



**CITY COUNCIL MEETING AGENDA
(PROPOSED CITY COUNCIL MEETING)**

Agenda Item #:

Department: Community Development

Resolution / Ordinance # *2003-8*

Agenda Title: Abandonment of the Public Alley at 406 Talbot

1. INTRODUCTION/PURPOSE

The purpose if this item is to request Council approval of the abandonment of a portion of or all of a public alley way at 406 Talbot.

2. DESCRIPTION/ JUSTIFICATION

Mr. Bass and Mr. Weinrich requested that the alley between their store/residence and their restaurant is abandoned. Please refer to the attached survey provided of the alley.

At a minimum, the applicants would like the 50 foot by 15 foot section on the east end of the alley way abandoned. Optimally, they would like the entire alley to be abandoned.

The request was reviewed by both the City and by the private utility companies. The City does not have any utilities in the Alley. The private utility companies have requested that the applicant provide an easement for the maintenance of the utilities.

3. FINANCIAL/BUDGET

Not applicable

4. RECOMMENDATION

The Planning and Zoning Commission reviewed this request during their regular meeting on June 10, 2003. They recommended that the Council approve the abandonment of the entire alley subject to the approval of the other adjacent property owners. Alternately, they approved the abandonment of the 50 foot by 15 foot section on the east end of the alley if any of the adjacent property owners objected. The recommendations are subject to an easement being granted by the owner for the private utilities.

APPROVED FOR SUBMITTAL

DEPARTMENT HEAD: (ss) R.W. VAN TIL DATE: 6/16/03

CITY MANAGER: _____ DATE: _____

Mike Bass
Eric Weinrich
406 Talbot
Taylor, Texas 76574
627-8499

January 14, 2003

Mr. Frank Salvato
City Manager
City of Taylor

re; Driveway Ownership Discrepancies

As you know we have been researching through city records to determine when the driveway area along side our property at 406 Talbot was abandoned by the city. Our research has found through title searches that the property is recorded at the county as belonging to the City of Taylor, this is dated 1903. The city tax records that we have found show that the property to be private driveway. Somewhere between 1903 and the early 1960's the city apparently abandoned the alley and deeded it back to the adjoining property owners but failed to record it with the county.

We are asking the city of Taylor to correct this oversight and deed the driveway to the adjoining property owners. The driveway is only 12 to 14 ft. wide and is too narrow for most equipment to use and also T's into the north - south alley running between 4th and 5th. We are willing to accept utility easements in this area, but as you know, the only utilities are a sewer line that the city has always deemed private when repairs have been needed. We would prefer to have the property deeded over without any ^{city} easements and keep the sewer lines private also.

Sincerely,



Mike Bass

ORDINANCE NO. 2003-8

AN ORDINANCE FOR THE CITY OF TAYLOR, TEXAS VACATING A 752 SQUARE FOOT (0.017 ACRE) PORTION OF LAND SITUATED IN THE JOHN WINSETT SURVEY, BEING A PART OF AND OUT OF A CALLED 15 FOOT WIDE ALLEY, SAME BEING LOCATED IN BLOCK 21 BETWEEN LOTS 8 AND 9 OF THE CITY OF TAYLOR ADDITION

WHEREAS, Eric D. Weinrich and Clifton Michael Bass have requested the abandonment of a 752 square foot (0.017 acre) portion of a 15 foot wide alley in Block 21 between Lots 8 and 9, and

WHEREAS, the Planning and Zoning Commission recommended that the Council approve the abandonment of the entire alley subject to the approval of other adjacent property owners. Alternately, they approved the abandonment of the 50 foot by 15 foot section on the east end of the alley if any of the adjacent property owners objected

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR:

SECTION 1.0 All of the facts recited in the preamble of this Ordinance are hereby found by the City Council to be true and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2.0 The City Council of the City of Taylor, Texas does hereby vacate a 0.017 acre portion of land as shown on the field notes attached hereto as Exhibit A and plat attached as Exhibit B and incorporated by reference herein.

SECTION 3.0 The City of Taylor does hereby maintain all public utility easements and drainage easements associated with the tract (Exhibit C).

SECTION 4.0 The filing of a certified copy of this Ordinance in the Official Records of Williamson County, Texas will evidence the release of the right-of-way granted by this Ordinance.

SECTION 5.0 In accordance with Article 8 of the City Charter, Ordinance No. 2003-8 was introduced before the Taylor City Council on the 24th day of June, 2003.

PASSED, APPROVED, and ADOPTED on the ____ day of _____, 2003.

Donald R. Hill, Mayor
Taylor City Council

ATTEST:

Barbara Belz, City Clerk

ORDINANCE NO. 2003-8

AN ORDINANCE FOR THE CITY OF TAYLOR, TEXAS VACATING A 15 FOOT WIDE BY APPROXIMATELY 120.5 FOOT LONG PUBLIC ALLEY ADJACENT TO 406 TALBOT RUNNING EAST AND WEST BETWEEN FOURTH AND FIFTH STREET SITUATED IN THE JOHN WINSETT SURVEY, SAME BEING LOCATED IN BLOCK 21 BETWEEN LOTS 8 AND 9 OF THE CITY OF TAYLOR ADDITION

WHEREAS, Eric D. Weinrich and Clifton Michael Bass have requested the abandonment of a 15 foot wide BY 120.5 foot long public alley adjacent to 406 Talbot running east and west between Fourth and Fifth Street in Block 21 between Lots 8 and 9, and

WHEREAS, the Planning and Zoning Commission recommended that the Council approve the abandonment of the entire alley subject to the approval of other adjacent property owners. Alternately, they approved the abandonment of the 50 foot by 15 foot section on the east end of the alley if any of the adjacent property owners objected

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR:

SECTION 1.0 All of the facts recited in the preamble of this Ordinance are hereby found by the City Council to be true and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2.0 The City Council of the City of Taylor, Texas does hereby vacate a 15 foot alley as shown on Exhibit A and plat attached as Exhibit B and incorporated by reference herein.

SECTION 3.0 The City of Taylor does hereby maintain all public utility easements and drainage easements associated with the tract (Exhibit C).

SECTION 4.0 The filing of a certified copy of this Ordinance in the Official Records of Williamson County, Texas will evidence the release of the right-of-way granted by this Ordinance.

SECTION 5.0 In accordance with Article 8 of the City Charter, Ordinance No. 2003-8 was introduced before the Taylor City Council on the 24th day of June, 2003.

PASSED, APPROVED, and ADOPTED on the _____ day of _____, 2003.

Donald R. Hill, Mayor
Taylor City Council

ATTEST:

Barbara Belz, City Clerk

EXHIBIT A

STATE OF TEXAS
COUNTY OF WILLIAMSON

MAY 16, 2003

752 Square Feet (0.017 ACRE)

These notes describe that certain tract of land situated in the **JOHN WINSETT SURVEY, A-661**, located in Williamson County, Texas in the City of Taylor; subject tract being a part of and out of a called 15 foot wide alley, same being located in Block 21 between Lots 8 and 9 of the City of Taylor, a dedicated addition, plat of which is recorded in Cabinet "A", Slide 186 of the Williamson County Plat Records, subject tract being surveyed on the ground under the direct supervision of Bruce Lane Bryan, Registered Professional Land Surveyor No. 4249, on May 16, 2003 and being more fully described as follows:

COMMENCING at a punch hole found in concrete drain, same being for the Northeast corner of said Lot 8, same being conveyed to Eric D. Weinrich and Clifton Michael Bass and recorded in Document No. 9633425 of the Official Records of Williamson County (ORWC) in a line for the West line of an existing alley (20 feet in width per plat) from which was found a ½" Iron Rod for the Northwest corner of said Lot 8 bearing North 84°59'00" West (Bearing Basis), 125.01 feet; **THENCE South 04°37'11" West** with a line for the common line of said Lot 8 and 20 foot wide alley, a distance of **54.04 feet** to a ½" Iron Rod found for the Southeast corner of said Lot 8, same being the Northeast corner of said 15 foot wide alley, the Northeast corner of subject tract and the **PLACE OF BEGINNING** of this description;

THENCE South 04°37'11" West with a line for the East line of said 15 foot wide alley, a distance of **15.00 feet** to an "X" chiseled in concrete for the Southeast corner of same, also being for the Northeast corner of said Lot 9, being part of another tract conveyed to Eric D. Weinrich and Clifton Michael Bass and recorded in Document No. 9633425 of said ORWC;

THENCE North 85°14'02" West with a line for the common line of said 15 foot wide alley and Lot 9, a distance of **50.13 feet** to a found a ½" Iron Rod for the Northwest corner of said "Eric D. Weinrich and Clifton Michael Bass tract", same being the Southwest corner of subject tract;

THENCE North 04°37'11" East with the West line of subject tract, a distance of **15.00 feet** to a point (in building) at the Northwest corner of subject, same being in a line for the South line of aforementioned Lot 8;

THENCE South 85°14'02" East with a line for said South line of Lot 8 a distance of **50.13 feet** to the **PLACE OF BEGINNING**, containing according to the dimensions herein stated, an area of **752 square feet (0.017 Acre)**.


Bruce Lane Bryan

Registered Professional Land Surveyor No. 4249

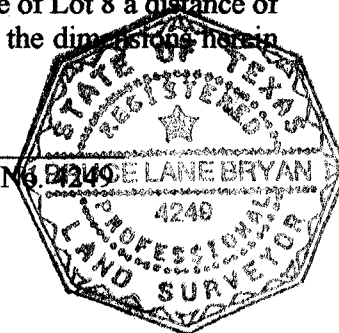
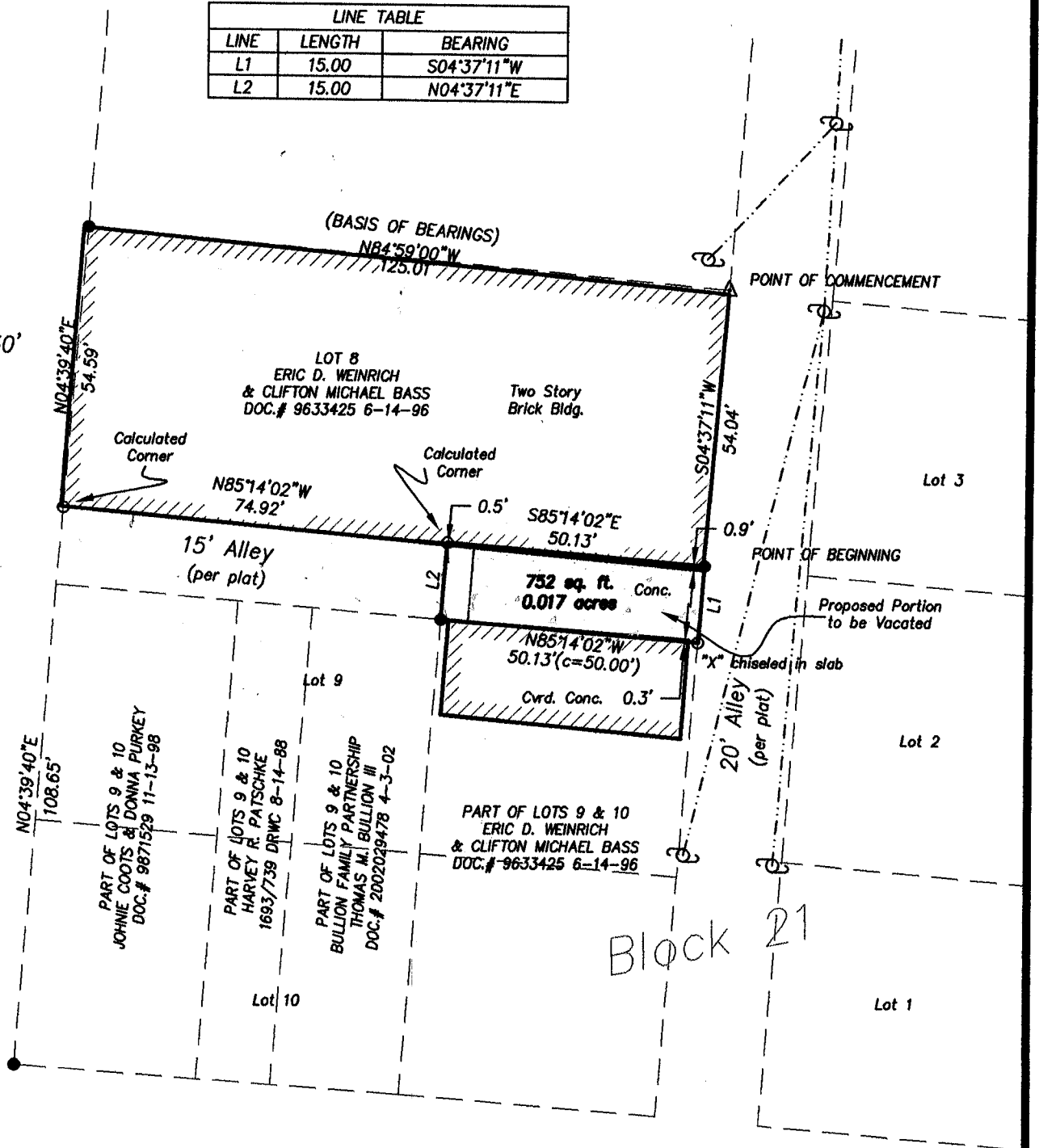


EXHIBIT B

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.00	S04°37'11"W
L2	15.00	N04°37'11"E

SCALE 1" = 30'

Talbot Street



West 4th Street

LEGEND:

- 1/2" IRON ROD FOUND
- △ PUNCH HOLE IN DRAIN FOUND
- 1/2" IRON ROD SET W/CAP
- ⊕ POWER POLE
- OVERHEAD ELECTRIC

THIS IS TO CERTIFY THAT, ON THIS DATE, A TRUE AND ACCURATE SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION OF PROPERTY LOCATED BETWEEN LOTS 8 AND 9, OF THE CITY OF TAYLOR IN WILLIAMSON COUNTY, TEXAS, DESCRIBED AS FOLLOWS: AN ALLEY IN BLOCK 21, OF THE CITY OF TAYLOR, A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN VOLUME "A", SLIDE 186 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

FLOOD NOTE:

THE PROPERTY DEPICTED HEREON IS / IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY

NOTE: NO TITLE COMMITMENT SUPPLIED OR REVIEWED FOR THIS PROJECT. PARTIES TO THIS TRANSACTION ARE RESPONSIBLE FOR VERIFICATION OF ALL EASEMENTS, COVENANTS AND CONDITIONS WHICH MAY AFFECT THIS TRANSACTION. SEE MAP OR PLAT RECORDED IN VOLUME "A", SLIDE 186 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

EXHIBIT C



Southwestern Bell Telephone Co.
Engineering Department
117 N 1st Street, 2nd Floor
Temple, Texas 76501

February 17, 2003

Mr. Bass:

Per your request, that SBC Southwest release easement abandonment at 406 Talbot Street in Taylor, Texas, I regret to inform you that in the interest of SBC Southwest customers that SBC Southwest cannot grant this request due to the overhead facilities that serve the adjacent buildings in this area.

However, release of Right-of-Way through Public walkway at the rear of 406 Talbot Street in Taylor, Texas where SBC Southwest facilities exists as of 2-17-03 will be relinquished upon contingency that the easement be recorded with the City of Taylor in Taylor, Texas as a SBC Utility Easement.

As per our conversation, we need access to maintain existing plant and have the ability to expand in the event of demand growth. Please feel free to contact me at (254) 773-8549 if I can be of any further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Gary R. Brunner".

Gary R. Brunner
Manager Engr. Design



Mr. Bass:

02/13/03

Per your request that SBC Southwest release easement abandonment at 406 Talbot St. Taylor, Tx, I regret that in the interest of SBC Southwest customers that SBC Southwest cannot grant this request due to the overhead facilities that serve adjacent buildings in this area.

As per our conversation we need access to maintain existing plant and have the ability to expand in the event of growth demand.

Please contact me if I can be of any further assistance.

Gary R Brunner

A handwritten signature in cursive script, appearing to read "Gary R Brunner", is positioned above the typed name.

Mgr. Eng Design



EASEMENT RELEASE STATEMENT FOR VACATION OF PROPERTY

A request for release of the P.U.E. easement(s) has been made on the property legally described as:

Subdivision or Section: N/A
Lot and Block No.: 2/5th's of Lot 9 & 10 Blk 21
Street Address: 406 Talbot, Taylor, TX
Property Owner: Eric Weinrich & Michael Bass

STATEMENT

- We do not have a need for an easement on the property as described in the accompanying document.
- We do have a need for an easement on the property as described in the accompanying document.

Time Warner Cable

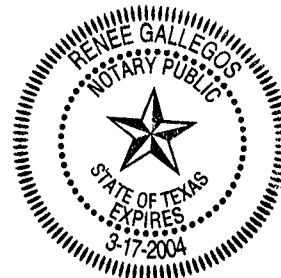
Laurie Schumpert Designer
Signature Title

State of Texas
County of Travis

This instrument was acknowledged before me on January 24, 2003 by

Laurie Schumpert

Renee Gallegos
Notary Public





Oncor
Distribution Division

Mike Bass
Eric Weinrich
406 Talbot St.
Taylor, Txx 76574

2-4-03

Re: Utility Abandonment - 406 Talbot Street – City of Taylor

Oncor Energy and TXU GAS Co. do not have any objections to the abandonment of an easement located at 406 Talbot Street in Taylor and described as follows.

2/5th's of Lots 9 & 10 in Block 21 and parallel to Lot 8 Block 21, City of Taylor, Williamson County.

Please call if you have any questions.

Sincerely;

A handwritten signature in black ink that reads "CRAIG WEATHERS BEE". The signature is written in a cursive, slightly slanted style.

Craig Weathersbee
Oncor Energy
TXU Gas Co.
Round Rock District
512-244-5661