PLANNING AND ZONING COMMISSION
STAFF REPORT

November 20, 2014

CITY OF BRYAN

Right-of-way Abandonment case no. RA 14-01: portions of East 24th Street, North Houston Avenue and the alley in Block 43 of the Bryan Original Townsite

SIZE AND LOCATION: a 0.07-acre portion of a 20-foot wide public alley right-of-way extending east-to-west between North Houston and North Texas Avenues in Block 43 of the Bryan Original Townsite, as well as a 12-foot wide portion of East 24th Street and a 15-foot wide portion of North Houston Avenue rights-of-way cumulatively 0.13 acres in size, both lying adjacent to Block 43 of the Bryan Original Townsite between North Texas Avenue and North Houston Avenue and East 23rd and East 24th Streets, respectively

APPLICANT(S): Emmanuel Baptist Church – Thomas Baber

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested right-of-way abandonments**.**

AREAS OF RIGHT-OF-WAY REQUESTED TO BE ABANDONED

RIGHT-OF-WAY REQUESTED TO BE ABANDONED:

The applicant, Thomas Baber on behalf of Emmanuel Baptist Church, is requesting the official abandonment portions of public street rights-of-way for East 23rd Street and North Houston Avenue, adjacent to Block 43 of the Bryan Original Townsite, to formally integrate this tract with the Church's ownership of the adjoining land. The street right-of-way requested to be abandoned is 0.13acres in area and has never been improved as a driving surface. In addition, the Church is requesting abandonment of a portion of the alley right of way that bisects Block 43 of the Bryan Original Townsite. A request for replat (case no. RP14-25) of the subject property to integrate the rights-of-way that have been requested to be abandoned into the church property is scheduled for consideration by the Planning and Zoning Commission during their regular meeting, November 20, 2014.

Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights of way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights-of-way.

ANALYSIS AND RECOMMENDATION:

The Emmanuel Baptist Church was organized in 1950 and by 1952 was meeting at its current location at East 24th Street and Houston Avenue. In 1958 the current sanctuary was constructed and the education building added a few years later. Recently, changes in one of the businesses in this block that fronts Texas Avenue ("The Cut Above") has caused automobile traffic on an un-improved alley that extends between the church sanctuary and education building in the eastern half of this block. The applicant states that the

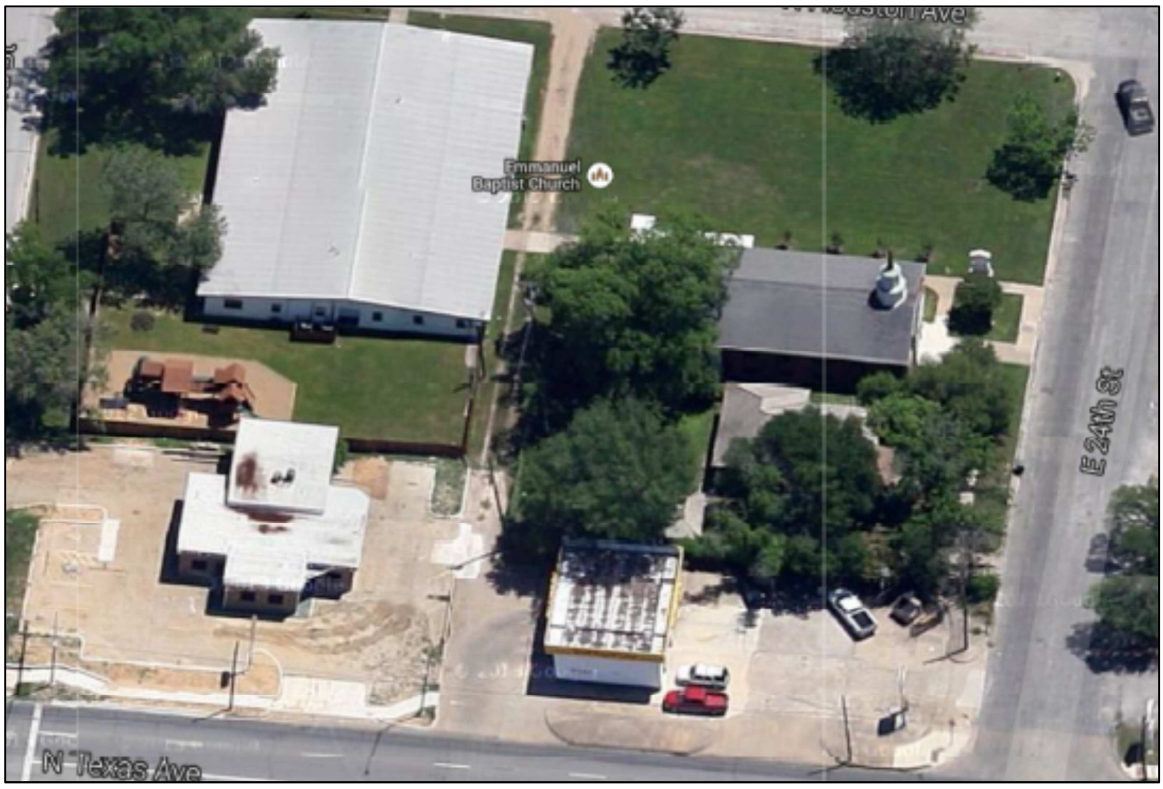
introduction of traffic into the alley has created a hazardous condition to the extent that it warrants closure of this portion of public right of way.

In addition to closure of the portion of alley right of way adjacent to church property, the applicant is requesting abandonment of portions of adjacent street right of way along East 24th Street and North Houston Avenue; specifically 12 feet along East 24th Street and 15 feet along North Houston Avenue. As part of the process, if all the requested abandonments are approved by the City Council, a replat of the entire property will be recorded establishing the new property boundaries and easements.

In the case of the street rights of way requested to be abandoned, excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. If approved, the abandoned street right of way will be functionally integrated with adjacent land and made available for development.

In the case of the alley right of way requested to be abandoned, staff recognizes the potential hazardous conditions created by the public use of this unimproved alley, however staff also feels constrained from recommending approval of any request to abandon public property that is currently in use by the public.

To compare and contrast the two sides of the issue, staff believes that abandoning the alley right of way could interfere with the smooth circulation of vehicular traffic by eliminating an option for access and egress to two businesses along Texas Avenue. Conversely, not abandoning the alley right of way will interfere with the safe circulation of pedestrian traffic. In the case of the existing hazard to pedestrian traffic, staff cannot envision a solution that could effectively mitigate the hazard other than eliminating the presence of traffic.



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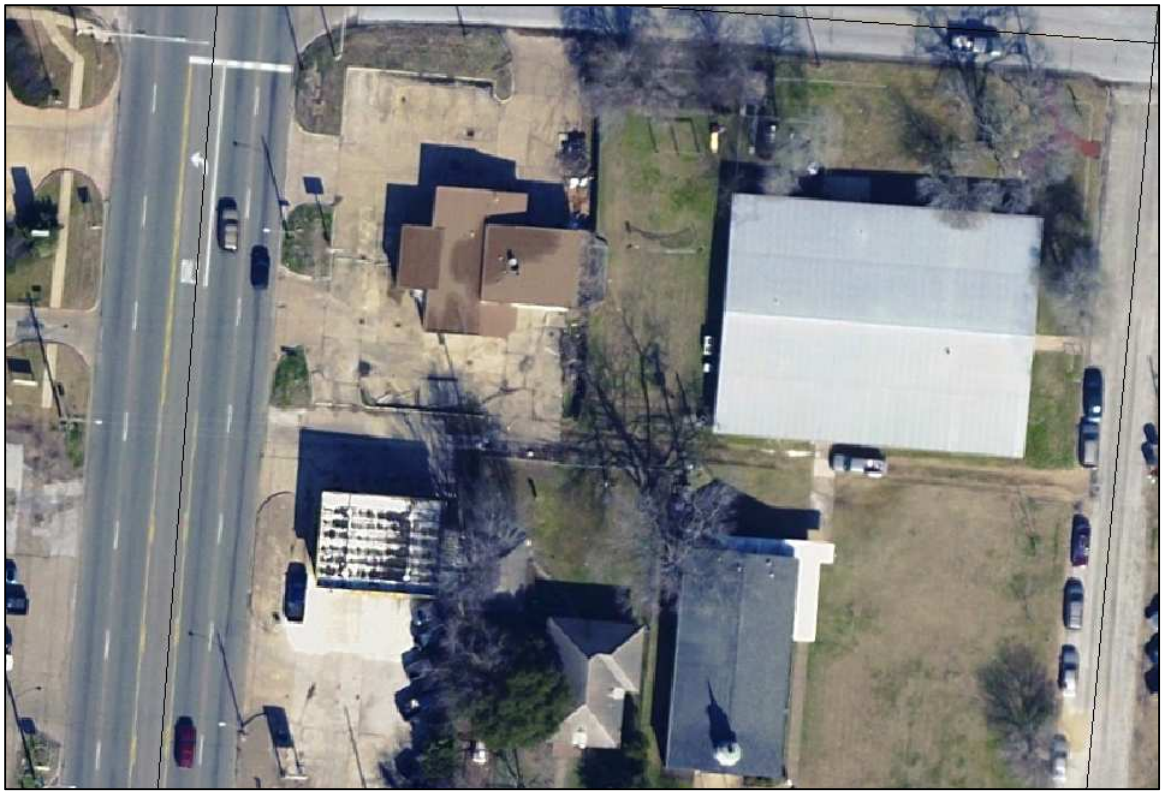

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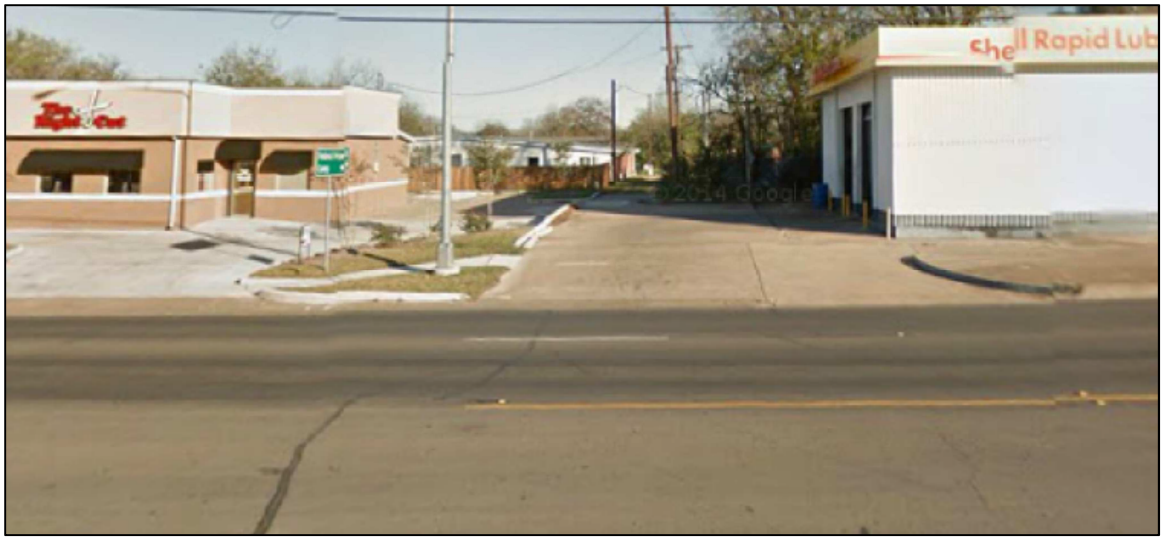

Photo 1

Photo 2

Photo 2 detail

In this specific case, based on the existing long established use and development patterns and the absence of a reasonable solution to mitigate the potential pedestrian hazards, staff contends that the preservation of safety carries greater weight that convenient access.

Staff recommends **approving** the request to abandon these portions of public right of way, **subject to the condition that a formal replat encompassing all property which the applicant owns or will own after abandonment of these rights-of-way is filed with the City for recording.** Abandoning the subject rights-of-way, as recommended, will allow this land to be integrated with adjacent lots and relieve the public from continued maintenance responsibilities and create a safer environment than that existing presently.