

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Richard E. Luedke, Planning Director

DATE: August 5, 2019

SUBJECT: **Consideration of an Ordinance of the Lewisville City Council Providing for the Abandonment, Vacation and Closure of a Sixty-Six (66) Foot Wide Section of Right-Of-Way, South of East Church Street and North of East Main Street.**

BACKGROUND

The original Kealy Addition contained right-of-way for Railroad Street farther west than the street's current location. This street was constructed in its current location and the subject right-of-way was never used by the City. The right-of-way was released back to three of the four adjacent property owners in 1987 by a quitclaim deed; however, this section of the right-of-way was never formally abandoned by the City. A deed has not been found for the fourth property, which is currently under contract. A similar ordinance was passed in 1995 for the portion of Railroad Street on the South side of Main Street to allow the CCA to have clear title to that land.

ANALYSIS

The right-of-way has been fenced and used as private property for parking and storage for many years by the four adjacent properties. Three of the impacted four properties were deeded the 33-feet of right-of-way in April 1987. The issue was brought to staff's attention as the forth property is currently under contract and scheduled to close on August 15, 2019. This property includes 33-feet of the right-of-way on the north side of the block. In order to have a clear title for the forth property, the right-of-way needs to be abandoned and the City Manager authorized to execute documents, including a quitclaim deed for the remaining property. To prevent any further issues the entire 66-foot right-of-way is being addressed with the proposed ordinance.

RECOMMENDATION

It is City staff's recommendation that the City Council approve the ordinance as set forth in the caption above.