CITY OF COLLEGE STATION
Planning & Development Services

8:30
Susan

For Office Use Only
P&Z Case No. 05-01
Date Submitted: 1-4-05

ABANDONMENT OF PUBLIC ~~ROW-OF-WAY~~/EASEMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS

- ☑ $300.00 Abandonment of Public ~~Right-of-Way (ROW)~~/Easement application fee.
- ☑ A completed copy of the attached Abandonment of Public ~~ROW~~/Easement application.
- ☑ All exhibits processed (except for Exhibit No. 4, which will be processed by staff).

ADDRESS 2370 Kendal Green Circle, College Station, TX

LEGAL DESCRIPTION 50' Access Easement between Lots 37 & 38, Block of Section 4, Phase 2 of the Castlegate Subdivision

APPLICANT (Primary Contact for the Project):

Name Wallace Phillips E-Mail —

Street Address 4490 Castlegate Drive

City College Station State TX Zip Code 77845

Phone Number (979) 690-7250 Fax Number (979) 690-1041

PROPERTY OWNER'S INFORMATION (if different from above):

#1 Name Greens Prairie Investors, Ltd. (Wallace Phillips, Manager) E-Mail —

Street Address 4490 Castlegate Drive

City College Station State TX Zip Code 77845

Phone Number (979) 690-7250 Fax Number (979) 690-1041

#2 Castlegate Homeowner's Association, Inc. (Wallace Phillips, President)
(same address & phone as Owner #1)

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct.

Wallace Phillips Mgr & Pres. — Signature of Owner

Dec 28-04 — Date

APPLICATION FOR THE ABANDONMENT OF A PUBLIC ~~RIGHT-OF-WAY~~/EASEMENT

Date: 12/27/2004

Location of ~~Right-of-Way~~/Easement to be Abandoned: Between Lots 37 & 38, Block 2 of Section 4, Phase 2 of the Castlegate Subdivision

Property Owner's Name & Address: Greens Prairie Investors, Ltd & Castlegate Homeowner's Association, Inc, 4490 Castlegate Dr, College Station, TX, 77845

Property Owner's Phone Number: (979) 690-7250

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF COLLEGE STATION:

The undersigned hereby makes application for the abandonment of that portion of the above ~~right-of-way~~ easement particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of College Station harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.

2. Attached, marked Exhibit No. 1, are two sealed metes and bounds descriptions (~~dividing the area in half~~) of the area sought to be abandoned, prepared by a Registered Public Surveyor.

3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of that portion of the public ~~right-of-way~~/easement sought to be abandoned and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described ~~right-of-way~~/easement is situated, together with the record owners of such lots.

4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the abandonment.

5. Attached, marked Exhibit No. 4, is the consent of the City of College Station staff to the abandonment.

6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

   None

7. Such public ~~right-of-way~~/easement should be abandoned because:

The access easement was proposed to be temporary and was required only until a second access was provided. A street entrance to Greens Prairie Road has been constructed with the development of Section 5 of the Castlegate Subdivision. This street provides a second ingress and egress point for the subdivision, which will take the place of the access easement.

8. Such public ~~right-of-way~~/easement has been and is being used as follows:

The access easement was for use by the public and emergency services in the event that Castlegate Drive became impassable.

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

Owner's Signature: Wallace Phillips Mgr

Owner's Name: Wallace Phillips

Owner's Address: 4490 Castlegate Drive
College Station, TX 77845

Owner's Phone Number: (979) 690-7250

STATE OF TEXAS)
) ACKNOWLEDGMENT
COUNTY OF BRAZOS)

Subscribed and sworn to before me, a Notary Public, this 28th day of December, 2004, by Emma Torres.

EMMA TORRES
Notary Public, State of Texas
My Commission Expires
JANUARY 31, 2006

Emma Torres
Notary Public in and for
the State of Texas

Application for Abandonment of
a Public ~~Right-of-Way~~/Easement

Located: Between Lots 37 & 38, Block 2, Sect 4, Ph 2, Castlegate Subdivision

EXHIBIT NO. 1

Attached are two sealed copies of the metes and bounds description (~~dividing the area in half~~) of the public ~~right-of-way~~/easement situated in Section 4, Ph 2 of Castlegate ~~Addition~~/Subdivision to the City of College Station, Brazos County, Texas, sought to be abandoned.

EXHIBIT 1

METES AND BOUNDS DESCRIPTION
OF A 50' ACCESS EASEMENT ABANDONMENT
0.2836 ACRES TRACT OF LAND
OUT OF SECTION 4, PHASE 2
OF THE CASTLEGATE SUBDIVISION
OUT OF THE ROBERT STEVENSON SURVEY, A-54
COLLEGE STATION
BRAZOS COUNTY, TEXAS

All that tract or parcel of land lying and being situated in Brazos County, Texas, in the Robert Stevenson Survey, A-54, also being out of the Castlegate Subdivision, Section 4, Phase 2, as recorded in Vol. 4362, Pages 42-43, of the Brazos County Official Records(B.C.O.R.), also being out of the Restricted Open Space Reserve tract as recorded in Vol. 5040, Page 30, of the B.C.O.R., and being more particularly described by metes and bounds as follows with all control referred to the 1983 Texas State Plane Coordinate System, Lambert Projection, Central Zone:

BEGINNING at a point for corner having a Texas State Plane Coordinate Value of Y=10,185,242.21 X=3,574,042.62 and being South 71°50'00" West, a distance of 1067.96 feet from Monument #137 referenced to said Coordinate System;

THENCE South 42°54'16" West, a distance of 2.42 feet to a 5/8" iron rod found for corner;

THENCE South 43°15'51" West, a distance of 45.90 feet to a 5/8" iron rod found for corner;

THENCE South 43°46'32" West, a distance of 1.68 feet to a point for corner;

THENCE North 47°12'07" West, a distance of 36.73 feet to a point for corner;

THENCE North 19°44'44" West, a distance of 87.89 feet to a point for corner;

THENCE North 48°05'47" West, a distance of 121.82 feet to a point for corner, being on the southeast right-of-way line of Kendal Green Drive, and being North 41°54'13" East, a distance of 5.00 feet from a 5/8" iron rod found for reference for the north corner of Lot 38, of said subdivision;

THENCE North 41°54'13" East, a distance of 50.00 feet along the common line between this tract and said right-of-way line to a point for corner, also being South 41°54'13" West, 5.00 feet from a 5/8" iron rod found for reference for the west corner of Lot 37 of said subdivision;

THENCE South 48°05'47" East, a distance of 134.45 feet to a point for corner;

THENCE South 19°44'44" East, a distance of 88.30 feet to a point for corner;

THENCE South 47°12'07" East, a distance of 24.92 feet to the **PLACE OF BEGINNING** containing 0.2836 acres.

STATE OF TEXAS
REGISTERED
DANTE CARLOMAGNO
1562
PROFESSIONAL
LAND SURVEYOR

Dante Carlomagno
Texas Registered Professional
Land Surveyor No. 1562
Sect4ph2-Abandon.doc
December 23, 2004

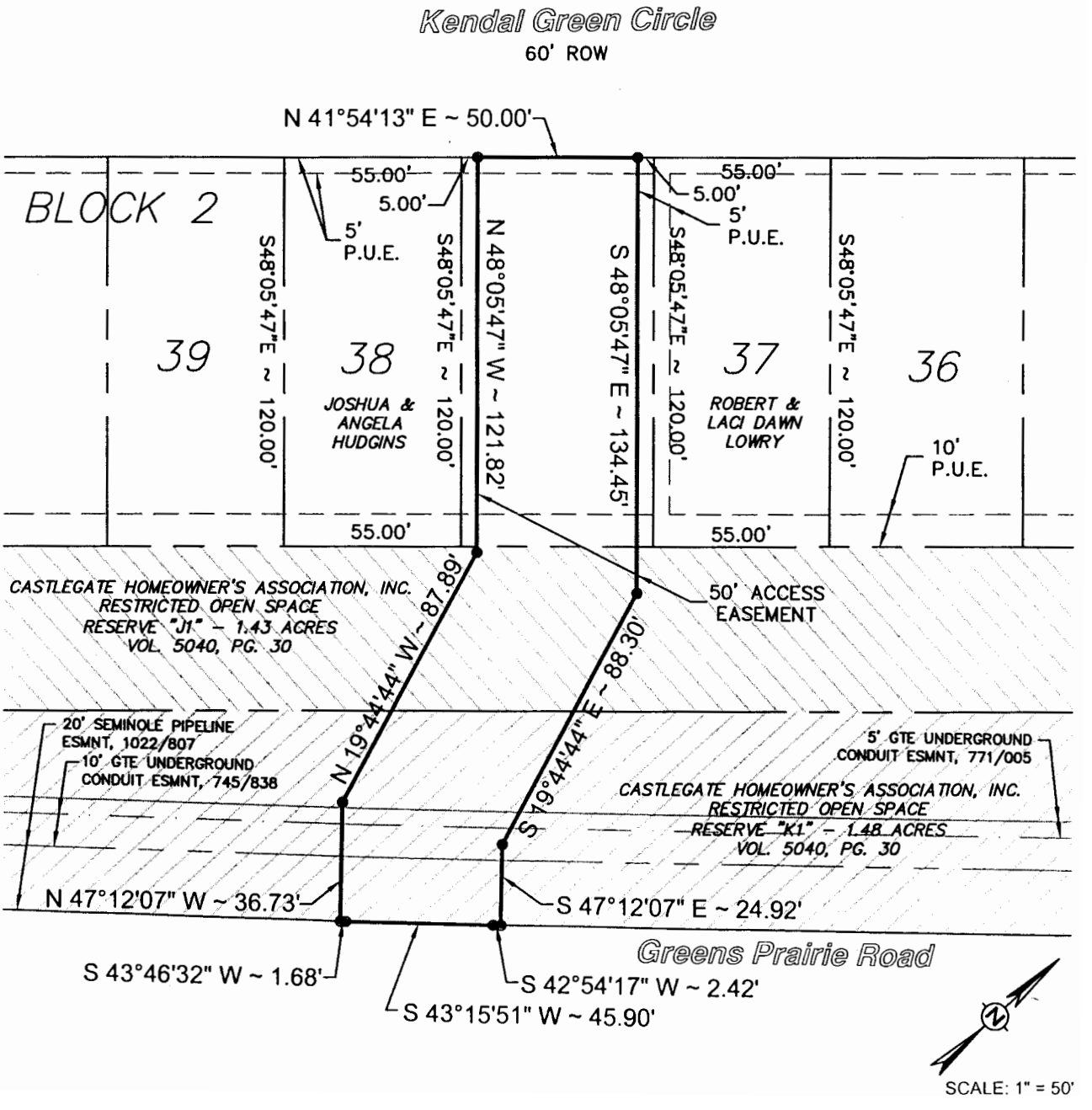
Application for Abandonment of
a Public ~~Right-of-Way~~/Easement

Located: Between Lots 37 & 38, Block 2, Sect 4, Ph2, Castlegate Subdivision

EXHIBIT NO. 2

Attached are two copies of a plat or detailed sketch of the public ~~right-of-way~~/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public ~~right-of-way~~/easement sought to be vacated is situated, and the addition or subdivision in which the portion of the public ~~right-of-way~~/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.

EXHIBIT 2
EASEMENT ABANDONMENT
50' ACCESS EASEMENT
CASTLEGATE SUBDIVISION
SECTION 4, PHASE 2
VOL. 4362, PG. 42-43



Application for Abandonment of
a Public Right-of-Way/Easement

Located: Between Lots 37 & 38, Block 2, Sect 4, Ph 2, Castlegate Subdivision

* This application is for the abandonment of an access easement only. No abandonment of a Public Right-of-Way or Public Utility Easement is proposed.

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

TXU GAS COMPANY

BY: _____
Title _____

VERIZON TELEPHONE COMPANY

BY: _____
Title _____

COX COMMUNICATIONS

BY: _____
Title _____

Application for Abandonment of
a Public ~~Right-of-Way~~/Easement

Located: Between Lots 37 & 38, Block 2, Sect 4, Ph2, Castlegate Subdivision

EXHIBIT NO. 4

The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for Abandonment of the public ~~right-of-way~~/easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested abandonment from the City's standpoint.

Engineer
City of College Station

Building Official
City of College Station

Zoning Official
City of College Station

Fire Marshal
City of College Station

Director of Public Utilities
City of College Station

Application for Abandonment of
a Public ~~Right-of-Way~~/Easement

Located: Between Lots 37 & 38, Block 2, Sect 4, Ph2, Castlegate Subdivision

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Engineer City of College Station	Building Official City of College Station
Zoning Official City of College Station	Fire Marshal City of College Station

Director of Public Utilities
City of College Station

Tony Michalsky for Elect. 1-6-05
for w/ww 1-6-05

Application for Abandonment of
a Public ~~Right-of-Way~~/Easement

Located: Between Lots 37 & 38, Block 2, Sect 4, Ph 2, Castlegate Subdivision

EXHIBIT NO. 5

The undersigned, owners of property abutting upon that portion of the public ~~right-of-way~~/easement named and described in the Application for Abandonment of a Public ~~Right-of-Way~~/Easement referred to above, do hereby consent to such abandonment.

NAME: Joshua & Angela Hudgins

ADDRESS: 2368 Kendal Green Circle, College Station, TX, 77845

signature

NAME: Robert & Laci Dawn Lowry

ADDRESS: 2372 Kendal Green Circle, College Station, TX, 77845

signature

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

Greens Prairie Investors
4490 Castlegate Drive
College Station, Texas 77845
Phone: (979) 690-7250
Fax: (979) 690-1041

December 27, 2004

Joshua & Angela Hudgins
2368 Kendall Green Circle
College Station, TX 77840

Dear Mr. & Mrs. Hudgins;

We are writing to request that you sign Exhibit No. 5 consenting to the abandonment of the access/easement located between lots 37 & 38 Block 2 Phase 2 Section 4 Castlegate Subdivision. Previously the city required us to reserve this lot as a potential fire exit for Castlegate Communities to access Greens Prairie Road. Because Section 5 is now complete and there is a permanent exit to Greens Prairie Road within Section 5, the city is no longer requiring that we maintain this area in Section 4 as a fire escape.

With your consent as an adjoining lot owner, we would like to develop this lot into a residential lot. If you consent to this plan, please sign the exhibit No. 5.
Thank you for your cooperation in this matter and for your willingness to further the development of Castlegate Communities.

Yours truly,

Wallace Phillips
Developer

Application for Abandonment of
a Public ~~Right-of-Way~~/Easement

Located: Between Lots 37 & 38, Block 2, Sect 4, Ph 2, Castlegate Subdivision

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ADDRESS: 2368 Kendal Green Circle, College Station, TX, 77845

signature

NAME: Robert & Laci Dawn Lowry

ADDRESS: 2372 Kendal Green Circle, College Station, TX, 77845

signature

NAME: _____

ADDRESS: _____

_____

NAME: _____

ADDRESS: _____

_____

Greens Prairie Investors
4490 Castlegate Drive
College Station, Texas 77845
Phone: (979) 690-7250
Fax: (979) 690-1041

December 27, 2004

Robert & Laci Dawn Lowry
2372 Kendall Green Circle
College Station, TX 77845

Dear Mr. & Mrs. Lowry;

We are writing to request that you sign Exhibit No. 5 consenting to the abandonment of the access/easement located between Lots 37 and 38 Block 2, Phase 2 Section 4 Castlegate Subdivision. Previously the city required us to reserve this lot as a potential fire exit for Castlegate Communities to access Greens Prairie Road. Because Section 5 is now complete and there is a permanent exit to Greens Prairie Road within Section 5, the city is no longer requiring that we maintain this area in Section 4 as a fire escape.

With your consent as an adjoining lot owner, we would like to develop this lot into a residential lot. If you consent to this plan, please sign the exhibit No. 5.
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Yours truly,

Wallace Phillips Mgr.

Wallace Phillips
Developer

Application for Abandonment of
a Public ~~Right-of-Way~~/Easement

Located: Between Lots 37 & 38, Block 2, Sect 4, Ph 2, Castlegate Subdivision

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NAME: Joshua & Angela Hudgins

ADDRESS: 2368 Kendal Green Circle, College Station, TX, 77845

signature

NAME: Robert & Laci Dawn Lowry

ADDRESS: 2372 Kendal Green Circle, College Station, TX, 77845

signature H 979 690-9707
C 979 220-4035

NAME: _____

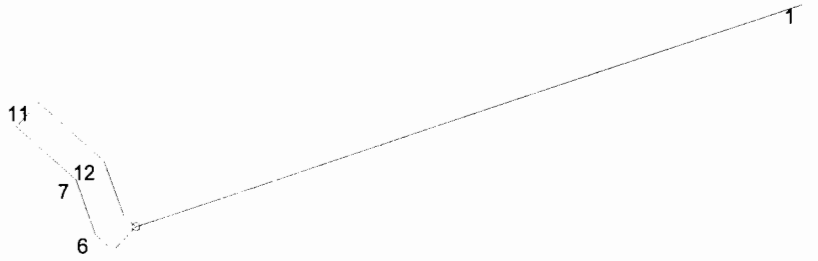
ADDRESS: _____

_____

NAME: _____

ADDRESS: _____

_____



Scale = 1: 292 (Feet)

1	S 71° 50' W 1067.96
2	S 42° 54' 16" W 2.42
3	S 43° 15' 51" W 45.9
4	S 43° 46' 32" W 1.68
5	N 47° 12' 7" W 36.73
6	N 19° 44' 44" W 87.89
7	N 48° 5' 47" W 121.82
8	N 41° 54' 13" E 5
9	N 41° 54' 13" E 50
10	S 41° 54' 13" W 5
11	S 48° 5' 47" E 134.45
12	S 19° 44' 44" E 88.3
13	S 47° 12' 7" E 24.92
14	Back to pob