

## PLANNING AND ZONING COMMISSION

### NOTICE OF MEETING

Notice is hereby given that the Planning and Zoning Commission will meet at 4:00 p.m. on March 12, 2018 at City Hall, 301 16<sup>th</sup> Street, in the Commission Chambers, Second Floor. Agenda items will be as follows:

- (1) Call to Order.
- (2) Approval of Minutes from the February 12, 2018 meeting.
- (3) Conduct a Public Hearing and Consider and Take Appropriate Action on Rezoning the Proposed Canyon East Unit No. 6 to SF-S (Single-Family Suburban Residential District) from SF-A (Single-Family Agricultural Residential District).
- (4) Consider and Take Appropriate Action on a Plat for Canyon East Unit No. 6.
- (5) Discussion on an Ordinance Regarding Recreational Vehicles.
- (6) Discussion on an Ordinance Regarding Shelters.
- (7) Discussion on an Ordinance Regarding Abandonment of Public Right-of-Way.
- (8) Adjourn.

I certify that the above Notice of Meeting was posted on the bulletin board of the Civic Complex of the City of Canyon, Texas on the 9<sup>th</sup> Day of March, 2018.

*Gretchen Mercer*

City Clerk

Planning and Zoning Commission Meeting  
Minutes – February 12, 2018

The Planning and Zoning Commission of the City of Canyon met in regular session at 4:00 pm in the City Commission Chambers of the Civic Complex. Chairman Bill Craddock presided over the meeting with the following Commissioners in attendance: Bobbie Jo Krutsch, Charles Munger, Kevin Luetkahans, Laurie Sharp, and Leesa Wood Calvi. Commissioners John Pletcher, Larry Ramaekers, and Jon Davis were unable to attend.

Also present were the following City Staff: City Manager Randy Criswell and Director of Code Enforcement Danny Cornelius.

Item 1: Call to Order.

Chairman Craddock called the meeting to order at 4:04 pm.

Item 2: Approval of Minutes from the January 15, 2018 Meeting.

Commissioner Krutsch moved, duly seconded by Commissioner Munger, to approve the minutes from the January 15, 2018 meeting. The motion passed unanimously.

Item 3: Hold Public Hearing and Consider and Take Appropriate Action on a Specific Use Permit Request by 806 Vapes to Operate an Electronic Cigarette Store at 306 23<sup>rd</sup> Street.

Chris Goodwin of 806 Vapes submitted a Specific Use Permit application to operate an Electronic Cigarette Store at 306 23<sup>rd</sup> St. The City adopted Ordinance No. 1074 in November of 2017. The ordinance allows Smoke Lounges/Retail Stores in the RC-1, RC-2, I-1 and I-2 Zoning Districts by Specific Use Permit only. The property is located in the RC-2 Zoning District. Letters were sent to 13 property owners within 200 feet. One response was received in opposition to the request.

Chairman Craddock opened the Public Hearing at 4:05 pm.

Mr. Goodwin described the business as specializing in tobacco harm reduction. He stated the store would sell only e-cigarettes and supplies. Minors are not allowed to make purchases.

Jon Payne, Manager of the Canyon location, described his experience with “vapes”. He stated that it was first recommended by his cardiologist as a way to reduce nicotine and quit smoking.

Jon Chaffin, a customer of 806 Vapes, stated that 806 Vapes helped him to overcome his cigarette and smokeless tobacco habit.

Chairman Craddock closed the Public Hearing at 4:19 pm.

City Manager Randy Criswell reminded the Commission that the purpose of the Specific Use Permit process is to determine if the location is appropriate.

After discussion, Commissioner Krutsch moved, duly seconded by Commissioner Sharp, to recommend approval of the Specific Use Permit. The motion passed unanimously.

Item 4: Adjourn.

Chairman Craddock adjourned the meeting at 4:40 pm.

---

Bill Craddock, Chairman  
Planning and Zoning Commission

ATTEST:

---

Gretchen Mercer, City Clerk

## AGENDA

To: Planning and Zoning Commission

From: Danny Cornelius, Director of Code Enforcement

Date: February 7, 2018

Re: Conduct a Public Hearing and Consider and Take Appropriate Action on Rezoning the Proposed Canyon East Unit No. 6 to SF-S (Single-Family Suburban Residential District) from SF-A (Single-Family Agricultural Residential District).

---

Daryl R. Furman, R.P.L.S., representing Gary Kuhlman, recently submitted a plat for Canyon East Unit No. 6 and an application for a change in zoning. The property was annexed as SF-A (Single-Family Agricultural Residential District). SF-A is intended for principally undeveloped land and agricultural uses. The proposed use is single-family dwellings. The proposed zoning is SF-S (Single-Family Suburban Residential) District. We will need to hold a public hearing and take action on the zoning change before the plat can be considered.

Letters were sent to 14 property owners within 200 feet. We received one response in favor of the request.



**APPLICATION FOR CHANGE IN ZONING**

1. Name of Applicant: Daryl R. Furman, R.P.L.S.

A. Address P.O. Box 1416  
Amarillo, TX Fax (806) 374-4248

B. Telephone (806) 374-4246 E-Mail daryl@furmanland.com

C. Interest (Owner, Agent, Leasor, Agent-Buyer) \_\_\_\_\_

D. Representative's Name Daryl R. Furman, R.P.L.S.

Address P.O. Box 1416  
Amarillo, TX Fax (806) 374-4248

Telephone (806) 374-4246 E-Mail daryl@furmanland.com

2. Legal Description of Property:

A. Block(s) 10

B. Lot(s) 1-54

C. Addition(s) Canyon East Unit No. 6

3. Property Area in Square Feet 662458+/- in Acres 15.21+/-

4. Present Zoning SF-A

5. Present Land Use (detail every use) Vacant

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Proposed Zoning. SF-S


7. Proposed Land Use. Residential

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. List owners of record (list all if more than one): Gary Kuhlman

Gary Kuhlman

Gary Kuhlman

9. Signatures of all owners of record and address: 

1091 E. Nance Road

Canyon, TX 79015

10. Material to be submitted with application for change in zoning:

A. Two copies of a plot map showing the present zoning classification of property within 1,000 feet of the proposed zoning change. Show property proposed for change in red.

B. Two copies of the existing plot plan to include all of the following:

1. Dimensions of area
2. Existing easements
3. Existing streets and alleys
4. Existing streets and alley dedications

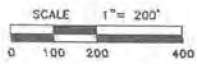
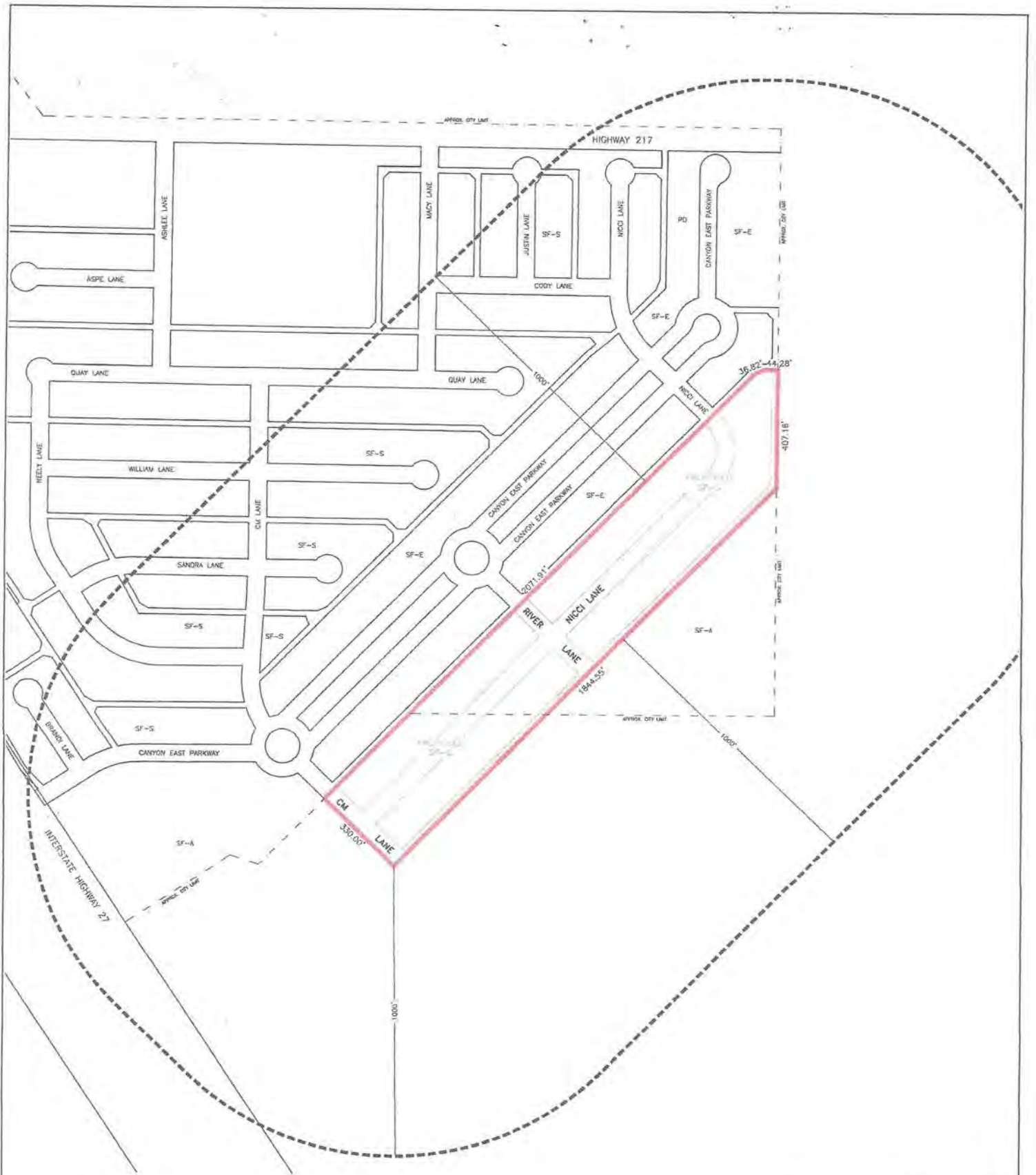
C. Two copies of the proposed plot plan to include all of the following:

1. Dimensions of area
2. Proposed easements
3. Proposed utilities
4. Proposed streets and alleys

E. Processing fee of \$100.00.

11. The Planning and Zoning Commission of the City of Canyon will meet on the 2<sup>nd</sup> Monday of the month. In accordance with City of Canyon Charter provisions, all legal notices will have to be met prior to the meeting.

Date Received: 2/5/18



**EXHIBIT FOR REZONING OF  
CANYON EAST UNIT NO. 6**

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. THIS DOCUMENT HAS BEEN RELEASED BY DARYL R. FURMAN RPLS 5374 FOR REVIEW PURPOSES ONLY.  
DATE: 11/14/2017

**FURMAN LAND SURVEYORS, INC.**

**SURVEYING - MAPPING - CONSULTING**

TEXAS - OKLAHOMA - NEW MEXICO  
KANSAS - COLORADO

DARYL R. FURMAN, RPLS - DANIEL R. FURMAN, RPLS - RONALD R. FURMAN, RPLS  
CASSY A. MANN, RPLS - LANDON M. STOKES, RPLS  
HEATHER LYNN LEMONS, RPLS - BRIAN C. HENTINGFOR, RPLS  
M.K. BUSHNIRE, RPLS - KYLE L. BRADY, ST  
TEXAS FIRM #1092900 & 1092401  
P.O. BOX 9410 - DALLAS, TEXAS 75209-1410 (972) 241-1100 FAX (972) 241-1101  
PROJECT NO. 1720581-ZONE FILE NO. L-27  
DRAWING NO. P:\SUB 17\RANDALL\L-27\1720581\

NOTICE OF REQUEST FOR ZONING CHANGE  
CITY OF CANYON, TEXAS

Re: Request to rezone the proposed Canyon East Unit No. 6 Subdivision from SF-A (Single-Family Agricultural Residential District) to SF-S (Single-Family Suburban Residential District). A preliminary plat and legal description of the property is enclosed. The proposed use is single-family detached dwellings.

As an interested property owner, I (support) (oppose) the request for the Replat and Zoning Change as represented at the above address for the following reasons:

(1) Kuhlman & Sons L.P. sold the land  
to James, Larry, and Gary. I  
support it.

(2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) \_\_\_\_\_  
\_\_\_\_\_

Signed: Kuhlman & Sons L.P.  
by Mike Kuhlman  
Print Name: Kuhlman & Sons L.P.  
by Mike Kuhlman

Address: 1001 E. Nance Rd. Canyon, Tx. 79015

Date: 2/13/18

Please return responses to our office by February 23, 2018.

Mail to: Danny Cornelius  
Director of Code Enforcement  
City of Canyon  
301 16th Street  
Canyon, TX 79015



## AGENDA

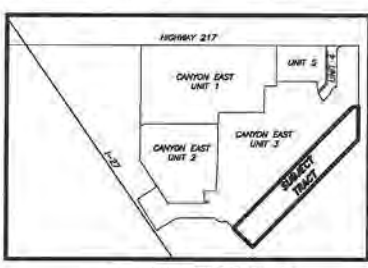
To: Planning and Zoning Commission  
From: Danny Cornelius, Director of Code Enforcement  
Date: February 8, 2018  
Re: Consider and Take Appropriate Action on a Plat for Canyon East Unit No. 6.

---

After considering and taking action on the zoning request, we will need to consider approving the plat for Canyon East Unit No. 6. A copy of the plat is enclosed.



2000 CENSUS TRACT #218.02 A.P. L-27



VICINITY MAP  
NOT TO SCALE



- LEGEND:**
- ⊙ 1/2" IRON ROD SET W/2AP STAMPED "FURMAN RPLS"
  - ⊙ 1/2" IRON ROD END
  - ⊙ 3/8" IRON ROD W/2AP END
  - ⊙ 5/8" IRON ROD END
  - \*XXXX ADDRESS PROVIDED BY CITY OF CANYON, SUBJECT TO CHANGE WITHOUT NOTICE
  - ⊙ 5/8" XCEL TRANSFORMER PAD EASEMENT

APPROVED: *Ralph Curren* 2/9/18  
CITY MANAGER NAME DATE

APPROVED: *Randy Seem* 2/9/18  
DIRECTOR OF PUBLIC WORKS NAME DATE

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF CANYON EAST ADDITION UNIT No. 6, ADDITION TO THE CITY OF CANYON, TEXAS, WAS APPROVED ADMINISTRATIVELY BY THE

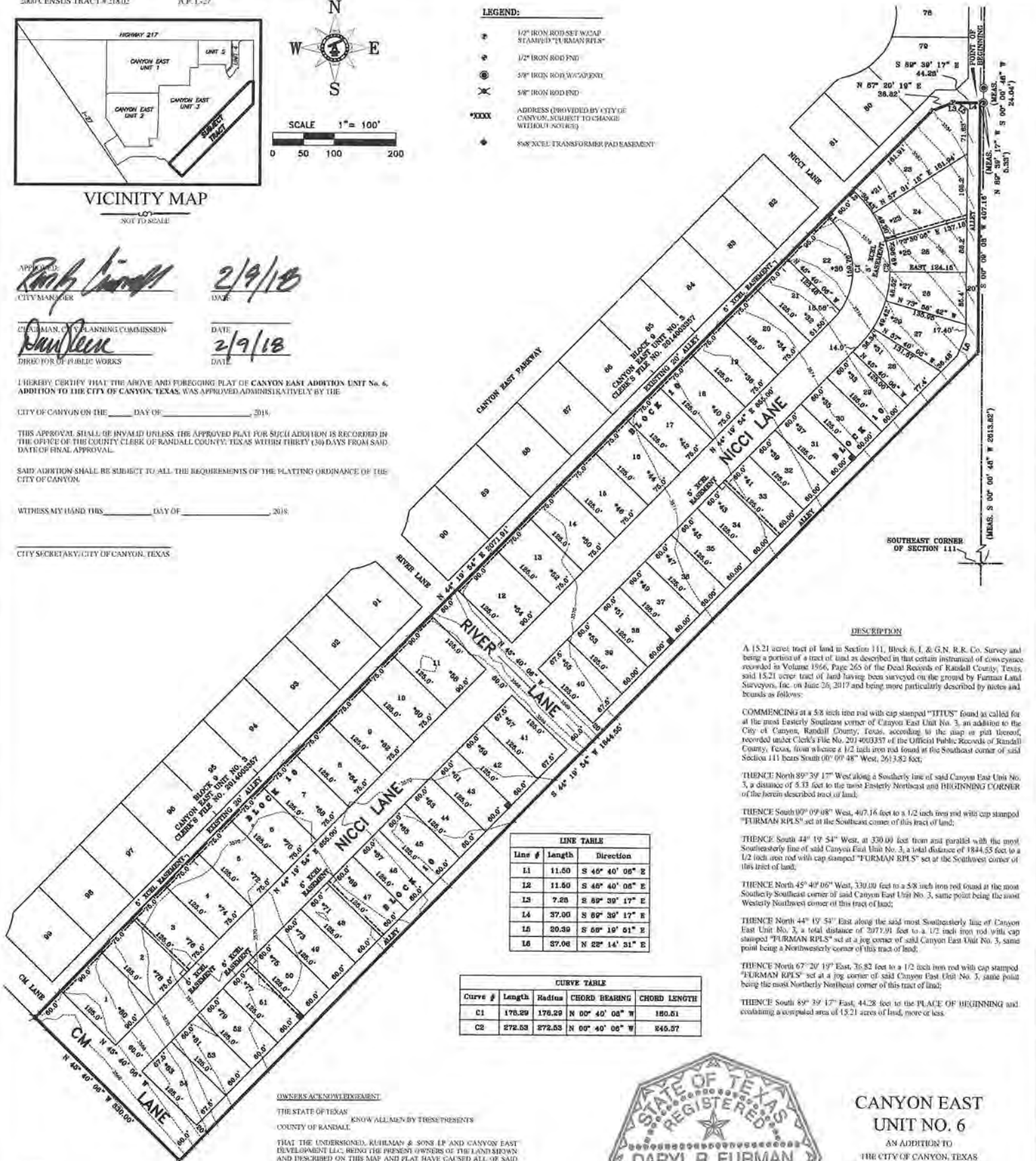
CITY OF CANYON ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

THIS APPROVAL SHALL BE IN VOID UNLESS THE APPROVED PLAT FOR SUCH ADDITION IS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF RANDALL COUNTY, TEXAS WITHIN THIRTY (30) DAYS FROM SAID DATE OF FINAL APPROVAL.

SAID ADDITION SHALL BE SUBJECT TO ALL THE REQUIREMENTS OF THE PLATTING ORDINANCE OF THE CITY OF CANYON.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

CITY SECRETARY, CITY OF CANYON, TEXAS



**LINE TABLE**

Line #	Length	Direction
L1	11.00	S 46° 40' 06" E
L2	11.00	S 40° 40' 06" E
L3	7.20	S 89° 39' 17" E
L4	37.00	S 89° 39' 17" E
L5	20.39	S 60° 19' 51" E
L6	37.08	N 22° 14' 51" E

**CURVE TABLE**

Curve #	Length	Radius	CHORD BEARING	CHORD LENGTH
C1	178.29	178.29	N 00° 40' 06" W	180.61
C2	272.63	272.63	N 00° 40' 06" W	246.67

**DESCRIPTION**

A 15.21 acre tract of land in Section 111, Block 6, I. & G.N. R.R. Co. Survey and being a portion of a tract of land as described in that certain instrument of conveyance recorded in Volume 1966, Page 265 of the Deed Records of Randall County, Texas, sold 15.21 acre tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. on June 26, 2017 and being more particularly described by notes and bearings as follows:

COMMENCING at a 5/8 inch iron rod with cap stamped "ITUS" found at called for at the most Easterly Southeast corner of Canyon East Unit No. 3, an addition to the City of Canyon, Randall County, Texas, according to the map in plat thereof, recorded under Clerk's File No. 2014003337 of the Official Public Records of Randall County, Texas, from whence a 1/2 inch iron rod found at the Southeast corner of said Section 111 bears South 00° 09' 48" West, 2613.82 feet;

THENCE North 89° 39' 17" West along a Southerly line of said Canyon East Unit No. 3, a distance of 5.33 feet to the most Easterly Northeast and BEGINNING CORNER of the herein described tract of land;

THENCE South 00° 09' 48" West, 407.16 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set at the Southeast corner of this tract of land;

THENCE South 44° 19' 54" West, at 330.00 feet from and parallel with the myri. Southerly line of said Canyon East Unit No. 3, a total distance of 1844.55 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set at the Southeast corner of this tract of land;

THENCE North 45° 40' 06" West, 330.00 feet to a 5/8 inch iron rod found at the most Southerly Southeast corner of said Canyon East Unit No. 3, same point being the most Westerly Southwest corner of this tract of land;

THENCE North 44° 19' 54" East along the said most Southerly line of Canyon East Unit No. 3, a total distance of 2071.91 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set at a jog corner of said Canyon East Unit No. 3, same point being a Northwesterly corner of this tract of land;

THENCE North 67° 20' 19" East, 76.82 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set at a jog corner of said Canyon East Unit No. 3, same point being the most Northerly Northeast corner of this tract of land;

THENCE South 89° 39' 17" East, 44.28 feet to the PLACE OF BEGINNING and containing a total area of 15.21 acres of land, more or less.

**OWNERS ACKNOWLEDGEMENT**

THE STATE OF TEXAS  
COUNTY OF RANDALL

KNOW ALL MEN BY THESE PRESENTS  
COUNTY OF RANDALL.

THAT THE UNDERSIGNED, RUIHMAN & SONS LP AND CANYON EAST DEVELOPMENT LLC, BEING THE PRESENT OWNERS OF THE LAND SHOWN AND DESCRIBED ON THIS MAP AND PLAT HAVE CAUSED ALL OF SAID LANDS TO BE SURVEYED, SUBDIVIDED, PLATTED, AND DESIGNATED AS CANYON EAST UNIT NO. 6, AN ADDITION TO THE CITY OF CANYON, TEXAS AND DOES DECLARE THAT ALL STREETS, ALLEYS, LINES AND EASEMENTS SHOWN UPON SUCH MAP AND PLAT ARE DEDICATED TO THE PUBLIC FOREVER TO BE USED AS SUCH.

EXECUTED THIS 2 DAY OF Feb, 2018.

DARYL R. FURMAN  
1006 N. MANCIE ROAD  
CANYON, TEXAS 79015  
(800) 988-2541

**CERTIFICATE**

I DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT WAS PREPARED FROM A PERIMETER SURVEY MADE ON THE GROUND BY ME OR BY OTHERS UNDER MY DIRECT SUPERVISION WITH MEASUREMENTS, SET OR FOUND AS INDICATED, AT ALL PERMITS CORNERS ON THIS 20TH DAY OF JUNE, 2017.

*Daryl Furman*  
DARYL R. FURMAN, P.L.S. 5374  
REGISTERED PROFESSIONAL LAND SURVEYOR



**CANYON EAST UNIT NO. 6**  
AN ADDITION TO  
THE CITY OF CANYON, TEXAS  
BEING AN UNPLATTED PORTION OF:  
SECTION 111, BLOCK 6,  
I. & G.N. R.R. CO. SURVEY,  
RANDALL COUNTY, TEXAS  
15.21± ACRES

**FURMAN LAND SURVEYORS, INC.**  
SURVEYING · MAPPING · CONSULTING  
TEXAS · OKLAHOMA · NEW MEXICO · KANSAS · COLORADO

DARYL R. FURMAN, P.L.S. · DANIEL R. FURMAN, P.L.S. · DONALD E. FURMAN, P.L.S.  
CARY A. MAW, P.L.S. · LONDON M. STOKES, P.L.S.  
HEATHER LYNN JIMONS, P.L.S. · MOAH C. HUNTINGTON, P.L.S.  
M.K. MCINTIRE, P.L.S. · KYLIE L. BRADY, S.U.  
TEXAS: (817) 410-2400 & (817) 540-1000  
PO BOX 1416 · AMARILLO, TEXAS 79008 · (806) 434-4100 · FAX: (806) 434-4248  
P.O. BOX 304 · DUBAS, TEXAS 75825 · (409) 224-1405 · FAX: (409) 224-1307

PROJECT NO. 1720661 FILE NO. L-27  
DRAWING NO. P/SUB 17, RANDALL L-27, 1720661

GRANTEE'S ADDRESS: CITY OF CANYON, 201 16TH STREET, CANYON, TEXAS 79015

FILED AS REQUIRED: (DATE)

RANDALL COUNTY

CLERK'S DOCUMENT NO.

## AGENDA

To: Planning and Zoning Commission  
From: Danny Cornelius, Director of Code Enforcement  
Date: February 27, 2018  
Re: Discussion on an Ordinance Regarding Recreational Vehicles.

---

Occasionally we will receive a complaint about someone living in a travel trailer or some other type of recreational vehicle which is parked in the yard at a residence. We've enforced it in the past by notifying the occupant that it's not an allowed use in a particular district such as SF-S (Single-Family Suburban District).

The attached ordinance would clarify that Recreational Vehicles may only be used for human habitation if located within a travel trailer park operating in accordance with the Zoning Code and Chapter 154 (Mobile and Modular Homes; Vacation Trailer Parks).

The attached ordinance is for discussion only at this point. If directed, we'll schedule a public hearing to consider making a recommendation to the City Commission.

**ORDINANCE NO.**

**Recreational Vehicles**

**AN ORDINANCE OF THE CITY OF CANYON, TEXAS, AMENDING CHAPTER 156, ZONING CODE, OF THE CITY OF CANYON CODE OF ORDINANCES, BY ADDING SECTION 5.15 RECREATIONAL VEHICLES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS; the passage, promulgation, and enforcement of the provisions herein contained are determined necessary and advisable for the promotion of the general welfare of the community to carry out the governmental powers and police powers delegated to and possessed by the City of Canyon; and,

WHEREAS; the Planning and Zoning Commission of the City of Canyon, recommended certain amendments to City of Canyon Code of Ordinances, Chapter 156, Zoning Code; and,

WHEREAS; the City Commission finds that the proposed amendments to Chapter 156 as recommended by the Planning and Zoning Commission would be in the best interest of the City;

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS;

**SECTION 1:**

That **CHAPTER 156, Section 5.15, Recreational Vehicles**, is hereby adopted as follows:

Recreational vehicles, including travel trailers, motor homes, tent trailers or similar devices designed for temporary portable housing shall not be used for human habitation unless located within a travel trailer park operating in accordance with this chapter and Chapter 154.

**SECTION 2:**

Severability. If any provision, section, subsection, clause, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Canyon, Texas in adopting this ordinance, that no portion thereof or provision continued herein shall become inoperative or fail by any reasons of the unconstitutionality of any other portion or provision.

**SECTION 3:**

Repealer. All ordinances, parts of ordinances, resolutions, and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

**SECTION 4:**

Effective Date. This ordinance shall become effective \_\_\_\_\_, 2018.

INTRODUCED AND PASSED by the City Commission of the City of Canyon, Texas on the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Gary Hinders, Mayor

ATTEST:

\_\_\_\_\_  
Gretchen Mercer, City Clerk

## AGENDA

To: Planning and Zoning Commission  
From: Danny Cornelius, Director of Code Enforcement  
Date: February 27, 2018  
Re: Discussion on an Ordinance Regarding Shelters.

---

The City of Amarillo has recently dealt with a situation where a “tent city” has been set up as a temporary shelter for several homeless individuals. While everyone agrees that these individuals need shelter, their best solution is clearly not living long term in these unsanitary and substandard conditions.

Amarillo has taken the stance that the tents are a violation of their zoning ordinance where a “Shelter” is defined as an organization providing temporary (three (3) days or less) boarding or lodging or both on its premises primarily to indigent, needy, homeless or transient persons. This ordinance would add the use and definition to our zoning ordinance. Shelters would be allowed in the RC-1 (Retail), RC-2 (Commercial), I-1 (Light Industrial), I-2 (Heavy Industrial), and Planned Development Districts.

The attached ordinance is for discussion only at this point. If directed, we'll schedule a public hearing to consider making a recommendation to the City Commission.

**ORDINANCE NO.**

**Shelters**

**AN ORDINANCE OF THE CITY OF CANYON, TEXAS, AMENDING CHAPTER 156, ZONING CODE OF THE CITY OF CANYON CODE OF ORDINANCES, BY AMENDING TABLE 1-1, SUMMARY USE CHART TO ADD SHELTER AS AN ALLOWED USE IN RC-1, RC-2, I-1, I-2, AND PD ZONING DISTRICTS; AMENDING SECTION A.02 TERMS TO ADD SHELTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS; the passage, promulgation, and enforcement of the provisions herein contained are determined necessary and advisable for the promotion of the general welfare of the community to carry out the governmental powers and police powers delegated to and possessed by the City of Canyon; and,

WHEREAS; the Planning and Zoning Commission of the City of Canyon, recommended certain amendments to City of Canyon Code of Ordinances, Chapter 156, Zoning Code; and,

WHEREAS; the City Commission finds that the proposed amendments to Chapter 156 as recommended by the Planning and Zoning Commission would be in the best interest of the City;

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS;

**SECTION 1:**

Table 1-1, Summary Use Chart, is amended by adding Shelter under Educational, Institutional, and Public Uses and listing it as an Allowed Permitted Use in Zoning Districts RC-1, RC-2, I-1, I-2, and PD.

**SECTION 2:**

Section A.02, Terms, is amended by adding the following:

*Shelter.* An organization providing temporary (three (3) days or less) boarding or lodging or both on its premises primarily to indigent, needy, homeless or transient persons.

**SECTION 3:**

Severability. If any provision, section, subsection, clause, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Canyon, Texas in adopting this ordinance, that no portion thereof or provision continued herein shall become inoperative or fail by any reasons of the unconstitutionality of any other portion or provision.

**SECTION 4:**

Repealer. All ordinances, parts of ordinances, resolutions, and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

**SECTION 5:**

Effective Date. This ordinance shall become effective immediately.

INTRODUCED AND PASSED by the City Commission of the City of Canyon, Texas on the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Gary Hinders, Mayor

ATTEST:

\_\_\_\_\_  
Gretchen Mercer, City Clerk



## AGENDA

To: Planning and Zoning Commission  
From: Danny Cornelius, Director of Code Enforcement  
Date: February 27, 2018  
Re: Discussion on an Ordinance Regarding Abandonment of a Public Right-of-Way.

---

This ordinance would adopt procedures for abandoning any public right-of-way in the City, including streets, alleys, or easements. Occasionally a land owner will request that a street or alley right-of-way be abandoned and deeded to the adjacent land owners. This typically happens in cases where the street or alley has been dedicated by plat, but has never been constructed or used.

In the past, the owner(s) would submit a letter requesting the abandonment. City staff would contact the various utility providers to determine if they have any objection or would need any easements once the right-of-way is abandoned. The request would be presented to the City Commission and, if approved, a quit-claim deed would be prepared by the City Attorney and filed with the Randall County Clerk's office. All this would take place without any consideration by the Planning and Zoning Commission and without any application fees or compensation to the City from the property owners.

The proposed ordinance is similar to the City of Amarillo's. It amends the Subdivision Ordinance to provide a procedure for application, application fees, appraisal, and notification.

The attached ordinance is for discussion only at this point. If directed, we'll schedule a public hearing to consider making a recommendation to the City Commission.

**ORDINANCE NO.**

**Abandonment of Public Right-of-Way**

**AN ORDINANCE OF THE CITY OF CANYON, TEXAS, AMENDING CHAPTER 155, SUBDIVISIONS, OF THE CITY OF CANYON CODE OF ORDINANCES, BY ADDING SECTION 155.09 ABANDONMENT OF PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS; the passage, promulgation, and enforcement of the provisions herein contained are determined necessary and advisable for the promotion of the general welfare of the community to carry out the governmental powers and police powers delegated to and possessed by the City of Canyon; and,

WHEREAS; the Planning and Zoning Commission of the City of Canyon, recommended certain amendments to City of Canyon Code of Ordinances, Chapter 155, Subdivisions; and,

WHEREAS; the City Commission finds that the proposed amendments to Chapter 155 as recommended by the Planning and Zoning Commission would be in the best interest of the City;

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS;

**SECTION 1:**

That **CHAPTER 155, SUBDIVISIONS, GENERAL PROVISIONS, Section 155.09, Abandonment of public right-of-way**, is hereby adopted as follows:

In addition to the requirements set for in V.T.C.A, Local Government Code, Chapter 272, the following shall control the consideration of requests for abandonment of Public Rights-of-Way that are abandoned by separate legal instrument:

- (A) The applicant shall submit, along with an application to abandon Right-of-Way, an appraisal of fair market value prepared by a Texas licensed real estate appraiser that was prepared no more than three (3) months prior to the date the application is submitted for consideration. An appraised value less than the contributory value of the Right-of-Way to the adjoining private property will not be considered.
- (B) The applicant shall pay the following filing fees for Public Right-of-Way abandonment: four hundred eighty-five dollars (\$485.00) for each alley, easement, or street abandonment request filed for consideration.
- (C) Notification signs shall be posted on the Street Right-of-Way proposed for abandonment according to written rules established by the City Manager.

**SECTION 2:**

Severability. If any provision, section, subsection, clause, or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Canyon, Texas in adopting this ordinance, that no portion thereof or provision continued

herein shall become inoperative or fail by any reasons of the unconstitutionality of any other portion or provision.

**SECTION 3:**

Repealer. All ordinances, parts of ordinances, resolutions, and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

**SECTION 4:**

Effective Date. This ordinance shall become effective \_\_\_\_\_, 2018.

INTRODUCED AND PASSED by the City Commission of the City of Canyon, Texas on the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Gary Hinders, Mayor

ATTEST:

\_\_\_\_\_  
Gretchen Mercer, City Clerk



**RIGHT-OF-WAY ABANDONMENT APPLICATION**

**Minimum Submittal Requirements:**

- Application fee of \$485
- Completed and signed application form

**Applicant Information**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Email Address \_\_\_\_\_

**Site Information**

Location of Right-of-Way Abandonment Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Adjacent Property Owners Signatures**

We, the undersigned property owners do hereby request that the City of Canyon abandon the right-of-way as described herein.

(Please include your name and address of your property adjacent to said right-of-way)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_