

LOCATION MAP:



ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF THE FOLLOWING PORTION OF PUBLIC RIGHT-OF-WAY, TO WIT: 0.159 ACRES OF PUBLIC STREET RIGHT-OF-WAY FOR ASPEN STREET, SOUTHEAST OF ITS INTERSECTION WITH FOCH STREET AND ADJACENT TO LOT 6 IN BLOCK 1 AND LOT 1 IN BLOCK 8 OF HIGHLAND PARK ADDITION IN BRYAN, BRAZOS COUNTY, TEXAS; AUTHORIZING THE CONVEYANCE THEREOF TO THE ABUTTING PROPERTY OWNER; PROVIDING FOR THE TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owners of adjoining property have requested the abandonment of 0.159 acres of public street right-of-way for Aspen Street, southeast of its intersection with Foch Street and adjacent to Lot 6 in Block 1 and Lot 1 in Block 8 of Highland Park Addition; and

WHEREAS, pursuant to Texas Local Government Code 272.001(b)(2) the City of Bryan may abandon streets or alleys to adjacent property owners for less than the fair market value; and

WHEREAS, during its regular meeting on October 16, 2025, the Bryan Planning and Zoning Commission recommended approving said request (case no. RA25-03) subject to the condition that a formal replat be filed, integrating the right-of way requested to be abandoned with adjacent properties; and

WHEREAS, the City Council of the City of Bryan, acting pursuant to law, deems it advisable to abandon and convey this tract of land to the abutting property owners and is of the opinion that said land is not needed for public use, and that same should be abandoned to the abutting property owners as hereinafter provided; and

WHEREAS, the City Council of the City of Bryan is of the opinion that the best interest and welfare of the public will be served by abandoning and conveying same to the abutting property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:

1.

That all language contained in the preambles to this Ordinance shall be incorporated into the text of the Ordinance as if set forth verbatim herein.

2.

That the following described tracts in the City of Bryan, Brazos County, Texas be and the same is hereby abandoned, vacated and closed insofar as the right and title of the public are concerned:

0.159 acres of public street right-of-way for Aspen Street, southeast of its intersection with Foch Street and adjacent to Lot 6 in Block 1 and Lot 1 in Block 8 of Highland Park Addition, said public street right-of-way portions being depicted on attached Exhibit "A" and described by metes-and-bounds on attached Exhibit "B".

3.

That the abandonment and conveyance provided for herein is made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

4.

That the abandonment and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest, which the governing body for the City of Bryan may legally and lawfully abandon and vacate.

5.

That the abandonments and conveyance provided for herein shall not be completed until the City of Bryan has approved and recorded a formal replat encompassing all property, which the applicants own or will own after abandonment of this right-of-way.

6.

That this ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED and APPROVED the 11th day of November 2025, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of ___ yeses and ___ noes.

ATTEST:

CITY OF BRYAN:

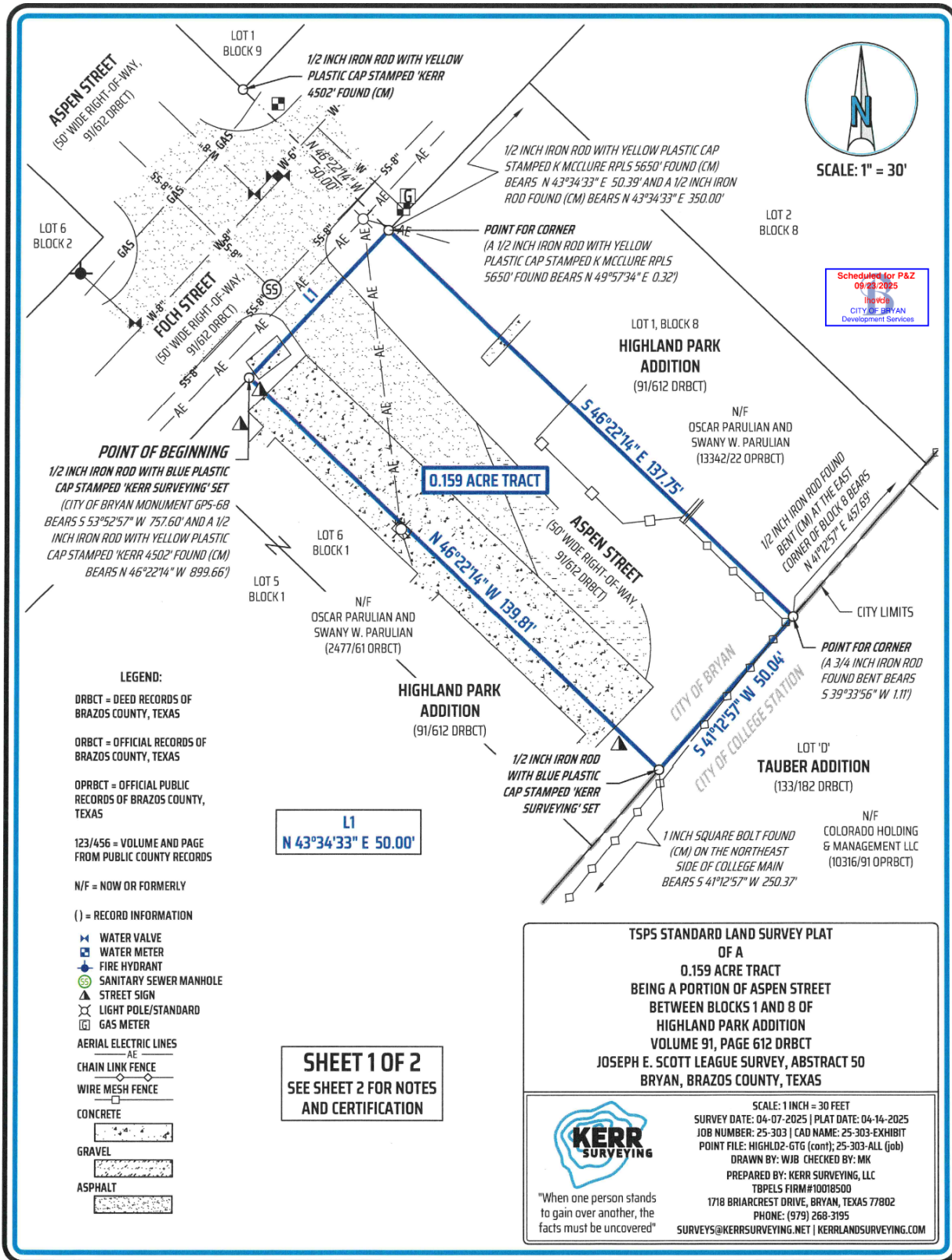
Melissa Brunner, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney

EXHIBIT "A":



SCALE: 1" = 30'

Scheduled for P&Z
09/23/2025
Innovative
CITY OF BRYAN
Development Services

POINT OF BEGINNING
1/2 INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED 'KERR SURVEYING' SET (CITY OF BRYAN MONUMENT GPS-68 BEARS S 53°52'57" W 757.60' AND A 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'KERR 4502' FOUND (CM) BEARS N 46°22'14" W 899.66')

0.159 ACRE TRACT

L1
N 43°34'33" E 50.00'

- LEGEND:**
- DRBCT = DEED RECORDS OF BRAZOS COUNTY, TEXAS
 - ORBCT = OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS
 - OPRBCT = OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS
 - 123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS
 - N/F = NOW OR FORMERLY
 - () = RECORD INFORMATION
 - WATER VALVE
 - WATER METER
 - FIRE HYDRANT
 - SANITARY SEWER MANHOLE
 - STREET SIGN
 - LIGHT POLE/STANDARD
 - GAS METER
 - AERIAL ELECTRIC LINES
 - CHAIN LINK FENCE
 - WIRE MESH FENCE
 - CONCRETE
 - GRAVEL
 - ASPHALT

SHEET 1 OF 2
SEE SHEET 2 FOR NOTES AND CERTIFICATION

TSPS STANDARD LAND SURVEY PLAT OF A 0.159 ACRE TRACT BEING A PORTION OF ASPEN STREET BETWEEN BLOCKS 1 AND 8 OF HIGHLAND PARK ADDITION VOLUME 91, PAGE 612 DRBCT JOSEPH E. SCOTT LEAGUE SURVEY, ABSTRACT 50 BRYAN, BRAZOS COUNTY, TEXAS

SCALE: 1 INCH = 30 FEET
 SURVEY DATE: 04-07-2025 | PLAT DATE: 04-14-2025
 JOB NUMBER: 25-303 | CAD NAME: 25-303-EXHIBIT
 POINT FILE: HIGHLD2-GTG (cont); 25-303-ALL (job)
 DRAWN BY: WJB CHECKED BY: MK
 PREPARED BY: KERR SURVEYING, LLC
 TBPELS FIRM#10018500
 1718 BRIARCREST DRIVE, BRYAN, TEXAS 77802
 PHONE: (979) 268-3195
 SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM

KERR SURVEYING

"When one person stands to gain over another, the facts must be uncovered"

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE SURFACE DISTANCES UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES (NOT AREAS) DIVIDE BY A COMBINED SCALE FACTOR OF 1.000095321653771 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS MAY APPLY.

UNDERGROUND UTILITIES ARE APPROXIMATED BASED ON ABOVE GROUND FEATURES, AVAILABLE MAPS AND MARKINGS BY UTILITY PROVIDERS. ADDITIONAL UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS SURVEY.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (METES AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.

SURVEYOR'S CERTIFICATE:

I, MICHAEL KONETSKI, R.P.L.S. NO. 6531, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

Michael Konetski
MICHAEL KONETSKI
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6531



FLOOD PLAIN NOTES:

THIS TRACT LIES WITHIN FLOOD ZONE 'X' UNSHADED AND DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD PLAIN) ACCORDING TO THE BRAZOS COUNTY FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48041C0305F, REVISED DATE: 04-02-2014.

SHEET 2 OF 2
SEE SHEET 1 FOR
EXHIBIT

**TSPS STANDARD LAND SURVEY PLAT
OF A
0.159 ACRE TRACT
BEING A PORTION OF ASPEN STREET
BETWEEN BLOCKS 1 AND 8 OF
HIGHLAND PARK ADDITION
VOLUME 91, PAGE 612 DRBCT
JOSEPH E. SCOTT LEAGUE SURVEY, ABSTRACT 50
BRYAN, BRAZOS COUNTY, TEXAS**



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JOB NUMBER: 25-303 | CAD NAME: 25-303-EXHIBIT
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**EXCERPT FROM DRAFT PLANNING AND ZONING COMMISSION REGULAR MEETING
MINUTES OF OCTOBER 16, 2025:**

2. Consent Agenda

E. Right-of-way Abandonment RA25-03:

A request to abandon 0.159 acres of public street right-of-way for Aspen Street, southeast of its intersection with Foch Street and adjacent to Lot 6 in Block 1 and Lot 1 in Block 8 of Highland Park Addition in Bryan, Brazos County, Texas. (R. Ochoa)

F. Approval of Consent Agenda

Commissioner Gonzalez moved to approve the Consent Agenda. Commissioner Watson seconded the motion and the motion passed unanimously.

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

October 16, 2025



**Right-of-way Abandonment case no. RA25-03:
A portion of public street right-of-way for Aspen Street**

CASE DESCRIPTION: a request to abandon 0.159 acres of public street right-of-way for Aspen Street

LOCATION: 0.159 acres of land located southeast of its intersection with Foch Street and adjacent to Lot 6 in Block 1 and Lot 1 in Block 8 of Highland Park Addition

APPLICANT(S): Schultz Engineering, LLC

STAFF CONTACT: Rene F. Ochoa, AICP, Project Planner



RIGHT-OF-WAY ABANDONMENT REQUEST:

The applicant, Schultz Engineering, LLC., on behalf of adjacent property owners, Oscar and Swany Parulian, is requesting to abandon 0.159 acres of public street right-of-way for Aspen Street located southeast of its intersection with Foch Street and adjacent to Lot 6 in Block 1 and Lot 1 in Block 8 of Highland Park Addition. In this specific case, the adjacent properties on both sides of the proposed abandonment are owned by the same property owners. The request, if approved, would allow the property owners to formally integrate this abandoned right-of-way with the adjoining land through a replat, which is currently under review by the Site Development Review Committee (case no. RP25-28).

Acting on behalf of the public, only Bryan's City Council is authorized to officially abandon all or portions of rights-of-way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights-of-way.

ANALYSIS AND RECOMMENDATION:

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. Abandoning the subject portion of public street right-of-way will not interfere with the smooth circulation of vehicular and pedestrian traffic.

As prescribed in Section 110-32(d) of Bryan's Subdivision Ordinance, the abandonment process divides the public ownership interest in the subject right-of-way among all the owners of lots abutting the tract to be abandoned, in proportion to their ownership of adjoining land. In this specific case, the lots abutting the right-of-way to be abandoned are owned by the same property owners and is proposed to be integrated with the adjoining lots through a replat (RP25-28).

Abandoning the subject portion of public street right-of-way, will allow this land to be integrated with adjacent land and become available for development and, therefore, be a more efficient use of adjacent land. Staff contends that the rearrangement of land will have the most likely long-range public benefit.

The SDRC and staff recommend **approving** the request to abandon these 0.159 acres of unimproved public street right-of-way, subject to the following condition:

- 1. That upon approval of this right-of-way abandonment, a replat be approved and filed, formally integrating the portion of abandoned right-of-way into the adjacent properties.**