



City of Killeen

Legislation Text

File #: RS-21-104, **Version:** 1

Consider a memorandum/resolution approving the abandonment of a .057-acre, ten-foot-wide utility easement affecting the property currently recorded as Tract 'A' and Lots 10-13, Block 1, Gardens at Jasper Heights. The easement is located east of Jasper Garden Court, Killeen TX, 76541.

DATE: July 20, 2021

TO: Kent Cagle, City Manager

FROM: Tony McIlwain, Executive Director of Development Services

SUBJECT: Case #21-01AB: Request for abandonment of .057-acre, ten-foot-wide utility easement affecting the property currently recorded as Tract 'A' and Lots 10-13, Block 1, Gardens at Jasper Heights

BACKGROUND AND FINDINGS:

TANB, L.L.C. submits this request for the abandonment of a utility easement granted to the City of Killeen and recorded via a separate instrument in Volume 825, Page 290 of the Bell County Public Records. The recorded instrument grants a .057-acre, ten-foot-wide utility easement in gross and was recorded on April 20, 1961. The attached Exhibit A illustrates the location of the easement.

The property is currently platted as Gardens at Jasper Heights. During the platting of this subdivision, it was determined that the six-inch sewer line in the easement was to be removed and placed into another platted easement to develop this subdivision. The sewer line has been removed and the applicant is asking for the abandonment of the easement to facilitate the development of Lots 10-13.

The property where the easement is located is along the north right-of-way of E. Mary Jane Drive and to the east of Jasper Garden Court. The .057-acre, ten-foot-wide utility easement runs north to south in Tract 'A' and Lots 10-13, Block 1 of the subdivision. Staff has notified other City departments and franchise utility providers and has received no objections to the applicant's abandonment request.

THE ALTERNATIVES CONSIDERED:

The City Council has two (2) alternatives. The Council may:

- Disapprove the applicant's request for abandonment of the easement; or
- Approve the applicant's request for abandonment of the easement.

Which alternative is recommended? Why?

Staff recommends that the City Council approve the applicant's request for abandonment of the easement to allow for the further development of this subdivision.

CONFORMITY TO CITY POLICY:

This item conforms to state and local policies.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

Staff recommends that the City Council approve the utility easement abandonment request and authorize the City Manager to execute a quitclaim deed for the subject property and to do and perform every other act as he may deem necessary and appropriate to carry out the abandonment of the easement in accordance with this resolution. Planning staff will record the quitclaim deed as a separate instrument.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Exhibit A
Quitclaim Deed