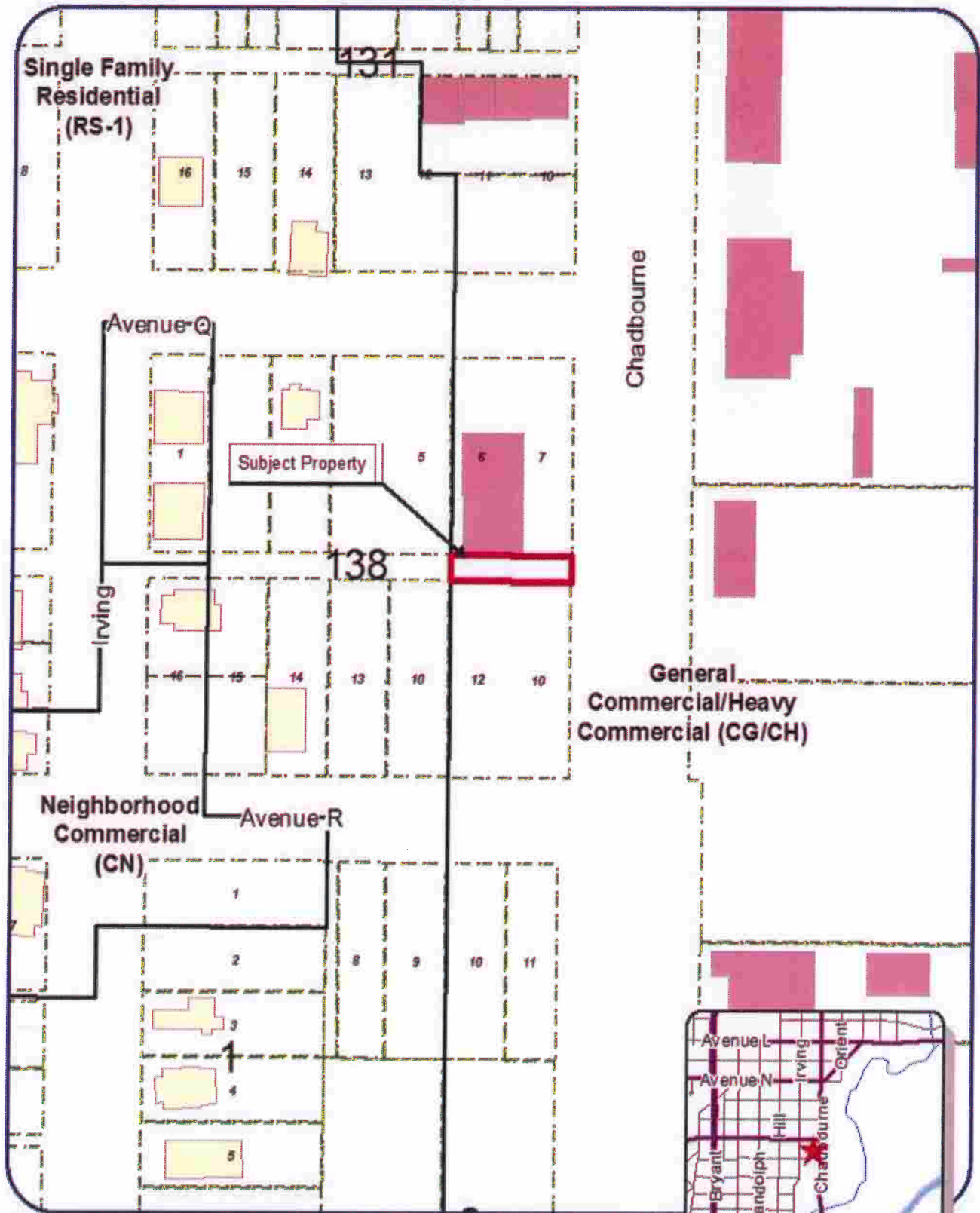
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Legend

Subject Properties: 
 Current Zoning: **CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Commercial**

N







Zoning Case File


ROW Abandonment: Fort Concho Add'n Blk 138

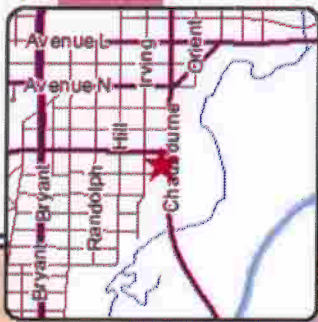
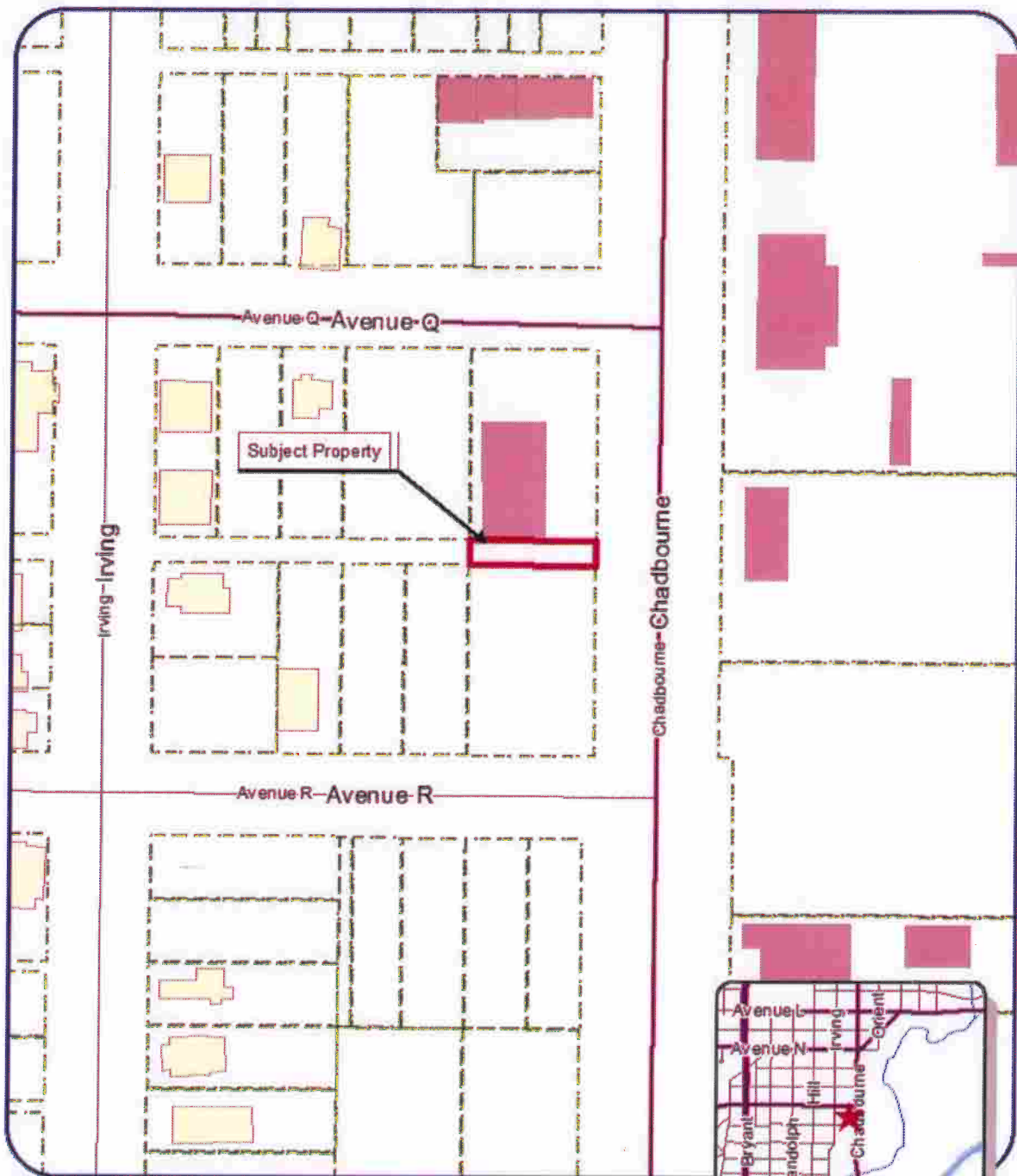
Council District: Johnny Silvas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 100 ft
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Legend

Subject Properties:  **CG/CH**
 Current Zoning: **CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Commercial**

 **N**





Zoning Case File		Legend	
ROW Abandonment: Fort Concho Add'n Blk 138		Subject Properties:	CG/CH
Council District: Johnny Silvas		Current Zoning:	N/A
Neighborhood: Rio Vista		Requested Zoning Change:	N/A
Scale: 1" approx. = 100 ft		Vision:	Commercial
Subject Property Legal Description(a): Fort Concho Addition, Block 138, Alley behind Lots 6, 7, 10, 11			





Zoning Case File

ROW Abandonment: Fort Concho Add'n Blk 138

Council District: Johnny Silvas
 Neighborhood: Rio Vista
 Scale: 1" approx. = 100 ft
 Subject Property Legal Description(s): Fort Concho Addition, Block 138, Alley behind Lots 6, 7, 10, 11

Legend

Subject Properties: █
 Current Zoning: CG/CH
 Requested Zoning Change: N/A
 Vision: Commercial

N

List of Individuals and Entities Notified

1. Arteaga Nichols R & Jovita T Trust
2101 S. Irving Street
San Angelo, TX 76903
2. Burress, Sheree
6 West Avenue R
San Angelo, TX 76903
3. City of San Angelo
72 W. College Avenue
San Angelo, TX 76903
4. De Leon Antonia
9 West Avenue Q
San Angelo, TX 76903
5. San Angelo Elks Lodge #1880
PO Box 1805
San Angelo, TX 76902
6. Trevino, Robert JR
PO Box 52453
San Angelo, TX 76906

AN ORDINANCE PROVIDING FOR THE ABANDONMENT AND CLOSING OF THE FOLLOWING STREET SEGMENT, TO WIT: **An undeveloped 2,000-square foot area, being a 20-foot wide alley behind Lots 6, 7, 10, and 11 in Block 138 of the Fort Concho Addition, west of South Chadbourne Street between West Avenue Q and West Avenue R, extending a distance of 100 feet west from South Chadbourne Street, 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 a public right-of-way being a portion of an alley in Block 138, of the Fort Concho Addition, behind lots 6, 7, 10, and 11 in south central San Angelo.

WHEREAS, the City Council of the City of San Angelo, Texas, acting pursuant to law, deems it advisable to abandon and convey the hereinafter described tract of land to the abutting property owner 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 owner as hereinafter provided; and

WHEREAS, the City Council of the City of San Angelo, Texas 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, subject to conditions and restrictions contained herein; NOW, THEREFORE,

BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF SAN ANGELO:

1. An undeveloped 2,000-square foot area, being a 20-foot wide alley behind Lots 6, 7, 10, and 11 in Block 138 of the Fort Concho Addition, west of South Chadbourne Street between West Avenue Q and West Avenue R, extending a distance of 100 feet west from South Chadbourne Street, in south central San Angelo.
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.
4. 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.
5. That the terms and conditions contained in this ordinance shall be binding upon Grantees and assigns.
6. That the Grantees shall pay all reasonable costs associated with procedures necessitated by the request to abandon this public right-of-way.

INTRODUCED on the 2nd day of December, 2014, and finally PASSED, APPROVED AND ADOPTED ON this the 16th day of December, 2014.

CITY OF SAN ANGELO, TEXAS

ATTEST:

by: _____

by: _____

Dain Morrison, Mayor

Bryan Kendrick, Interim City Clerk

Approved As To Content:

Approved As To Form:

Patrick Howard, Planning Director

Lysia H. Bowling, City Attorney