



AGENDA MEMORANDUM

First Reading Ordinance for December 10, 2019
Second Reading Ordinance for December 17, 2019

DATE: October 23, 2019
TO: Peter Zaroni, City Manager
FROM: Al Raymond, Director Development Services
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Easement Closure for Callicoatte Estates Unit 5

CAPTION:

Ordinance closing, abandoning, and vacating a 25-foot wide by approximately 993.17-foot long (24,136 sq. ft.) utility easement in Callicoatte Estates Unit 5 located at 3802 Callicoatte Road. (District 1).

SUMMARY:

The purpose of this ordinance is to close, abandon, and vacate a 25-foot wide by approximately 993.17-foot long utility easement. The utility easement runs diagonally across the applicant's property and prevents the development of Callicoatte Estates Unit 5, a planned residential subdivision.

BACKGROUND AND FINDINGS:

Luxury Spec Homes, Inc. (owner) is requesting the City to close, abandon and vacate a 25-foot wide by approximately 993.17-foot long utility easement in order to develop a planned residential subdivision.

The preliminary plat for the planned subdivision was approved by Planning Commission on May 29, 2019, will contain 126 buildable lots, and will include a storm water retention pond. The property is located within the Calallen Independent School District and is zoned RS - 4.5.

The easement contains an abandoned legacy city water line, running diagonally across the property, that was built on April 1, 1944. The water line was abandoned and has since been replaced by the Utilities Department with a 48 and 60-inch water line along Callicoatte Road. The installations of the new water lines were completed December 1954 and October 26, 2001 respectively.

The closure of the easement with the abandoned water line poses no legal liability to the city and water utilities has stated no objections to the easement closure. Additionally, there are no other franchise or public utilities located within the easement. The developer has stated they do not intend to remove any part of the abandoned water line during the construction of the planned subdivision.

The applicant requesting the utility easement closure has paid the required \$530.00 application fee and the easement closure request has been processed in accordance with Section 49-13 of the City Code of Ordinances.

ALTERNATIVES:

Deny the applicant's request and have them redesign the subdivision so it does not require the closure of the easement. This may reduce the number of buildable lots and negatively affecting the project by making it too costly to pursue at the present time. As a result, the applicant may delay the start of the project to a future date when they have a new development plan does not require the easement closure.

FISCAL IMPACT:

There is no fiscal impact associated with this closure, however, the City will gain the tax revenue of 126 homes when the subdivision is completely built out.

Funding Detail: N/A
Fund:
Organization/Activity:
Mission Element:
Project # **(CIP Only)**:
Account:

RECOMMENDATION:

Staff supports the applicant's request. The closure of the easement will support the growth of the community.

LIST OF SUPPORTING DOCUMENTS:

Ordinance with Exhibits
Location Map
Presentation