



MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, City Attorney *AQ*

Date: April 30, 2014

Re: Ordinance abandoning right-of-way to alley and terminating license agreement

At various times throughout the City's history right-of-way has been given to the City for potential use as a street. Sometimes, as is the case here, the right-of-way has never been used either as an alley-way or a street.

It is also not unusual that the land adjacent to unused right-of-way is reconfigured in subsequent transfers, and that building occurs which encroaches on the right-of-way. Both of these changes have occurred in the right-of-way subject to this request for abandonment. Included with this Memo and Ordinance is a recent satellite view (from Google Maps) of the area showing that several roof tops encroach into what would be the street/alley right-of-way. Also attached is a map showing an older, but probably not original, property configuration.

This area has previously been the subject of a request for abandonment. For reasons not known, a revocable license to use the area (without insurance requirements, or other means to safeguard the City's interests) was granted instead of abandoning the right-of-way. There has been a new request for abandonment from the owner of 753 Elm (who has a structure encroaching on the right of way).

There are no utilities (or other easements) in this right-of-way, and the utility departments cannot foresee using it in the future. Because of the various encroachments the alley is not currently useable for access. City staff does not maintain this area (nor is there sufficient time and equipment to do so). It is recommended that the right-of-way be abandoned and equally split among the respective adjoining property owners.