CITY OF COLLEGE STATION
Planning & Development Services

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 3R, 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 Sahara Realty Group, Ltd. 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 3R 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: Sahara Realty Group, Ltd – 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 franchee, 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)
) ACKNOWLEDGMENT
COUNTY OF BRAZOS)

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

KEVIN J. PFUNTNER
MY COMMISSION EXPIRES
FEBRUARY 13, 2006

Kevin J. Pfuntner
Notary Public in and for
the State of Texas

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

Located: Lot 3R, 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 3R, 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 - 0.16 Acre
Part of Lot 3R
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, (0.16 acre) lying and being situated in the Richard Carter Survey, Abstract No. 8, College Station, Brazos County, Texas, and being part of Lot 3R (5.85 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 0.16 acre tract being more particularly described as follows:

BEGINNING at the ½" iron rod found marking the south corner of the beforementioned Lot 3R, same being the west corner of Lot 1R of said Replat recorded in Volume 6347, Page 185, of the Official Records of Brazos County, Texas, and same being the north corner of the Sahara Reality 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, and same being the east corner of the Sahara Realty Group, Ltd. - called 7.263 acre tract, Volume 6078, Page 247, of the Official Records of Brazos County, Texas;

THENCE N 45° 28' 03" W along the southwest line of the beforementioned Lot 3R, same being the northeast line of the beforementioned 7.263 acre tract for a distance of 695.83 feet to a ⅝" iron rod found marking the west corner of Lot 3R, in the southeast right-of-way line of University Drive;

THENCE N 63° 21' 00" E along the southeast right-of-way line of University Drive, same being the northwest line of Lot 3R for a distance of 10.56 feet;

THENCE S 45° 28' 03" E across the beforementioned Lot 3R for a distance of 692.47 feet to the southeast line of Lot 3R;

THENCE S 44° 50' 37" W along the southeast line of Lot 3R, same being the northwest line of Lot 1R for a distance of 10.00 feet to the **PLACE OF BEGINNING**, encompassing an area of 0.16 acre, more or less.

STATE OF TEXAS
REGISTERED
S. M. KLING
2003
PROFESSIONAL
LAND SURVEYOR

Surveyed December 2004

By: S.M.K.

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

Prepared 12/17/04
kes04-07a:\hentonsubreplatpartlot3r0.16ac.wpd

Easement Abandonment
10' wide - PUE - 0.16 Acre
Part of Lot 3R
Replat of Lots 1 & 2, Henton Subdivision, Vol. 2017, Pg. 239
and Lot 2, One Lincoln Place, Vol. 690, Pg. 175
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BEGINNING at the ½" iron rod found marking the south corner of the beforementioned Lot 3R, same being the west corner of Lot 1R of said Replat recorded in Volume 6347, Page 185, of the Official Records of Brazos County, Texas, and same being the north corner of the Sahara Reality 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, and same being the east corner of the Sahara Realty Group, Ltd. - called 7.263 acre tract, Volume 6078, Page 247, of the Official Records of Brazos County, Texas;

THENCE N 45° 28' 03" W along the southwest line of the beforementioned Lot 3R, same being the northeast line of the beforementioned 7.263 acre tract for a distance of 695.83 feet to a ⅝" iron rod found marking the west corner of Lot 3R, in the southeast right-of-way line of University Drive;

THENCE N 63° 21' 00" E along the southeast right-of-way line of University Drive, same being the northwest line of Lot 3R for a distance of 10.56 feet;

THENCE S 45° 28' 03" E across the beforementioned Lot 3R for a distance of 692.47 feet to the southeast line of Lot 3R;

THENCE S 44° 50' 37" W along the southeast line of Lot 3R, same being the northwest line of Lot 1R for a distance of 10.00 feet to the **PLACE OF BEGINNING**, encompassing an area of 0.16 acre, more or less.

STATE OF TEXAS
REGISTERED
S. M. KLING
2003
PROFESSIONAL
LAND SURVEYOR

Surveyed December 2004

By: S.M.K.

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

Prepared 12/17/04
kes04-07a:\hentonsubreplatpartlot3r0.16ac.wpd

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

Located: Lot 3R, 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 3R, 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: _____
Title Sr. Project Manager

VERIZON TELEPHONE COMPANY

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

COX COMMUNICATIONS

BY: _____ 12-3-04
Title Plant Manager

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

Located: Lot 3R, 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. 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

01/28/05
Director of Public Utilities
City of College Station

Tony Mulhally Elect

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

Located: Lot 3R, 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. 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: Sahara Realty Group, Ltd.

ADDRESS: 1289 N. Harvey Mitchell Parkway

Bryan, TX 77803

NAME: Brazos Hotel

ADDRESS: 1289 N. Harvey Mitchell Parkway

Bryan, TX 77803

NAME: _____

ADDRESS: _____

_____

NAME: _____

ADDRESS: _____

_____