



FOR OFFICE USE ONLY
 P&Z CASE NO.: 04-99
 DATE SUBMITTED: 04-12-04

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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 Luther Street West (Between Union Pacific R.R. & Marion Pugh Dr.)

LEGAL DESCRIPTION 0.236 acres out of a called 37.25 acre tract as recored in Vol. 15, Pg. 435, Deed of Records of Brazos County, Texas and 0.238 acres out of a called 100 acre tract as recorded in Vol. 125, Pg. 364, Deed of Records of Brazos County, Texas.

APPLICANT (Primary Contact for the Project):

Name Rabon Metcalf Engineering E-Mail rmengineer@juno.com
 Street Address P.O. Box 9253
 City College Station State TX Zip Code 77842
 Phone Number (979) 219-4174 Fax Number (979) 690-0329

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

Name Callaway Development Corp. E-Mail pcallaway@callawaydevelopment.com
 Street Address 1250 NE Loop 410, Suite 800
 City San Antonio State TX Zip Code 78209
 Phone Number (210) 822-0200 Fax Number (210) 820-3361

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

Signature of Owner, Agent or Applicant

Date

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

Date: April 12, 2004

Location of Right-of-Way/Easement to be Abandoned: Luther Street West (Between
Union Pacific R.R. & Marion Pugh Dr.)

Property Owner's Name & Address: _____

Callaway Development Corp., 1250 NE Loope 410, Suite 800, San Antonio, TX

Coca Cola Enterprises, 2500 Windy Ridge Parkway, Atlanta, GA 30339

Property Owner's Phone Number: (210) 822-0200 or (770) 989-3109

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)

No other property owners were contacted other than those physically abutting the subject right-of-way abandonment since the road is closed and serves no transportation benefit to the general public.

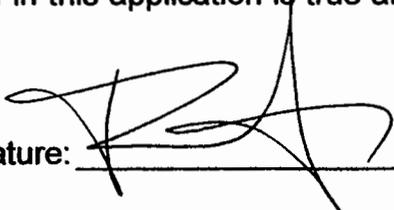
7. Such public right-of-way/easement should be abandoned because:

This portion of Luther Street West is currently closed to the public and serves no benefit to the general public. The current 2003 Thoroughfare Plan does not indicate that a railroad/street crossing is planned. Also, due to past mandates (from the City and other governmental entities) to reduce and minimize railroad/street crossings, it is extremely unlikely that a road crossing would ever occur at this location.

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

Originally this portion of Luther Street West (formerly Hard Liquor Road, serving as a county road) was in use to the general public and provided a railroad crossing to Wellborn Road. At an undetermined time the railroad crossing was removed and this portion of the road closed to the general public. Currently, the road is a dead-end street and provides no transportation benefit to the general public.

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

Applicant's Signature:  4/10/04

Applicant's Name: Rabon A. Metcalf, P.E.

Applicant's Address: 3817 Stony Creek Lane

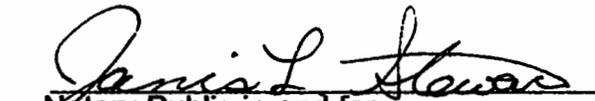
College Station, TX 77845

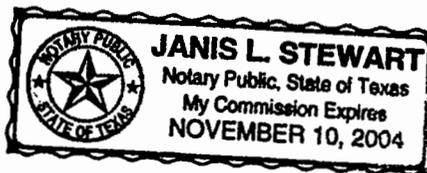
Applicant's Phone Number: (979) 690-0329

STATE OF TEXAS)
)
COUNTY OF BRAZOS)

ACKNOWLEDGMENT

Subscribed and sworn to before me, a Notary Public, this 10 day of April, 2004, by Rabon Metcalf.


Notary Public in and for
the State of Texas



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

Located: Luther Street West (Between Union Pacific R.R. & Marion Pugh Dr.)

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 0.233 acres out of a called 37.25 acre tract as recored in Vol. 15, Pg. 435, Deed of Records of Brazos County, Texas and 0.235 acres out of a called 100 acre tract as recorded in Vol. 125, Pg. 364, Deed of Records of Brazos County, Texas. Addition/Subdivision to the City of College Station, Brazos County, Texas, sought to be abandoned.

See attached metes and bounds descriptions.

**FIELD NOTES
0.236 OF ONE ACRE
BEING A PART OF
LUTHER STREET WEST
OUT OF A CALLED 37.25 ACRE TRACT
VOLUME 15, PAGE 435
J. E. SCOTT SURVEY, A – 50
COLLEGE STATION, BRAZOS COUNTY, TEXAS
APRIL 8, 2004**

All that certain lot, tract or parcel of land being 0.236 of one acre situated in the J. E. SCOTT SURVEY, Abstract No. 50, Brazos County, Texas, and being a part of LUTHER STREET WEST, a possible prescriptive street in the City of College Station, Texas and being out of a Called 37.25 acre tract as described in deed to W. H. Davidson of record in Volume 15, Page 435, Deed Records of Brazos County, Texas, said 0.236 of one acre tract being more particularly described by metes and bounds as follows:

BEGINNING at an "X" In Concrete found at the intersection of the northeast right-of-way line of Marion Pugh Drive and the prescriptive northwest right-of-way line of said LUTHER STREET WEST for the most westerly corner, said corner being the most southerly corner of the Callaway Development Corporation Called 5.082 acre tract as described in Volume 3987, Page 64; THENCE N 45 ° 38 ' 34 " E, along the prescriptive northwest right-of-way line of said LUTHER STREET WEST and the southeast line of said Called 5.082 acre tract at a distance of 352.81 feet passing the calculated most easterly corner of said Called 5.082 acre tract and the most southerly corner of the Callaway Development Corporation Called 3.123 acre tract as described in volume 4036, Page 57, and continuing along the prescriptive northwest right-of-way line of said LUTHER STREET WEST and the southeast line of said Called 3.123 acre tract for a total distance of 502.56 feet to a 5/8" Iron Rod found for the most northerly corner, said corner being the most easterly corner of said Called 3.123 acre tract and also being located in the southwest right-of-way line of the Union Pacific Railroad;

THENCE S 26 ° 13 ' 17 " E, along the southwest right-of-way line of said Union Pacific Railroad a distance of 21.86 feet to a 1/2" Iron Rod with cap set near the centerline of said LUTHER STREET WEST for the most easterly corner, said corner being located in the calculated southeast line of said Called 37.25 acre tract and also being the calculated most northerly corner of a Called 100 acre tract as described in Volume 125, Page 364, the calculated most easterly corner of said Called 37.25 acre tract bears N 45 ° 43 ' 37 " E a distance of 52.60 feet;

THENCE S 45 ° 43 ' 37 " W, along the southeast line of said Called 37.25 acre tract and the northwest line of said Called 100 acre tract a distance of 505.38 feet to a 1/2" Iron Rod with Cap set in the northeast right-of-way line of Marion Pugh Drive for the most southerly corner;

THENCE N 18 ° 42 ' 37 " W, along the northeast right-of-way line of Marion Pugh Drive a distance of 22.23 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 10,288 square feet or 0.236 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed during March, 2004, under the supervision of H. Curtis Strong, registered Professional Land Surveyor no. 4961. North Orientation is based on rotating the northeast line to the Called Bearing of the southwest right-of-way line of the Union Pacific Railroad as recorded in Volume 3750, Page 327.



**FIELD NOTES
0.238 OF ONE ACRE
BEING A PART OF
LUTHER STREET WEST
OUT OF A CALLED 100 ACRE TRACT
VOLUME 125, PAGE 364
CRAWFORD BURNETT LEAGUE, A – 7
COLLEGE STATION, BRAZOS COUNTY, TEXAS
APRIL 8, 2004**

All that certain lot, tract or parcel of land being 0.238 of one acre situated in the CRAWFORD BURNETT LEAGUE, Abstract No. 7, Brazos County, Texas, and being a part of LUTHER STREET WEST, a possible prescriptive street in the City of College Station, Texas and being out of a Called 100 acre tract as described in deed from Aline Brogdon to H. E. Burgess and Daniel Russell of record in Volume 125, Page 364, Deed Records of Brazos County, Texas, said 0.238 of one acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod set for a calculated corner in the southwest right-of-way line of Union Pacific Railroad near the centerline of LUTHER STREET WEST for the most northerly corner, said corner being the calculated most northerly corner of said Called 100 acre tract; THENCE S 26 ° 13 ' 17 " E, along the southwest right-of-way line of said Union Pacific Railroad and the northeast line of said Called 100 acre tract a distance of 21.86 feet to a 1/2" Iron Rod found in the prescriptive southeast right-of-way line of said LUTHER STREET WEST for the most easterly corner, said corner being the most northerly corner of a Called 37.41 acre tract as described in Vacating Plat of the George McCulloch's Industrial Area as recorded in Volume 417, Page 495;

THENCE S 45 ° 48 ' 37 " W, along the prescriptive southeast right-of-way line of LUTHER STREET WEST and the northwest line of said Called 37.41 acre tract a distance of 508.19 feet to a 1/2" Iron Rod with cap set in the northeast right-of-way line of Marion Pugh Drive for the most southerly corner;

THENCE N 18 ° 42 ' 37 " W, along the northeast right-of-way line of said Marion Pugh Drive a distance of 22.23 feet to a 1/2" Iron Rod with Cap set near the centerline of LUTHER STREET WEST for the most westerly corner, said corner being located in the calculated northwest line of said Called 100 acre tract and also being located in the calculated southeast line of a Called 37.25 acre tract as described in deed to W. H. Davidson in Volume 15, Page 435;

THENCE N 45 ° 43 ' 37 " E, along the calculated common lines of said called 100 acre tract and said Called 37.25 acre tract a distance of 505.38 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 10,351 square feet or 0.238 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed during March, 2004, under the supervision of H. Curtis Strong, registered Professional Land Surveyor no. 4961. North Orientation is based on rotating the northeast line to the Called Bearing of the southwest right-of-way line of the Union Pacific Railroad as recorded in Volume 3750, Page 327.



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

Located: Luther Street West (Between Union Pacific R.R. & Marion Pugh Dr.)

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.

See attached document (see sheet X-2).

13.76 ACRE TRACT
(VOL. 3750, PG. 237)
(VOL. 3987, PG. 36)
(VOL. 3987, PG. 64)
(VOL. 4036, PG. 57)

REMAINDER OF CALLED 37.25 ACRE TRACT
(VOL. 15, PG. 435)

CALLAWAY DEVELOPMENT CORPORATION
1250 NE LOOP 410, SUITE 800
SAN ANTONIO, TX 78209



UNION PACIFIC
RAILROAD

P.O.C
2.235 ACRE
TRACT

S 26° 13' 17" E - 21.86'

S 26° 13' 17" E - 21.86'

S 45° 38' 34" W - 505.38'

N 45° 38' 34" E - 502.56'
0.236 ACRES
0.238 ACRES

S 45° 38' 34" W - 508.19'

MARION PUGH DR.

SUBJECT R.O.W. ABANDONMENT

N 18° 42' 37" W
22.23'

N 18° 42' 37" W
22.23'

17.44 ACRE TRACT
(VOL. 1441, PG. 017)

REMAINDER OF CALLED 100 ACRE TRACT
(VOL. 125, PG. 364)

COCA COLA ENTERPRISES
2500 WINDY RIDGE PARKWAY
ATLANTA, GA 30339

P.O.C.
0.233 ACRE
TRACT

RABON METCALF ENGINEERING

POST OFFICE BOX 9253
COLLEGE STATION, TEXAS 77842
EMAIL: rmengineer@juno.com
OFFICE - (979) 690-0329
FAX - (979) 690-0329
CELL - (979) 219-4174

EXHIBIT #2
LUTHER STREET WEST
R.O.W. ABANDONMENT

RME NO. 143-0170

DATE: 4/12/04
FILE: LUTHER ROW
SCALE: 1"=100'

DRAWN BY: RAM
CHK BY: RAM

SHEET NO.

X-2

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

Located: Luther Street West (Between Union Pacific R.R. & Marion Pugh Dr.)

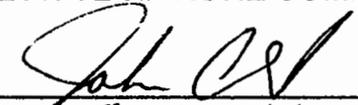
EXHIBIT NO. 3

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.

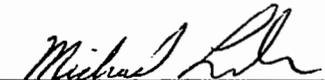
TXU GAS COMPANY

BY: 
Title Sr. Project Manager

VERIZON TELEPHONE COMPANY

BY: 
Title Supervisor - Network Eng.

COX COMMUNICATIONS

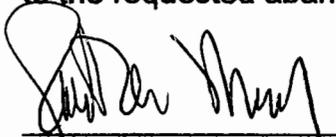
BY: 
Title Plant Manager

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

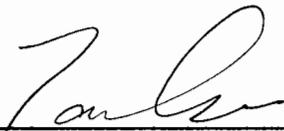
Located Luther Street West (Between Union Pacific R.R. & Marion Pugh Dr.)

EXHIBIT NO. 4

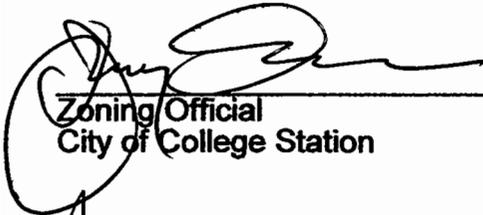
The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City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



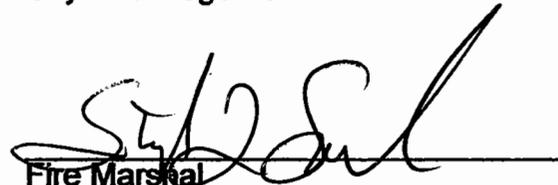
Engineer
City of College Station



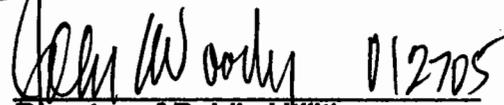
Building Official
City of College Station



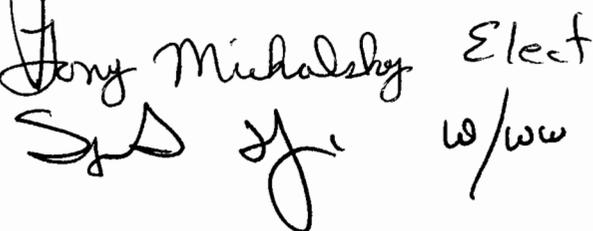
Zoning Official
City of College Station



Fire Marshal
City of College Station For Eric Huser,
Fire Marshal



Director of Public Utilities
City of College Station



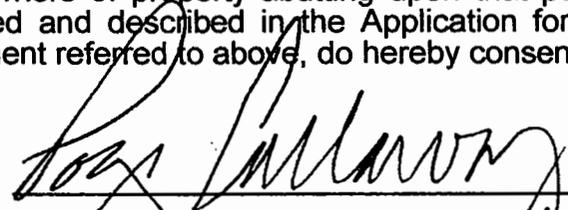
Elect
w/w

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

Located: Luther Street West (Between Union Pacific R.R. & Marion Pugh Dr.)

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: 
ADDRESS: 1250 N.E. Loop 410 #800
SAN ANTONIO, TEXAS 78209

NAME: 
ADDRESS: 2500 Windy Ridge Pkwy
Atlanta, GA 30339

Matthew J. Fance
Corporate Director
Real Estate & Facilities

NAME: _____
ADDRESS: _____

NAME: _____
ADDRESS: _____
