



CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** December 9, 2024

SUBJECT: Approve Ordinance No. 3877, abandoning a utility easement on Lots 7R1 and 7R2, Block 8, Smithfield Acres Addition, and authorize execution of quitclaim deeds and hold harmless agreements with CWT Homes LLC and with Adrian J. Raabe and Timothy J. Raabe.

PRESENTER: Clayton Comstock, Managing Director of Development Services

SUMMARY:

City Council is being asked to approve an ordinance abandoning a utility easement on Lots 7R1 and 7R2, Block 8, Smithfield Acres Addition, and authorize execution of quitclaim deeds and hold harmless agreements with CWT Homes LLC and with Adrian J. Raabe and Timothy J. Raabe.

GENERAL DESCRIPTION:

The subject property is located at the southeast corner of Smithfield Road and Turner Drive. The City of North Richland Hills came into ownership of the property in December 1993 due to delinquent taxes. In June 2013, the property was rezoned to R-2 (Single-Family Residential) to facilitate the sale of the property for residential development. In August 2014, City Council authorized the city manager to execute a contract to sell the property to Rise & Shine Homes Ltd. The sale of the property was completed in November 2014.

Prior to the sale, on October 27, 2014, City Council approved the abandonment of excess right-of-way at the intersection of Smithfield Road and Turner Drive in order for the right-of-way to be incorporated into the residential lots. As part of the abandonment, a ten-foot wide utility easement was dedicated on the property to accommodate an existing Atmos gas line. A copy of the original easement dedication is attached.

The existing easement currently encumbers property at 7900 and 7904 Turner Drive, which were platted in April 2018. In preparation for construction of a house on the corner lot, Atmos relocated the gas line out of the easement and into the street right-of-way. The easement is currently vacant and there are not any other utilities located within the easement.

A building permit for a new house on the corner lot was issued in August 2024 and is currently under construction. A portion of the house encroaches into the easement, and all franchise utility companies signed off on the encroachment. Additionally, the utility companies have approved the release and abandonment of the easement as the easement is no longer necessary to provide utility services to the area.



The owners of the property affected by the easement have requested that the easement be abandoned, and a copy of the request is attached. The attached ordinance and accompanying documents would formalize the abandonment of the easement.

RECOMMENDATION:

Approve Ordinance No. 3877.