

## Legislation Text

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**File #:** 21-1282, **Version:** 1

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**PRESENTER:**

Applicant: Charles Wiggins

Agent: Steve Taylor

**SUBJECT:**

CS21-0391 Discuss and consider a recommendation to City Council regarding the proposed abandonment of a 0.114-acre portion of Elizabeth Avenue Right-of-Way, located at the northern intersection of Edgewater Terrace and the terminus of Elizabeth Avenue.

**DEPARTMENT:** Planning and Development Services

**COUNCIL DISTRICTS IMPACTED:** City Council District 3

**BACKGROUND INFORMATION:**

Applicant: Charles Wiggins  
890 Edgewater Terrace  
New Braunfels, TX 78130  
(432) 559-1615      sloob@aol.com

Agent: Steve Taylor  
268 Comal Avenue  
New Braunfels, TX 78130  
(830) 629-6077      sdtaylor@nbtexas.com

Staff Contact: Matt Greene  
(830) 221-4053      mgreene@nbtexas.org

The subject right-of-way is located north of the intersection of Elizabeth Avenue and Edgewater Terrace, consists of 0.114 unimproved acres (4,966 square feet) abutting properties zoned “R-2” Single and Two-Family District. The subject property abuts the applicant’s residence at 890 Edgewater Terrace, the Landa Park Golf Course, Comal River and the existing improved portion of Elizabeth Avenue and is entirely within the 100-year floodplain and partially within the floodway.

The applicant is requesting the city abandon the subject right-of-way allowing him to purchase the subject right-of-way to combine with his existing residential lot. There are no existing utilities or easements within the subject property and it is currently unimproved.

An appraisal report was prepared by an independent appraiser indicating an estimated market value of \$74,000 for the right-of-way (see attached Appraisal Summary Sheet).

City departments and New Braunfels Utilities have reviewed the request and have no objections to vacating the subject right-of-way provided the conditions at the end of the report are implemented to ensure the city maintains access to the Comal River in an ongoing effort to protect the environment and public health and safety. The proposed conditions will also ensure the property remains vegetated to help filter out pollutants in runoff before reaching the Comal River and the aquifer.

The applicant has agreed to purchase the property for the appraised value and with the staff conditions referenced at the end of the report.

**Surrounding Zoning and Land Use:**

North - Across Comal Spring Lake, R-2 / Single-family residences

South - R-2 / Landa Park Golf Course, single-family residences and improved Elizabeth Avenue Right-of-Way

West - R-2 / Landa Park Golf Course

East - R-2 / Applicant's single-family residence

**ISSUE:**

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

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.

Future Land Use Plan: The property lies within the New Braunfels Sub Area near existing Outdoor Recreation, Medical, Tourist/Entertainment and Market Centers and in close proximity to a future Outdoor Recreation Center and Scenic River and Transitional Mixed-use Corridors.

**FISCAL IMPACT:**

The addition of \$74,000 from the sale of unimproved right-of-way; addition of 0.114 acres to the tax rolls and less right-of-way to maintain with taxpayer dollars.

**RECOMMENDATION:**

Approval. Multiple City departments and NBU reviewed the request and have no objection if approved with the following conditions:

1. Provide City employees including but not limited to, police, fire, EMS and related emergency personnel, access on and across the abandoned right-of-way property to the Comal River via a platted non-exclusive blanket access easement for public health, safety and environmental purposes.
2. Vegetation must remain established and maintained within the abandoned right-of-way property.
3. No permanent structure can be built within the right-of-way abandonment property with the exception of City approved fencing or barricade to secure the property and prevent trespassing.
4. The abandoned right-of-way property must be included within a plat of the adjacent property owned by the applicant in compliance with the City's Subdivision Platting Ordinance. A final plat of the property must be submitted and approved by the City prior to ownership transfer. Recordation of the final plat will occur subsequent to the transfer.
5. All conditions of approval are to be reflected on the plat in the form of notes and easements as

appropriate.

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:

- Application
- Aerial Map
- Land Use Maps (Zoning, Existing and Future Land Use)
- Survey of Subject Property
- Photographs
- Appraisal Summary Sheet