



For Office Use Only

P&Z Case No. _____

Date Submitted: _____

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 1000 University Drive East

LEGAL DESCRIPTION Lot 1R, Replat of Lots 1 & 2 Henton Subd., Vol. 2017, Pg. 239 and Lot 2, One Lincoln Place, Vol. 690, Pg. 175, recorded in Vol. 6347, Pg. 185

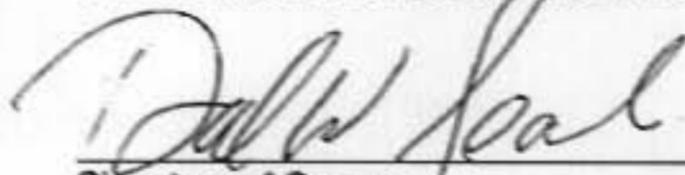
APPLICANT (Primary Contact for the Project):

Name Kling Engineering E-Mail stewart@klingeng.com
Street Address 4101 S. Texas Ave. Suite A
City Bryan State TX Zip Code 77802
Phone Number 979-846-6212 Fax Number 979-846-8252

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

Name David Scarmardo for Brazos Hotel E-Mail david@scarmardofoods.com
Street Address 1289 N. Harvey Mitchell Parkway
City Bryan State TX Zip Code 77803
Phone Number 979-779-7209 Fax Number 979-822-1763

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



Signature of Owner

December 17, 2004

Date

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

Date: December 17, 2004

Location of Right-of-Way/Easement to be Abandoned: 10' PUE adjoining the southwest line of Lot 1R according to the Replat of Lots 1 & 2 Henton Subd., Vol. 2017, Pg. 239 and Lot 2, One Lincoln Place, Vol. 690, Pg. 175, recorded in Vol. 6347, Pg. 185

Property Owner's Name & Address: Brazos Hotel – 1289 N. Harvey Mitchell Parkway
Bryan, TX 77803

Property Owner's Phone Number: 979-779-7209

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

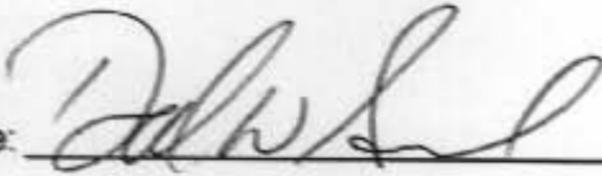
The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

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)

7. Such public right-of-way/easement should be abandoned because:
no utility either public or franchise, are located in this easement, and none
are planned as this lot line will be eliminated through a replat

8. Such public right-of-way/easement has been and is being used as follows:
Nothing – no utilities are located in this 10' strip

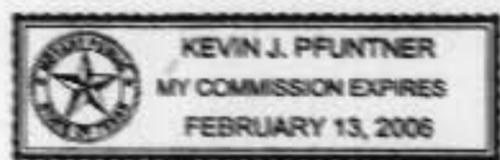
I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

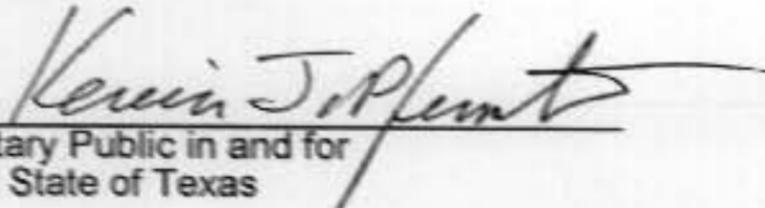
Owner's Signature: 
Owner's Name: David Scarmardo
Owner's Address: 1289 N. Harvey Mitchell Parkway
Bryan, TX 77803
Owner's Phone Number: 979-229-5118

STATE OF TEXAS)
COUNTY OF BRAZOS)

ACKNOWLEDGMENT

Subscribed and sworn to before me, a Notary Public, this 20th day of December, 2004, by David Scarmardo




Notary Public in and for
the State of Texas

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

Located: Lot 1R, Replat of Lots 1 & 2 Henton Subd., Vol. 2017, Pg. 239 and Lot 2, One Lincoln Place, Vol. 690, Pg. 175, recorded in Vol. 6347, Pg. 185

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 Lot 1R, Replat of Lots 1 & 2 Henton Subd., Vol. 2017, Pg. 239 and Lot 2, One Lincoln Place, Vol. 690, Pg. 175, recorded in Vol. 6347, Pg. 185 Addition/Subdivision to the City of College Station, Brazos County, Texas, sought to be abandoned.

Easement Abandonment
10' wide - PUE - 0.07 Acre
Part of Lot 1R
Replat of Lots 1 & 2, Henton Subdivision, Vol. 2017, Pg. 239
and Lot 2, One Lincoln Place, Vol. 690, Pg. 175
Vol. 6347, Page 185
Richard Carter Survey, A-8
College Station, Brazos County, Texas

Field notes of a 10' wide strip or parcel of land, (0.07 acre) lying and being situated in the Richard Carter Survey, Abstract No. 8, College Station, Brazos County, Texas, and being part of Lot 1R (2.29 acres) of the Replat of Part of Henton Subdivision and part of One Lincoln Place, as recorded in Volume 6347, Page 185, of the Official Records of Brazos County, Texas, and said 0.07 acre tract being more particularly described as follows:

BEGINNING at the ½" iron rod found marking the south corner of the beforementioned Lot 1R, same being the west corner of Lot 7-12 of the Replat of Lot 3 - Henton Subdivision according to the plat recorded in Volume 4089, Page 109, of the Official Records of Brazos County, Texas, and same being in the northeast line of the Sahara Realty Group, Ltd., - called 7.47 acre tract described in the deed recorded in Volume 6330, Page 177, of the Official Records of Brazos County, Texas;

THENCE N 45° 28' 03" W along the southwest line of the beforementioned Lot 1R, same being the northeast line of the beforementioned 7.47 acre tract for a distance of 310.50 feet to a ½" iron rod found marking the west corner of Lot 1R, same being the south corner of Lot 3R (5.85 acres) of said Replat (6347/185) and same being the north corner of the 7.47 acre tract;

THENCE N 44° 50' 37" E along the northwest line of the beforementioned Lot 1R, same being the southeast line of said Lot 3R for a distance of 10.00 feet;

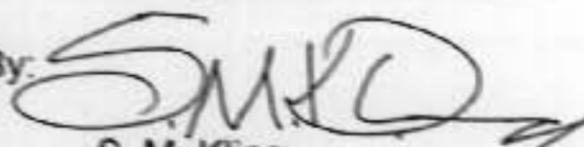
THENCE S 45° 28' 03" E across the beforementioned Lot 1R for a distance of 310.50 feet to the southeast line of Lot 1R;

THENCE S 44° 50' 37" W along the southeast line of Lot 1R, same being the northwest line of the beforementioned Lot 7-12 for a distance of 10.00 feet to the **PLACE OF BEGINNING**, encompassing an area of 0.07 acre, more or less.



Surveyed December 2004

By:


S. M. Kling
R.P.L.S. No. 2003

Prepared 12/17/04

kas04-07a.hentonsubreplatpartlot1r0.07ac.wpd

Easement Abandonment

10' wide - PUE - 0.07 Acre

Part of Lot 1R

Replat of Lots 1 & 2, Henton Subdivision, Vol. 2017, Pg. 239

and Lot 2, One Lincoln Place, Vol. 690, Pg. 175

Vol. 6347, Page 185

Richard Carter Survey, A-8

College Station, Brazos County, Texas

Field notes of a 10' wide strip or parcel of land, (0.07 acre) lying and being situated in the Richard Carter Survey, Abstract No. 8, College Station, Brazos County, Texas, and being part of Lot 1R (2.29 acres) of the Replat of Part of Henton Subdivision and part of One Lincoln Place, as recorded in Volume 6347, Page 185, of the Official Records of Brazos County, Texas, and said 0.07 acre tract being more particularly described as follows:

BEGINNING at the 1/2" iron rod found marking the south corner of the beforementioned Lot 1R, same being the west corner of Lot 7-12 of the Replat of Lot 3 - Henton Subdivision according to the plat recorded in Volume 4089, Page 109, of the Official Records of Brazos County, Texas, and same being in the northeast line of the Sahara Realty Group, Ltd., - called 7.47 acre tract described in the deed recorded in Volume 6330, Page 177, of the Official Records of Brazos County, Texas;

THENCE N 45° 28' 03" W along the southwest line of the beforementioned Lot 1R, same being the northeast line of the beforementioned 7.47 acre tract for a distance of 310.50 feet to a 1/2" iron rod found marking the west corner of Lot 1R, same being the south corner of Lot 3R (5.85 acres) of said Replat (6347/185); and same being the north corner of the 7.47 acre tract;

THENCE N 44° 50' 37" E along the northwest line of the beforementioned Lot 1R, same being the southeast line of said Lot 3R for a distance of 10.00 feet;

THENCE S 45° 28' 03" E across the beforementioned Lot 1R for a distance of 310.50 feet to the southeast line of Lot 1R;

THENCE S 44° 50' 37" W along the southeast line of Lot 1R, same being the northwest line of the beforementioned Lot 7-12 for a distance of 10.00 feet to the **PLACE OF BEGINNING**, encompassing an area of 0.07 acre, more or less.



Surveyed December 2004

By: *S.M. Kling*
S. M. Kling
R.P.L.S. No. 2003

Prepared 12/17/04
kes04-07a:\hentonsubreplatpartlot1r0.07ac.wpd

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

Located: Lot 1R, Replat of Lots 1 & 2 Henton Subd., Vol. 2017, Pg. 239 and Lot 2, One
Lincoln Place, Vol. 690, Pg. 175, recorded in Vol. 6347, Pg. 185

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.

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

Located: Lot 1R, Replat of Lots 1 & 2 Henton Subd., Vol. 2017, Pg. 239 and Lot 2, One
Lincoln Place, Vol. 690, Pg. 175, recorded in Vol. 6347, Pg. 185

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: [Signature]
Title Sr. Project Manager

VERIZON TELEPHONE COMPANY

BY: William P. Jurewski
Title Section Mgr - Network Engineering

COX COMMUNICATIONS

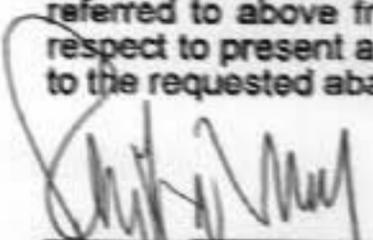
BY: [Signature] 12-3-04
Title Plant Manager

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

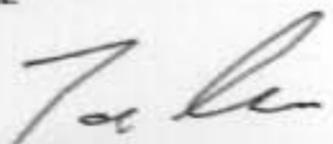
Located: Lot 1R, Replat of Lots 1 & 2 Henton Subd., Vol. 2017, Pg. 239 and Lot 2, One
Lincoln Place, Vol. 690, Pg. 175, recorded in Vol. 6347, Pg. 165

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.



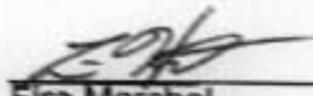
City Engineer
City of College Station



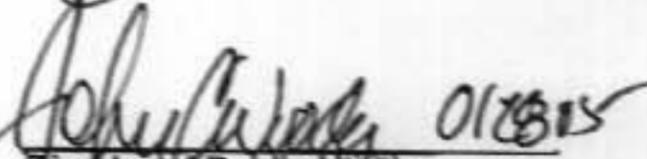
Building Official
City of College Station



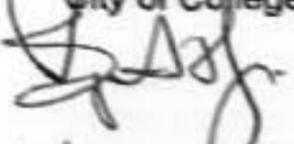
Zoning Official
City of College Station



Fire Marshal
City of College Station



Director of Public Utilities
City of College Station


Tony Michalshy Elect.