

TO: Bruce D. Glasscock, City Manager
Frank F. Turner, Deputy City Manager

FROM: Gerald Cosgrove, P.E., Director of Public Works
Jack Carr, P.E., Director of Engineering
Phyllis M. Jarrell, Director of Planning
Selso Mata, Chief Building Official

DATE: January 30, 2014

SUBJECT: Request to Abandon an Alley along the South Side of Tract Located at the Southeast Corner of N Avenue and 14th Street

Summary of the Issue

- The owner of property at the southeast corner of the intersection of N Avenue and 14th Street has requested the City to abandon the alley right-of-way located adjacent to the southern edge of the property.
- Bill Lisle, the owner of the property located adjacent to and east of the applicant's property, has expressed his opposition to this request because he wants to use the subject section of alley for access to the rear portion of his property.

History of the Subject Property

- The alley was dedicated with the Oglesby Place Addition, a residential subdivision. (See attached map)
- We have reviewed aerial photos from the 1950's which show the alley was paved. Subsequent photos show, as the applicant's properties were developed, the use of the property was changed to non-residential and the alley was incorporated into the parking lot that serves the two office buildings.
- North Texas Municipal Water District owns the tract on the south side of the alley where the water storage tank and pump station are located.
- The office building property owner and the District have an existing agreement that allows a portion of the parking lot to be located on the District's property.
- The subject alley right-of-way crosses the parking lot, approximately in the location of the southernmost drive aisle.
- Staff has not found any records that indicate that the subject alley right-of-way was abandoned or that the City approved incorporating the alley into the parking lot.

History of the Adjacent Property

- In 1997, the City abandoned a portion of this same east-west alley. This was at the request of the property owner of the tract immediately east of the subject property.
- In 2013, Bill Lisle purchased the property east of the subject tract and subsequently replatted the property into two lots. Both of these new lots have frontage along 14th Street and have a shared driveway located in a mutual access easement. Mr. Lisle has indicated he intends to use the front part of the property for an office and will lease the back part of the property to a landscape contractor for open storage.
- With the construction of a new office building and rebuilding of the existing driveway on the northern portion of Mr. Lisle's property, he began using the alley as access for construction vehicles. This activity prompted the abandonment request from the adjacent property owner.
- Mr. Lisle has indicated that he was told by staff that he could use the alley; however, Building Inspections staff told Mr. Lisle that he could not continue to track mud onto 14th Street. .
- Mr. Lisle has asked staff for clarification regarding his use of the alley and was told that it could be used temporarily; however, Building Inspections staff was not aware that the alley right-of-way had been paved over as part of a parking lot.

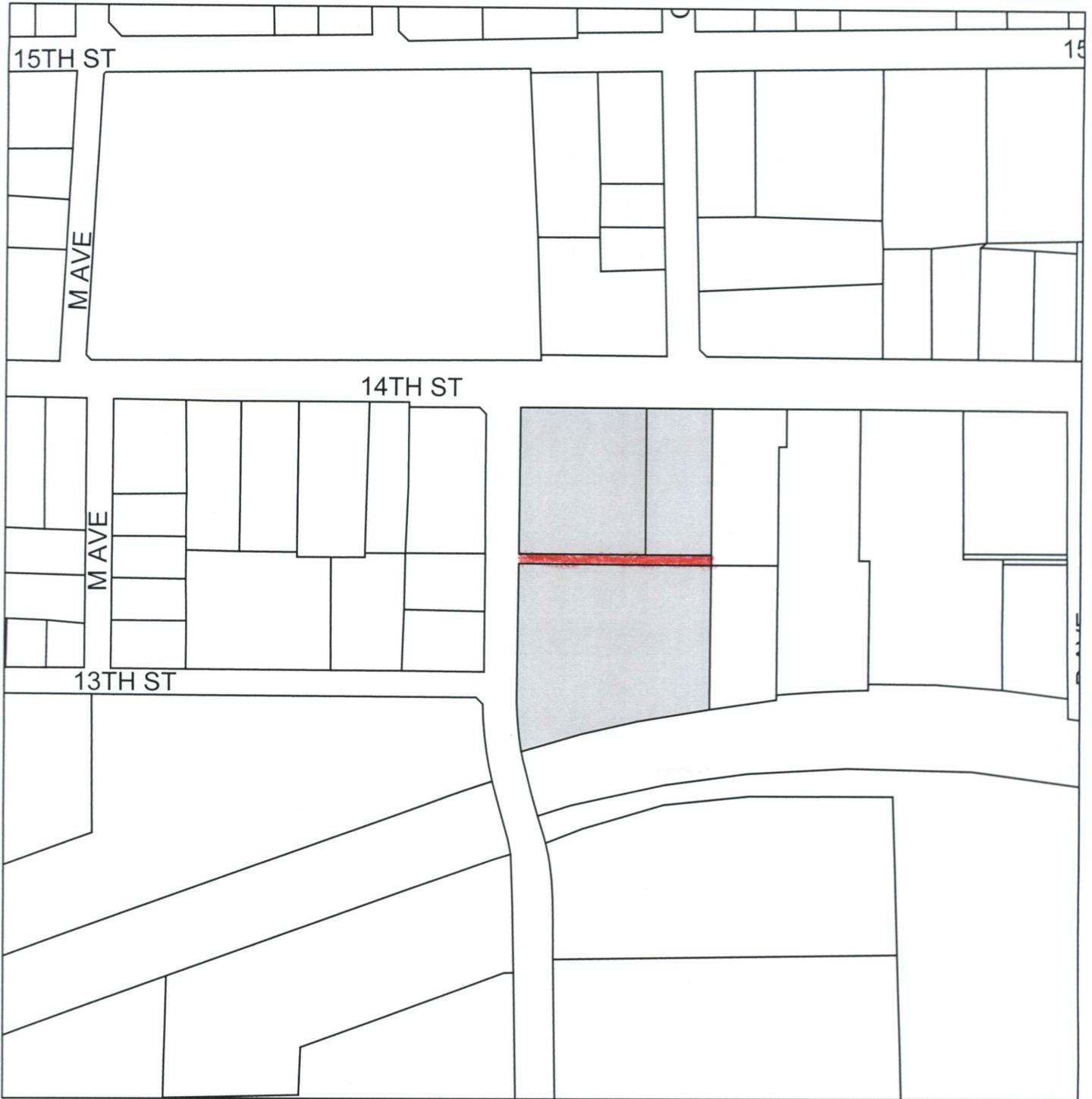
Factors to Consider

- The petition for abandonment has been signed by the applicant and the District (both abutting property owners located north and south of the alley).
- Access to all properties will continue to be available after abandonment. None of the properties, including Mr. Lisle's, is dependent on the alley for access to a public street. Both of Mr. Lisle's lots have frontage and access to 14th Street.
- Abandoned right-of-way is typically apportioned equally to the abutting property owners.
- The City has no need to retain the alley right-of-way for access to the properties, to provide utilities or solid waste pickup.

Staff Recommendation

- Staff recommends that City Council approve the request to abandon the alley right-of-way.

XC: Paige Mims, City Attorney



LOCATION MAP

Oglesby Place - 14th Street
Alley Right-of-Way Abandonment

