

# STAFF REPORT



**Meeting:** April 20, 2015

**To:** Planning Commission

**From:** Patrick B. Howard, AICP  
Director

**Through:** Rebeca A. Guerra, AICP, LEED-AP, CPD  
Planning Manager

**Staff Planner:** Jeff Fisher  
Planner

**Request:** An easement release of a 10-foot utility easement in River Valley Estates, Section One on Lots 5, 6, 7, 10, 11 and 12

**Location:** 2166, 2198 and 2236 River Valley Lane, located approximately 1,045 feet east of the intersection of Foster Road and River Valley Lane; more specifically being River Valley Estates, Section One, Lots 5, 6, 7, 10, 11 and 12, and 4.9 acres out of the V. Muller Survey #176, Abstract A-1648, in southeast San Angelo.

**Legal Description:** 5,310.50 square feet of area, being all of the 10-foot easement area withi Lots 5, 6, 7, 10, 11 and 12 of River Valley Estates, Section One, in southeast San Angelo.

**Size:** 0.122 acres (5,310.50 square feet)

## **General Information**

Future Land Use: Neighborhood

Zoning: Ranch & Estate (R&E)

Existing Land Use: Easement area vacant; Single Family Dwellings on Lots 6, 7, 10, 11, 12

Surrounding Zoning/Land Use:

North:	Ranch and Estate (R&E)	Vacant Land
West:	Ranch and Estate (R&E)	Single Family Dwellings
South:	Ranch and Estate (R&E)	Single Family Dwellings
East:	Ranch and Estate (R&E)	Single Family Dwellings

District: SMD#1 – Rodney Fleming

Neighborhood: Country Club Neighborhood

Thoroughfares/Streets: Per the Master Thoroughfare Plan (MTP), River Valley Lane is identified as a Local Rural Street. A Local Street carries light neighborhood traffic at low speeds. River Valley Lane requires a right-of-way of 60 feet and a paving width of 30 feet. The existing right-of-way is only 50 feet and the street is only paved to 24 feet. The applicants have submitted a Replat application which will address the required street paving and right-of-way widths. The easement area to be released is situated 207.8 feet north of the front property lines abutting River Valley Estates, and thus there would not appear to be any impacts on any future road improvements with the release of this easement.

**Recommendation:**

The Planning Division recommends **APPROVAL** of this request **subject to the two (2) Conditions of Approval** listed below.

**History and Background:**

The subject 10-foot easement area to be released runs horizontally along the north portion of Lots 5, 6, 7, 10, 11, and 12 in the River Valley Estates Subdivision, Section One, filed for record with the County Clerks Office on August 3, 1981.

In December of 2014, the applicants and owners of the subject properties, William and Anna Bartosh (Lots 5, 6 and 7), Billy and Doris Young (Lots 10 and 11), and James and Patricia Arnold (Lot 12) submitted an application to Replat the subject properties along with 4.9 acres of contiguous land they acquired to the north. Planning Staff during their plat review identified the 10-foot easement running along the rear of the subdivided lots and the applicants indicated that they wanted the easement removed from the land. The Water Utilities Department confirmed they had no need for the said easement, and all other departments have now confirmed the same. However, Chapter 4.I.F. of the Subdivision Ordinance requires the City of San Angelo to officially release the easement with City Council approval.

On March 13, 2015, the applicants submitted a letter of intent, along with the applicable fee, to release the said easement. Also included in the request was a letter from the applicants' surveyor, W.E. Wilde Engineering, LLC, confirming that all private utility companies were circulated and that their utilities were clear of the said easement.

Easement releases require both a Planning Commission recommendation and City Council approval by way of a Resolution before a Replat can be approved and recorded.

**Proposed Conditions:**

1. A Resolution shall be approved by City Council for release of the easement, and this instrument shall be filed on record with the Tom Green County Clerk's Office.
2. The applicant shall submit a revised Replat to the Planning Division for approval by the Planning Commission fulfilling the summary comments

provided to the applicant from the December 23, 2014, plat review meeting.

**Notification:** No notification is required

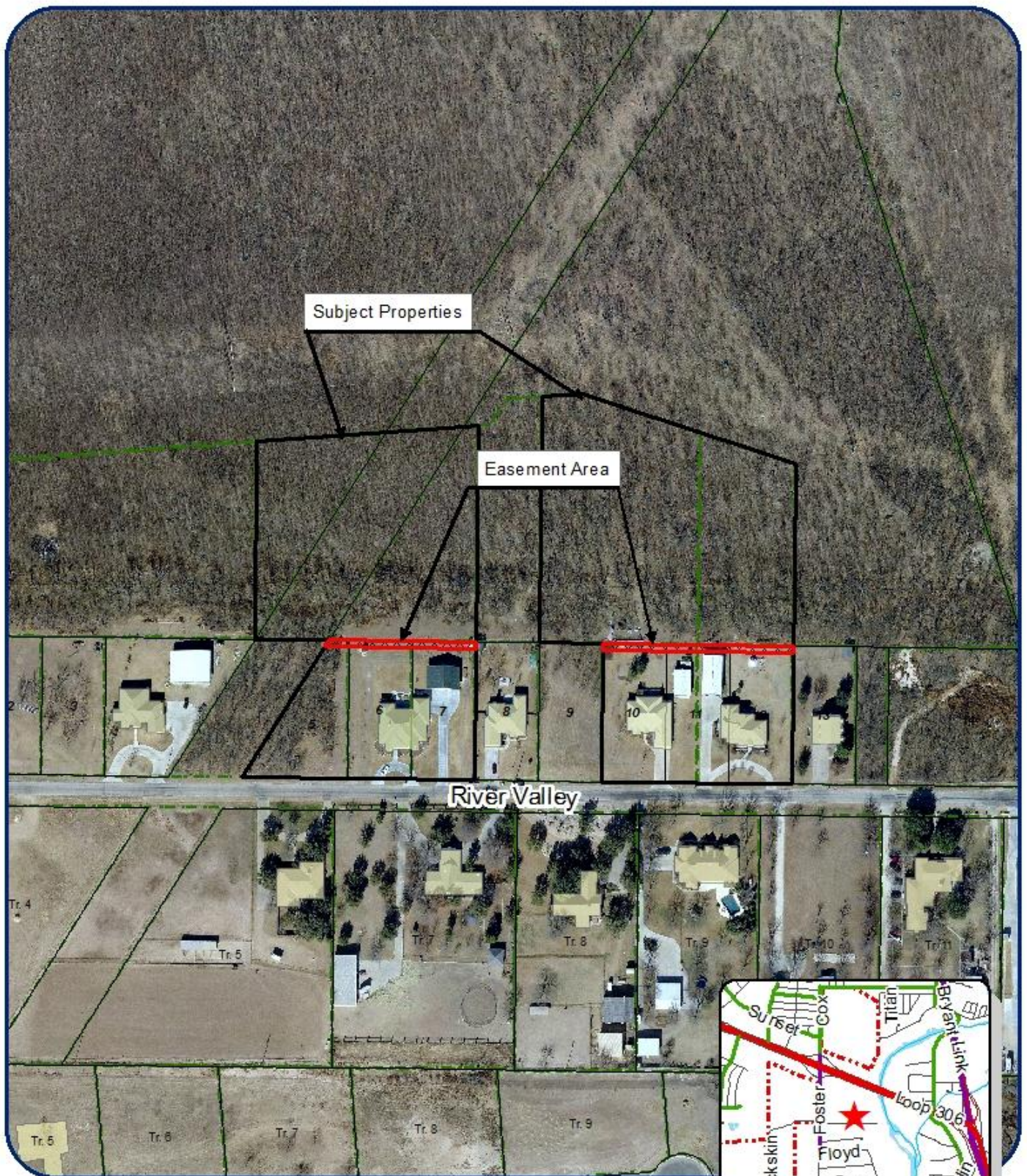
**Action Requested:**

The action requested is for the Planning Commission to **APPROVE** a request for the easement release of a 10-foot utility easement in the River Valley Estates, Section One Subdivision on Lots 5, 6, 7, 10, 11, and 12, **subject to two (2) Conditions of Approval.**

**Attachments:**

Aerial Map  
Future Land Use Map  
Zoning Map  
Major Thoroughfare Map  
River Valley Estates, Section One Plat  
Letter of Intent and Application Fee  
Letter from W.E. Wilde Engineering, LLC





## **Easement Release Case File**

### **Billy Young et. al.**

Council District: Rodney Fleming (SMD 1)

Neighborhood: Country Club

Scale: 1" approx. = 200 ft

Subject Properties: 2166, 2198, 2236 River Valley Lane

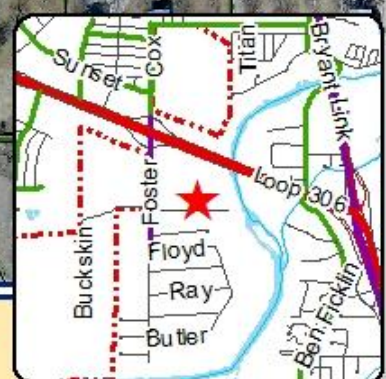
### **Legend**

Subject Properties: —

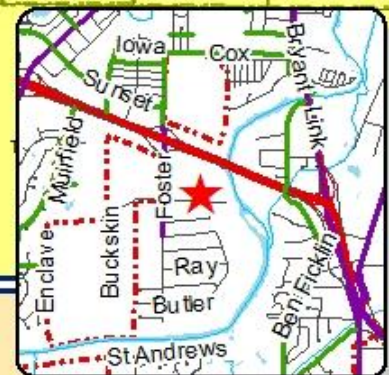
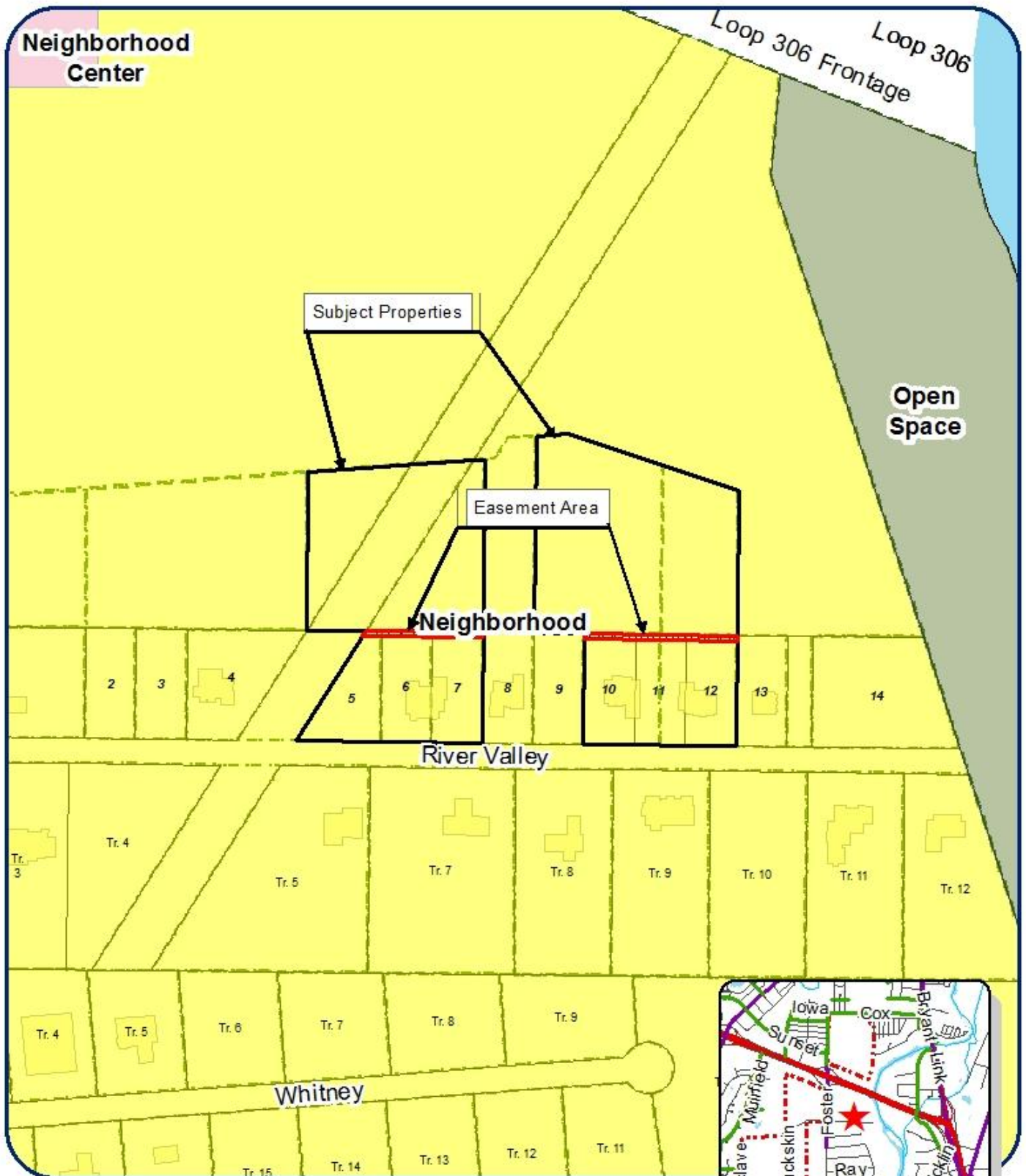
Current Zoning: R&E

Requested Zoning Change: N/A

Vision: Neighborhood







### Easement Release Case File

### Billy Young et. al.

Council District: Rodney Fleming (SMD 1)

Neighborhood: Country Club

Scale: 1" approx. = 250 ft

Subject Properties: 2166, 2198, 2236 River Valley Lane

### Legend

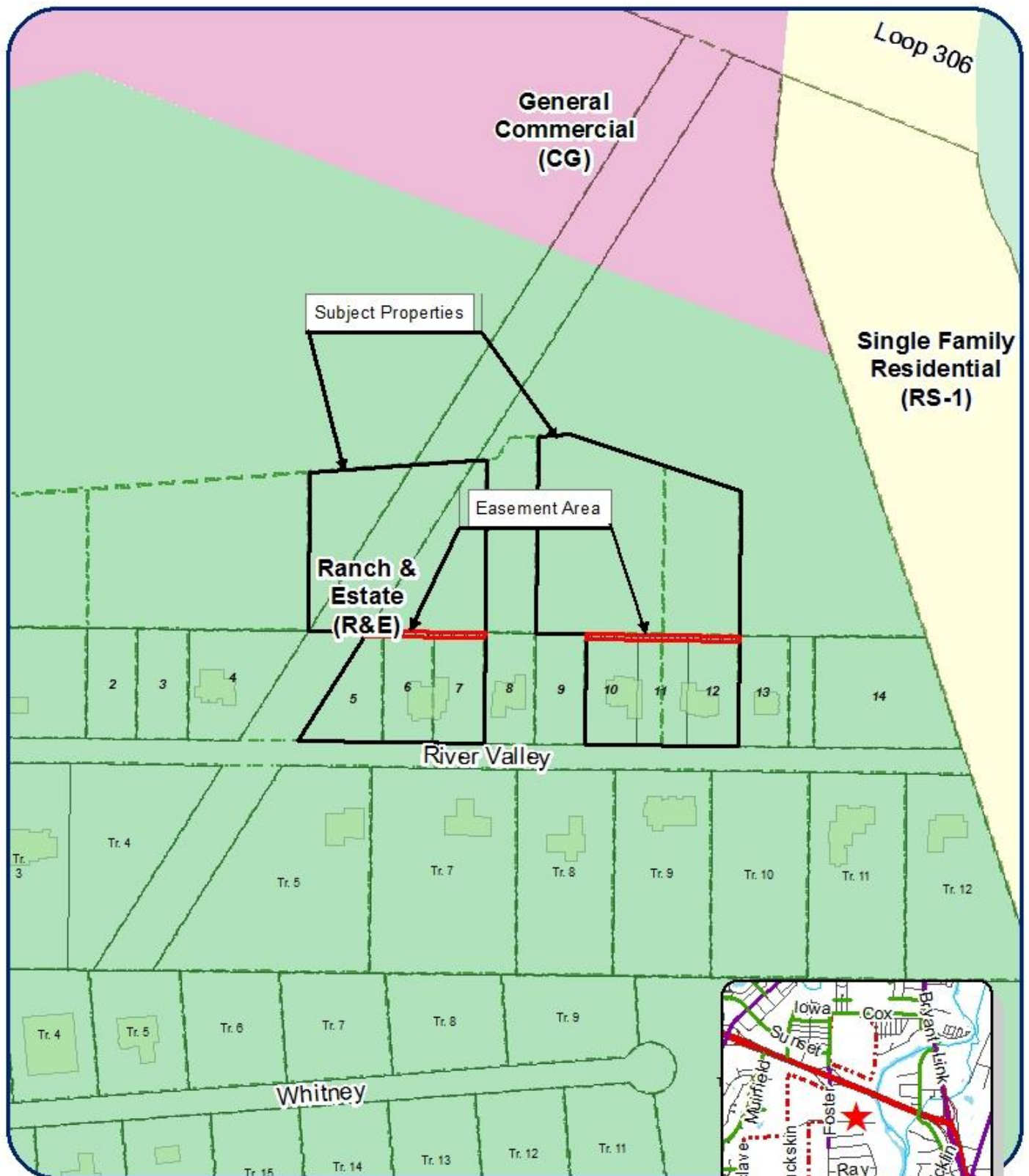
Subject Properties: —

Current Zoning: R&E

Requested Zoning Change: N/A

Vision: Neighborhood





## Easement Release Case File

### Billy Young et. al.

Council District: Rodney Fleming (SMD 1)

Neighborhood: Country Club

Scale: 1" approx. = 250 ft

Subject Properties: 2166, 2198, 2236 River Valley Lane

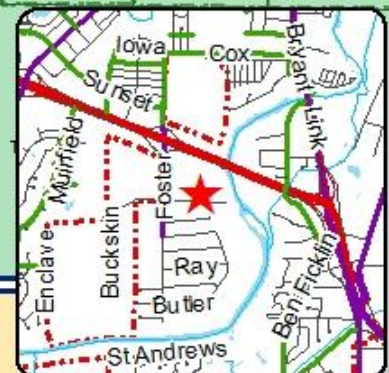
## Legend

Subject Properties: —

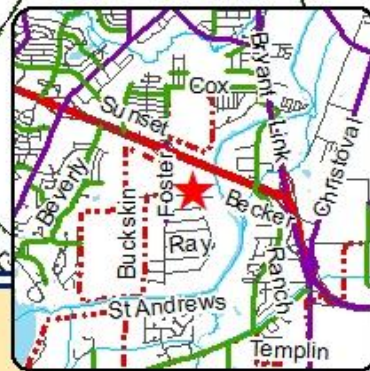
Current Zoning: R&E

Requested Zoning Change: N/A

Vision: Neighborhood







**Billy Young et. al.**

Subject Properties: 2166, 2198, 2236 River Valley Lane

Vision: **Neighborhood**







Billy M. Young  
2198 River Valley Ln.  
San Angelo, TX. 76904

March 13, 2015

**Letter of Intent**

**RE: 10 Foot Utility Easement Abandonment for Replat of Lots 5, 6, 7, 10, 11 & 12  
River Valley Estates**

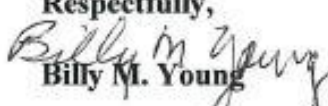
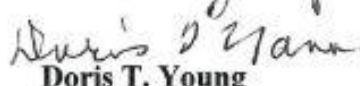

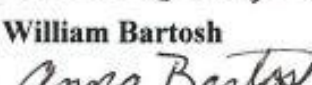


We, the property owners of the River Valley Estates, A request is hereby submitted that the easement referenced above and filed in Tom Green County Records, Vol 4, Page 249, filed 08/02/1981, be removed from all records.

This easement was granted in 1981, several years prior to this subdivision being annexed into the city. According to Galon Miller, the Attorney that handled the origination of River Valley Estates, this 10 foot easement was granted should there ever be another street established on the north side of this easement.

Approximately 33 years have passed and the development of another street has not occurred. The current owners of property in River Valley Estates recently purchased all land connected to their lots north and up to the right of way of AEP. This was done for the express purpose of expanding their existing residential lots to the new property line at the edge of the AEP right of way on the north side of the respective lots. This property addition to the owner's existing lots was for the express purpose of eliminating the possible occurrence of any future streets and development.

Said easement now runs through our combined property from Foster Road easterly to South Concho River. Some of the residents wish to replat their newly acquired property thereby having their property in a contiguous configuration without the nuisance and restrictions of a 10 foot strip of never used, never will be used, strip of land appearing on their surveys.

Please take action on this request for abandonment of easement as soon as possible.

Respectfully,  
  
Billy M. Young  
  
Doris T. Young  
  
William Bartosh  
  
Anna Bartosh  
  
James Arnold  
  
Patricia Arnold

# WE Wilde Engineering, LLC

Land Surveying

Engineering

March 9, 2015

Mr. Jeff Fisher  
City of San Angelo  
52 West College Avenue  
San Angelo, TX 76903

RE: 10 Foot Utility Easement Abandonment for 1st Replat of Lots 5, 6, 7, 10, 11 & 12 Sec 1 River Valley Estates

Mr. Fisher,

As per Chapter 12: Planning and Development, Exhibit C: Land Development and Subdivision Ordinance, Chapter 4: Classification of Subdivisions, Section I: Administrative Subdivision (Or Resubdivision), F of the City of San Angelo Code of Ordinances, a Texas 811 utility locate ticket was submitted. Ticket # 1555672559 requested utility providers to located their existing utilities within the 10 foot utility easement located on the north side of the property as shown in River Valley Estates, Section 1, Volume 4, Page 249 of the Plat Records from a concrete fence column corner post marked with a stake east 850 feet to another stake any utilities 10 foot south of the stakes. Per the ticket, Atmos and Concho Valley Electric Cooperative responded by email that their utilities are clear. The utility locator for AEP Texas, Verizon and Suddenlink Communications responded by phone (325-669-3094) that their utilities are clear. Since there are no existing utility located within the subject 10 foot easement as evidence in the Texas 811 utility located ticket, the applicants request the subject 10 foot easement be abandoned with this replat.

Please feel free to contact me at 325-277-8682 if you have any questions of want to discuss further.

Regards,



Blake Wilde, PE  
Wilde Engineering, LLC

5770 FM 765 San Angelo, TX 76905  
TBPLS Firm # 10,193,857

325-277-8682

www.wilde-eng.com  
TBPE Firm # 12,182