

Legislation Details (With Text)

File #: 21-1201 **Name:**

Type: Ordinance **Status:** Passed

File created: 11/1/2021 **In control:** City Council

On agenda: 11/22/2021 **Final action:** 11/22/2021

Title: Approval of the first reading of an ordinance amending Ordinance No. 2021-55, authorizing the abandonment of 0.366 of an acre of public street right-of-way at the terminus of Tolle Street, by extending the deadline to execute a Deed Without Warranty by an additional 180 days.

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Aerial Map, 2. Applicant's Request to Amend the Abandonment Ordinance, 3. Ordinance No. 2021-55, 4. Ordinance

Date	Ver.	Action By	Action	Result
11/22/2021	1	City Council	approved	Pass

PRESENTER:

Christopher J. Looney, AICP; Planning and Development Services Director

SUBJECT:

Approval of the first reading of an ordinance amending Ordinance No. 2021-55, authorizing the abandonment of 0.366 of an acre of public street right-of-way at the terminus of Tolle Street, by extending the deadline to execute a Deed Without Warranty by an additional 180 days.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: City Council District 5

BACKGROUND INFORMATION:

Case #: CS21-0384

Owner/Applicant: IAKOBO Four LP (Monique Weston)
690 Laurel Lane
New Braunfels, TX 78130
(830) 237-3220 moniqueweston@gmail.com

Agent: HMT Engineering and Surveying (Joseph Sandoval, P.E.)
290 S. Castell Ave., Ste 100
New Braunfels, TX 78130
(830) 625-8555 josephs@hmtnb.com

Staff Contact: Matt Greene

The subject right-of-way is located east of the intersection of Tolle Street and South Gilbert Avenue, consists of 0.366 of an acre with improved street pavement and curbs, and is abutting property zoned “C-4” Resort Commercial District. All adjacent properties, with the exception of 515 Napoleon Street (the Schlitterstein Lofts condominiums) are owned by the applicant.

On July 12, 2021, City Council approved a request to abandon the subject right-of-way. The approved Ordinance No. 2021-55 requires the right-of-way property be platted with at least one of the adjacent properties owned by the applicant. The applicant must submit an application for a final plat and receive final approval of the plat that includes the subject property prior conveyance of the right-of-way from the City to the applicant via Deed Without Warranty.

ISSUE:

Section 1 of Ordinance No. 2021-55 states if a Deed Without Warranty is not executed within one hundred and twenty (120) days of the second and final reading of the ordinance, the ordinance shall become null and void.

The 120th day post adoption of the ordinance was November 9, 2021 and no final plat application or request for an LOC has been submitted to the City. The applicant’s agent and engineer is requesting an amendment to the abandonment ordinance to extend the deadline for execution of the Deed Without Warranty for another 180 days and claims this extension of time will reasonably allow the amount of time needed to complete the Letter of Certification and Platting Processes. The Deed Without Warranty can be transferred after there is approval of the final plat. Plat recordation would then follow and be complete within approximately 4 to 6 weeks.

FISCAL IMPACT:

The addition of \$102,000 from the sale of improved right-of-way, addition of 0.366 of an acre to the tax rolls, and less asphalt and curb for the taxpayers to maintain.

RECOMMENDATION:

Approval. Staff recognizes the 120-day time limit may be short for applicants to properly prepare their plat application. An application to the city requesting a Letter of Certification (LOC) for the proposed plat has not yet been received. An LOC from the city that does not require the review of significant studies for drainage or traffic is typically 30 days or fewer. However, staff is not opposed to the additional 180-day allowance.

Resource Links:

Chapter 118-56 Closure, abandonment, and sale of public right-of-way of the City’s Code of Ordinances:

https://library.municode.com/tx/new_braunfels/codes/code_of_ordinances?nodeId=PTIICOOR_CH118SUPL_ARTIVDEST_S118-56CLABSAPURI-W

Attachments:

Aerial Map

Applicant’s Request to Amend the Abandonment Ordinance

Ordinance No. 2021-55

Ordinance