

AGENDA ITEM

TO: City Council

THROUGH: Jennifer Cox, AICP, Director of Planning
Brandon Opiela, Senior Planner

FROM: Anthony Satarino, Planner

SUBJECT: Conduct a Public Hearing to Consider/Discuss/Act on the Request by January Consultants, Inc., on Behalf of The Samaritan Inn, Inc., for Approval of an Alley Abandonment for the Action Addition and Millie Muse Addition, Approximately 0.63 Acres, Located Approximately 195 Feet West of Tennessee Street and on the North Side of University Drive (U.S. Highway 380), and Accompanying Ordinance.

APPROVAL PROCESS: The City Council is the final approval authority for the proposed alley abandonment / right-of-way vacation.

STAFF RECOMMENDATION: Staff recommends approval of the proposed alley abandonment / right-of-way vacation with the following special ordinance provision:

1. The City reserves an exclusive, perpetual mutual access, drainage and utility easement within "Tract 1" of the abandoned alley, more fully depicted in Exhibit C.
2. The City reserves an exclusive, perpetual drainage and utility easement within "Tract 2" of the abandoned alley, more fully depicted in Exhibit C.

APPLICATION SUBMITTAL DATE: March 12, 2012 (Original Application)
April 6, 2012 (Revised Submittal)
April 13, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing the abandonment of an approximately 25' wide alley (extending approximately 1103.25 feet) located approximately 195 feet west of Tennessee Street and on the north side of University Drive (U.S. Highway 380) between Block 1, Tract 13 and 14 of Abstract A0248 of the William David Survey, Lot 1 and Lot 2 of the Action Addition, Lots 16-22, Block C of the Millie Muse Addition. In total, there are 6 lots adjacent to the alley. At present, the entire portion of this alley proposed to be abandoned is unimproved (a portion of the right-of-way has been paved between two of the lots). The applicant, per the letter of intent, has indicated that they would like to abandon the alley to better maintain and control the access across their site. The applicant has proposed easements, should the abandonment be approved, that will

provide the City access to underground utilities (Tract 1 and Tract 2) and maintain access to properties without street frontage (Tract 1).

The properties adjacent to the proposed alley abandonment and right-of-way vacation are currently owned by The Samaritan Inn Thrift Store Inc., JPMCC 2006 LDP7 Church Street L.L.C, Don Motsenbocker, Daryl Motsenbocker and Bipinchandra and Jayaben Patel. All adjacent property owners have signed the Alley/Street Closing Petition.

When evaluating alley abandonment and street right-of-way vacation proposals, Staff relies on the criteria outlined in the 1976 report, "Restructuring Street and Alley Space McKinney, Texas." The reduction in the amount of street and alley space in the developed portions of McKinney located east of U.S. Highway 75 can reduce city costs and result in a more efficient use of land which could result in an improvement in the City's revenue base. Essentially, if there is no need for the alley or street to exist, it is generally considered beneficial to abandon or vacate it.

The report goes on to outline a checklist to be reviewed as a basis for each decision concerning a street or alley change. The items include impact on circulation system, drainage, utilities, local access, relation to adjacent property owners, and municipal objectives and operations. After a review of these items, Staff is recommending approval of the proposed right-of-way vacation.

SURROUNDING ZONING AND LAND USES:

Subject Property: Existing Public Right-of-Way (unnamed alley)

North	"ML" – Light Manufacturing	Undeveloped Property
South	"BG" – General Business District	Tennessee Street Retail
East	"ML" – Light Manufacturing	Action Company McKinney Inn Motel Undeveloped Property
West	"ML" – Light Manufacturing	Friends of the Inn Thrift Store Action Company Safeway Self Storage

ACCESS/CIRCULATION:

Adjacent Streets: U.S. Highway 380 (University Drive), Variable Width Right-of-Way, Major Regional Highway

Tennessee Street, Variable Width Right-of-Way, Collector

Discussion: The proposed 25' alley abandonment is for a section of an alley (extending approximately 1103.25 feet north from U.S. Highway 380) that is currently unimproved. Although the alley provides the only point of access to two of the lots, the applicant has provided a mutual access easement through "Tract 1" that will maintain access to the above mentioned lots. Staff believes the proposed alley abandonment and right-of-way vacation will not adversely impact local access and circulation.

MISCELLANEOUS: Should the right-of-way vacation be approved by the City Council, it will be necessary for both the applicant and the other owners adjacent to the abandoned right-of-way to enter into a quit claim deed, exclusive of City involvement, in order to determine an appropriate new alignment of the property lines. Until an executed quit claim deed is filed for record with the County Clerk's office, the two adjacent property owners will have equal rights to the entire portion of the abandoned street section.

DRAINAGE AND UTILITIES: Due to existing utility lines located in the proposed alley abandonment, a special ordinance provision will be included retaining a utility and drainage easement within the entirety ("Tract 1" and "Tract 2") of the abandoned alley.

OPPOSITION TO OR SUPPORT OF REQUEST: Staff has received an Alley/Street Closing Petition (attached) with all of the adjacent property owners indicating support of the proposed right-of-way vacation. Staff has received no other comments in support of or opposition to the request.