



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 2, 2023

Re: Right of Way and Easement Vacations – Waco Road (Case #80-2023)

Executive Summary

Approval of this request would result in the vacation of approximately 37,026 sq. ft (0.85 ac) of former right of way obtained for Waco Road and approximately 10,429 sq. ft (0.24 ac) of utility easements located between Lot 441 of The Villages at Arbor Pointe Plat 3 and Lots 201 and 202 of Dell Jones Plat 2 and along the northern property line of Lots 201 and 202 of Dell Jones Plat 2, respectively. The right of way and utility easements were dedicated with the recording of the final plat for the Dell Jones subdivision in February 2005.

Since their dedication the alignment of Waco Road was shifted north of Lot 441 rendering the right of way and utility easements as unnecessary. The request for vacation is sought in advance of a concurrent replat (Case # 109-2023) of Dell Jones Plat 2 and Lot 441 of The Villages of Arbor Pointe Plat 3. The replat is tentatively scheduled for introduction on the Council's October 16 agenda.

Discussion

A Civil Group (agent), on behalf of UPT5611COMO, LLC (owner), is seeking the vacation of the former alignment of Waco Road between Lot 441 of The Villages at Arbor Pointe Plat 3 and Lots 201 and 202 of Dell Jones Plat 2. Additionally, the 10-foot utility easement located along the northern boundary of Lots 201 and 202 of Dell Jones Plat 2 is sought to be vacated. The right of way and utility easements have been identified as being unnecessary given Waco Road has been shifted north of Lot 441. No existing utilities have been installed within the utility easement that follows the northern property line of Lots 201 or 202.

The requested vacations will permit the former right of way (0.85 ac) and utility easements (0.24 ac) to be consolidated with the adjoining lots and then redistributed via a concurrent (Case # 109-2023) replat. The proposed replat will dedicate an additional 9-feet of right of way for Waco Road and reestablished the vacated easements along the newly defined lot frontages with Waco Road. Additionally, the replat will result in the dedication of Lot 204 of Dell Jones Plat 2 over which a portion of the existing Waco Road right of way traverses which was never formally dedicated upon Waco Road's construction. A copy of the proposed replat is attached for reference.

An existing 8-foot and 20-foot sanitary sewer easement cross the right of way and the portion of the utility easement along Lot 201 of Dell Jones Plat 2 sought for vacation. These easements are recorded in Book 1553, Page 76 and Book 513, Page 605, respectively, and are not impacted by the requested vacations. The future replat (Case #109-2023) of the lots



adjoining the right of way and easements illustrates that these easements will be retained following the vacations.

This request has been reviewed by both internal and external staff. Following this review, it was determined that the right of way and easements are not necessary to support utility or right of way needs. Staff supports the requested vacations and finds that the future replat of the lots adjoining the features will provide appropriate replacements to the features vacated.

Locator maps, easement descriptions for the right of way, eastern utility easement (along Lot 202 Dell Jones Plat 2), western utility easement (along Lot 201 Dell Jones Plat 2), vacation exhibits (right of way and combined utility easements), and the proposed replat (Case # 109-2023) to be known as “Uptown Business Park Plat 1” are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated. Any costs associated with relocation of public utilities to be borne by the applicant.

Long-Term Impact: Potential impacts may include additional public infrastructure maintenance (i.e. electric, roads, sewer, and water) as well as public safety and solid waste collection costs. Such impacts may or may not be off-set by increased property tax collections or user-fees.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Reliable and Sustainable Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Economic Development, Tertiary Impact: Not Applicable

Legislative History

Date	Action
12/19/22	Authorized to proceed with vacation (Rep. 101-22)
02/07/05	Approved final plat Dell Jones Plat 2 (Ord. 18397)

Suggested Council Action

Approve the requested vacation of Waco Road lying between Lot 441 of The Villages at Arbor Pointe Plat 3 and Lots 201 and 202 of Dell Jones Plat 2 as well as the associated 10-foot utility easement adjoining Lots 201 and 202 of Dell Jones Plat 2 as shown on the attached vacation exhibits.