

CITY COUNCIL MEETING OF 10/16/12 AGENDA ITEM #12-164AA

AGENDA ITEM

TO: City Council

THROUGH: Michael Quint, Director of Planning
Brandon Opiela, Planning Manager

FROM: Anthony Satarino, Planner II

SUBJECT: Conduct a Public Hearing to Consider/Consider/Discuss/Act on the Request by Clint and JoAnn Scofield, for Approval of a Right-of-Way Vacation for an Unimproved Portion of an East/West Alley, Approximately 0.17 Acres, Located Between Francis Street and Byrne Street, and Approximately 155 Feet South of Hill Street.

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

STAFF RECOMMENDATION: Staff recommends approval of the proposed right-of-way vacation.

APPLICATION SUBMITTAL DATE: September 10, 2012 (Original Application)
September 24, 2012 (Revised Submittal)

ITEM SUMMARY: The applicant is proposing to vacate a portion of an unimproved, unnamed alley, located between Francis Street and Byrne Street and approximately 155 feet south of Hill Street. Per the attached Exhibit B, the applicant has split the proposed vacation into two tracts for ease of filing deeds with the Collin County Clerk, should the request be approved. The applicant has indicated that if the request is granted, the portion of right-of-way to be vacated will be better maintained, ultimately enhancing the neighborhood.

The Engineering Department has studied the proposed right-of-way vacation and determined that no city infrastructure currently exists or is planned for the portion of the alley to be vacated and feels that this portion of right-of-way, in excess of a normal alley width, will not affect any future plans, should the alley be improved at a later date.

The applicant has provided Staff with letters from franchise utility companies in the area confirming that there are no private utility lines in the portion of right-of-way to be vacated. Therefore, the City will not retain any easements through the vacated portion of the alley.

The properties adjacent to the proposed right-of-way vacation are currently owned by Kevin and Tricia Magavern, Debbie Bonomo and Clint and JoAnn Scofield. 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: Portion of an Existing Right-of-Way (Unimproved, Unnamed Alley)

North	"RS 60" – Single Family Residential District	Undeveloped
South	"RS 60" – Single Family Residential District	Single Family Residential Dwelling Unit
East	"RS 60" – Single Family Residential District	Single Family Residential Dwelling Unit
West	"RS 60" – Single Family Residential District	Single Family Residential Dwelling Unit

ACCESS/CIRCULATION:

Adjacent Streets: Byrne Street, 30' Right-of-Way, Residential Collector
Francis Street, 30' Right-of-Way, Residential Collector

Discussion: The proposed right-of-way vacation is comprised of an excess portion of the unnamed unimproved alley between Byrne Street and Francis Street. The existing unimproved alley (with a variable width between 20' and 29') will be retained between Francis Street and Byrne Street.

MISCELLANEOUS: Should the right-of-way vacation be approved by the City Council, it will be necessary for the owners adjacent to the portions of right-of-way being vacated to file deed for their portion (Tract 1 or Tract 2) with the Collin County Clerk's office.

DRAINAGE AND UTILITIES: Per the Engineering Department, there are no existing or planned utilities or the need for any drainage easements in the proposed right-of-way vacation and as such, no easements will be retained by the City within the right-of-way vacation.

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.

SUPPORTING MATERIAL:

- Maps
- Letter of Intent
- Street Closing Petition
- Proposed Ordinance
- Proposed Ordinance Exhibit A – Location Map
- Proposed Ordinance Exhibit B – Right-of-Way and Metes and Bounds Exhibit
- PowerPoint Presentation