

## Legislation Details (With Text)

<b>File #:</b>	21-702	<b>Name:</b>	
<b>Type:</b>	Recommendation	<b>Status:</b>	Individual Item Ready
<b>File created:</b>	7/6/2021	<b>In control:</b>	Planning Commission
<b>On agenda:</b>	9/8/2021	<b>Final action:</b>	
<b>Title:</b>	CS21-0093 Discuss and consider a recommendation to City Council regarding the proposed abandonment of approximately 7,231 square feet (0.166-acre) portion of Garden Street Right-of-Way, located between Hill Avenue and the terminus of Garden Street.		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Aerial Map, 2. Land Use Maps, 3. Survey, 4. Photographs		

Date	Ver.	Action By	Action	Result
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**PRESENTER:**

Applicants/Owners: James Farley, Guillermina Espinosa

**SUBJECT:**

CS21-0093 Discuss and consider a recommendation to City Council regarding the proposed abandonment of approximately 7,231 square feet (0.166-acre) portion of Garden Street Right-of-Way, located between Hill Avenue and the terminus of Garden Street.

**DEPARTMENT:** Planning and Development Services**COUNCIL DISTRICTS IMPACTED:** City Council District 6**BACKGROUND INFORMATION:**

Case No.: CS21-0093

Owner/Applicants:	James Farley	Guillermina Espinosa
	416 S Hill Avenue	386 S Hill Avenue
	New Braunfels, TX 78130	New Braunfels, TX 78130
	Jamesfarley86@gmail.com	eamerica63@gmail.com

Staff Contact:	Holly Mullins	
	(830) 221-4054	hmullins@nbtexas.org

The subject property is approximately 7,231 square feet (0.166 acres) of unimproved right-of-way located between Hill Avenue/Union Pacific railroad tracks and Academy Avenue. Garden Street right-of-way does not cross the railroad tracks and the portion between the railroad tracks and Castell Avenue was incorporated into the Municipal Building development. The subject property is a remaining portion of the Garden Street right-of-way that connected Academy Avenue to Hill Avenue. In 1987 City Council approved the abandonment of a portion of Garden Street where a single family residence, 397 Academy Avenues, was subsequently built.

Surrounding property is zoned SND-1 Special Neighborhood District and consists primarily of single-family homes.

The applicants each own the lots on both sides of Garden Street right-of-way. They are requesting to purchase the right-of-way and divide the land among themselves and the property owners of 397 Academy Avenue. The configuration will be reviewed as part of the required platting of the property if approved.

An appraisal was conducted by an independent appraiser at the City's request. After accounting for multiple easements and encumbrances within the right-of-way, staff and the applicants have agreed on a value of \$25,268. The applicants have agreed to pay this amount if the abandonment is approved by City Council.

If approved, the abandoned right-of-way must be incorporated into the adjacent properties through the platting process within 180 days of City Council's approval.

*Surrounding Zoning and Land Use:*

North - SND-1 HD/ Single-family residence

South - SND-1 HD/ Single-family residence

East - Across Hill Avenue and railroad tracks, M-1/ Rail yard, City Municipal Building

West - SND-1 HD/ Single-family residence

**ISSUE:**

The proposed abandonment is consistent with the following actions from the Envision New Braunfels Comprehensive Plan:

Action 1.3: Encourage balanced and fiscally responsible land use patterns.

Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure.

**FISCAL IMPACT:**

The addition of \$25,268 from the sale of improved right-of-way to the street trust account; addition of 0.166 acres to the tax rolls.

**RECOMMENDATION:**

Multiple City departments and NBU reviewed the request and have no objection to the abandonment if the required utility easements are created with the new plat. Staff recommends approval with the following conditions:

1. The subject property must be included in a plat of the adjacent properties owned by the applicants in compliance with the City's Subdivision Platting standards within 180 days.
2. The plat shall include the following easements:
  - a. A minimum 20-foot wide utility easement, 10 feet on either side of the existing water and wastewater lines.
  - b. A minimum 10-foot wide utility easement for the existing electric secondary line.
3. Ownership transfer of the property will occur by a Deed Without Warranty after the final plat has been approved by the City.
4. Recordation of the final plat will occur after the transfer of ownership of the property.

*Resource Links:*

Chapter 118-56 Closure, abandonment, and sale of public right-of-way:

[https://library.municode.com/tx/new\\_braunfels/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH118SUPL\\_ARTIVDEST\\_S118-56CLABSAPURI-W](https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-56CLABSAPURI-W)

*Attachments:*

Aerial Map

Land Use Maps (Zoning, Existing and Future Land Use)

Survey of Subject Property

Photograph