
MEMO

TO: Mayor Doyle and City Commissioners

FROM: Don Carroll, City Planner

DATE: March 4, 2010

RE: PLANNING BOARD AGENDA ITEM - February 1, 2010
ABANDONMENT REQUEST

Scott Monroe, Starship Texas City III, LP requests to abandon 20' easement for street, utilities and drainage Right-of-Way as follows: Being a 20' wide road easement, granted to the City of Texas City, as reflected by instrument recorded in Volume 2327, Page 86, in the Office of the Clerk of Galveston, Texas, being out of 10.4886 acre tract, of land, Subdivision H, situated in the James Smith Survey, Abstract No. 176, Galveston County, Texas, as shown on the topographic surveyor prepared by Billy L. Shanks, R.P.L.S. #1821, dated April 17th, 2008. Located: West of Lowe's and East of R.R. and pipeline easement and North of Emmett F. Lowry Expy. **(Action)**

This request for abandonment came before the Planning Board during its regularly scheduled meeting. This was a Planning Board Public Hearing where notice was given in order to notify all property owners that could be impacted. There were no controversial issues registered from the property owners within the abandonment limits. The applicant has presented his abandonment intent to Staff during several pre development review meetings. All stipulations raised by Staff has been properly addressed and reconciled. Staff has no objections to the abandonment intent. The Planning Board members reviewed the information provided and after their review, the members present unanimously voted to recommend approval of this request. Please reference the minutes of February 1, 2010 for a detailed summary.

This abandonment request is now ready for the City Commission to review for approval.

DRC:ep

PLANNING BOARD MINUTES

February 1, 2010

The Planning Board of the City of Texas City met in a regularly scheduled meeting on Monday, February 1, 2010 at 5:00 p.m. Board members present were: Mayor Doyle, Eloise O'Bryant, Jose Boix, and Dickie Campbell. Staff members present were: Don Carroll, and Doug Kneupper, Nick Finan and Edna Patterson. The citizens present were Bharat Patel.

Mrs. Eloise O'Bryant presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

APPROVAL OF MINUTES. A motion to approve the minutes of December 21, 2009 was made by Dickie Campbell/Jose Boix. All members present voted aye.

ITEM NO. 1 Scott Monroe, Starship Texas City III, L.P. , requests to abandon 20' easement for street, utilities and drainage Right-of-Way as follows: Being a 20' wide road easement, granted to the City of Texas City, as reflected by instrument recorded in Volume 2327, Page 86, in the Office of the Clerk of Galveston, Texas, being out of 10.4886 acre tract, of land, Subdivision H, situated in the James Smith Survey, Abstract No. 176, Galveston County, Texas, as shown on the topographic surveyor prepared by Billy L. Shanks, R.P.L.S. #1821, dated April 17th, 2008. Located: West of Lowe's and East of R.R. and pipeline easement and North of Emmett F. Lowry Expy. **(Action)** Mr. Carroll provided the Board with an overview of request and provided the Board with a memorandum addressing the abandonment request with Staff concerns. His memorandum dated February 1, 2010 is as follows: "We are now presenting this request to the Planning Board for their recommendation. Starship Texas City III, L.P. owns all the properties within the limits of the right-of-ways and easement to be abandoned. This abandonment request has come before Staff during several of the Tuesday Predevelopment Review Meetings. All stipulations raised by Staff have been reconciled and/or agreed to by the developer. All letters from the various utility companies have been submitted without objections to this request. Staff offers no objections to the abandonment intent and recommend approval by the Planning Board and City Commission.

The City Attorney will be required to formulate language for filling the abandonment with the County. The applicant should be advised that the exhibits required by the County should be perfected for filing. The metes and bounds description and pictorial illustration should be more specific. Typically, the exhibits must convey bearings and dimensions. For the Planning Board deliberation we have enough information to consider this abandonment request. I would encourage the applicant to provide more detailed exhibits in order to assure no delay from the County when presented for filing. "

The abandonment request has been reviewed by Staff and is viewed as being generally acceptable. Mr. Carroll advised the Board that the applicant was not here and it was unknown as to why he was not in attendance. Normally the request would not be addressed without the applicant being present but since the abandonment request is completely within the applicant's property, public notices were sent out and newspaper notices for a cost were ran Staff recommends moving ahead with request. Current abandonment fees are not covering the cost of running notices and we need to revisit our fee schedule at a later meeting. Mr. Boise asked if there were any objections and Mr. Carroll responded there were none and all utility companies indicated that they were not opposed. After a brief discussion, **a motion to approve abandonment was made by Jose Boix/Dickie Campbell. All members present voted aye.**

ITEM NO. 2. Bharat Patel requests site plan review for Chevron Convenience Store and Churches Fried Chicken being located at Hwy. 146 North Business Park (5th Avenue / Hwy146) (Action) Mr. Carroll provided the Board with an overview of the request and provided the Board with a memorandum addressing the Site Plan proposal. His memorandum dated February 1, 2010 is as follows: "This Site Plan proposal has been reviewed and vetted by Staff during several of the Development Review Meetings. All Staff concerns and stipulations have been properly addressed. There are no controversial issues associated with this proposal.

The development intent is to build a Chevron and Churches Chicken establishment. Staff offers no objection to the development intent." Mr. Carroll advised the Board that Mr. Patel was in attendance should they have any questions for him. Mr. Patel addressed the Board referencing the location and the business intent. He has other businesses in this area and hopes to continue to grow and develop in Texas City. After a brief discussion, **a motion to approve site plan was made by Jose Boix/Dickie Campbell. All members present voted aye.**

There being no further business to discuss **a motion to adjourn was made by Dickie Campbell/Jose Boix. All members present voted aye.**



Donald R. Carroll, Secretary

Eloise O'Bryant, Chairperson

Starship Texas City III, L.P.
P.O. Box 973
Seabrook, Tx. 77586

Exhibit "A"

March 3, 2010

City of Texas City
1801 9th Avenue North
Texas City, Texas 77592

RE: 20 foot Easement Abandonment

Dear Don,

Please accept this letter as our request for the abandonment of an existing 20 foot easement. This easement does not adjoin any other property owner and is located solely within our 10.4886 acre tract of land situated in block 2 of subdivision "H".

The 20 foot easement is best described by the following:

By instrument dated the 29th day of November, 1972, and recorded in Block 2327, Page 86 of the Deed Records of Galveston County, Texas, F. H. Kohfeldt, et al. granted to the City of Texas City, Texas, an easement for public utilities located on, over, under, and across the following described property:

Beginning at the Southeast corner of Lot 4, Block 2, Subdivision "H" of the Kohfeldt's Resubdivision of the Thomas W. Johnson, James Smith and Hamlet Ferguson Surveys in Galveston County, Texas, according to the plat of records in Volume 245, Page 289, in the Deed Records in the office of the County Clerk of Galveston County, Texas;

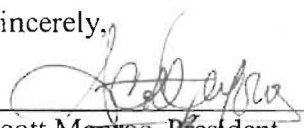
Thence West along the South line of said Lot 4, same being the North line of a 40 foot street right-of-way, a distance of Two Hundred Sixty-Four (264.0) feet to a point for corner;

Thence North a distance of Twenty (20.0) feet to a point for corner;

Thence East and all time parallel to and Twenty (20.0) feet from the South line of Lot 4, a distance to Two Hundred Sixty-Four (264.0) feet to a point for corner in the East line of said Lot 4;

Thence South along the East line of said Lot 4, a distance of Twenty (20.0) feet to the Southeast corner of said Lot 4 and the place of beginning. Containing 0.14 acres, more or less.

Sincerely,



Scott Monroe, President,
Starship Texas City III, L.P.

