

# APPLICATION REVIEW

## ABD-22-12

HEARING DATE: November 14, 2022

1. **CASE #** ABD-22-12  
**Energov #** 22-00013-ABD

**PROPERTY LOCATIONS:** Abandonment of a variable width portion of the Right of Way of Morris Street, located in the vicinity of S. 11th Street and Prose Street, adjacent to 2011 S. 11th Street

**LEGAL DESCRIPTION:** 0.054 acre portion of Morris Street, a variable width R.O.W., and a 0.352 acre tract of land, being four tracts of land, in the Primrose Addition, an addition to the City of Waco, McLennan County, Texas, recorded in Volume 275, Page 189, Deed Records, McLennan County, Texas, conveyed to Adele and Kelvin Williams, recorded in Instrument No. 2009-30261, Official Public Records, McLennan County, Texas (O.P.R.M.C.T)

2. **APPLICANTS:** Greg Davis, on behalf of Sic 'Em Realty, LLC  
**MAILING ADDRESS:** 2013 S. 11<sup>th</sup> Street  
Waco, TX 76706

3. **REQUEST:** Abandonment of a variable width portion of the Morris Street right-of-way

4. **BACKGROUND:** The abandonment of a portion of the right-of-way will allow the applicant to meet setback requirements once a plat is submitted to combine all the parcels of land and the additional area from the ROW.

**STAFF RECOMMENDATION:**

Planning Services recommends *APPROVAL* of the abandonment request based on the following findings and subject to the following conditions:

Findings:

1. Public use of the right-of-way is not required for the proper flow of traffic or for emergency vehicle access to the area.
2. Utility access for surrounding properties is not adversely impacted by the abandonment of this right of way.

Conditions:

1. A sewer easement shall be retained centered over the existing sewer line that runs perpendicular to Morris Street ROW. The easement shall extend 10' on either side of the sewer line.
2. A general utility easement shall be retained centered over the existing AT&T facilities in the Morris Street ROW. The easement shall extend 10' on either side of the 2 copper cables and 1 fiber optic aerial cable.

**DEPARTMENT/ UTILITY COMMENTS:**

Traffic: No comment.

Engineering: No comment.

Utilities: Existing sewer line requires easement.

Legal: No comment.

Fire Services: No comment.

Police: No comment.

AT&T: AT&T has 2 copper cables and 1 fiber optic aerial cable within the ROW.

Atmos Energy: No comment.

Oncor Electric: No comment.

Time Warner Cable: No comment.



Solid Waste: No comment.

**Notices: 14 mailed; 0 returned**



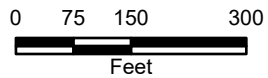
ABD-22-12  
0.054 acre portion of Morris St  
located at the intersection of  
S 11th St and Morris St.  
Property Location Map

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

-  ABD-22-12
-  200' Property Notice Buffer





November 2022





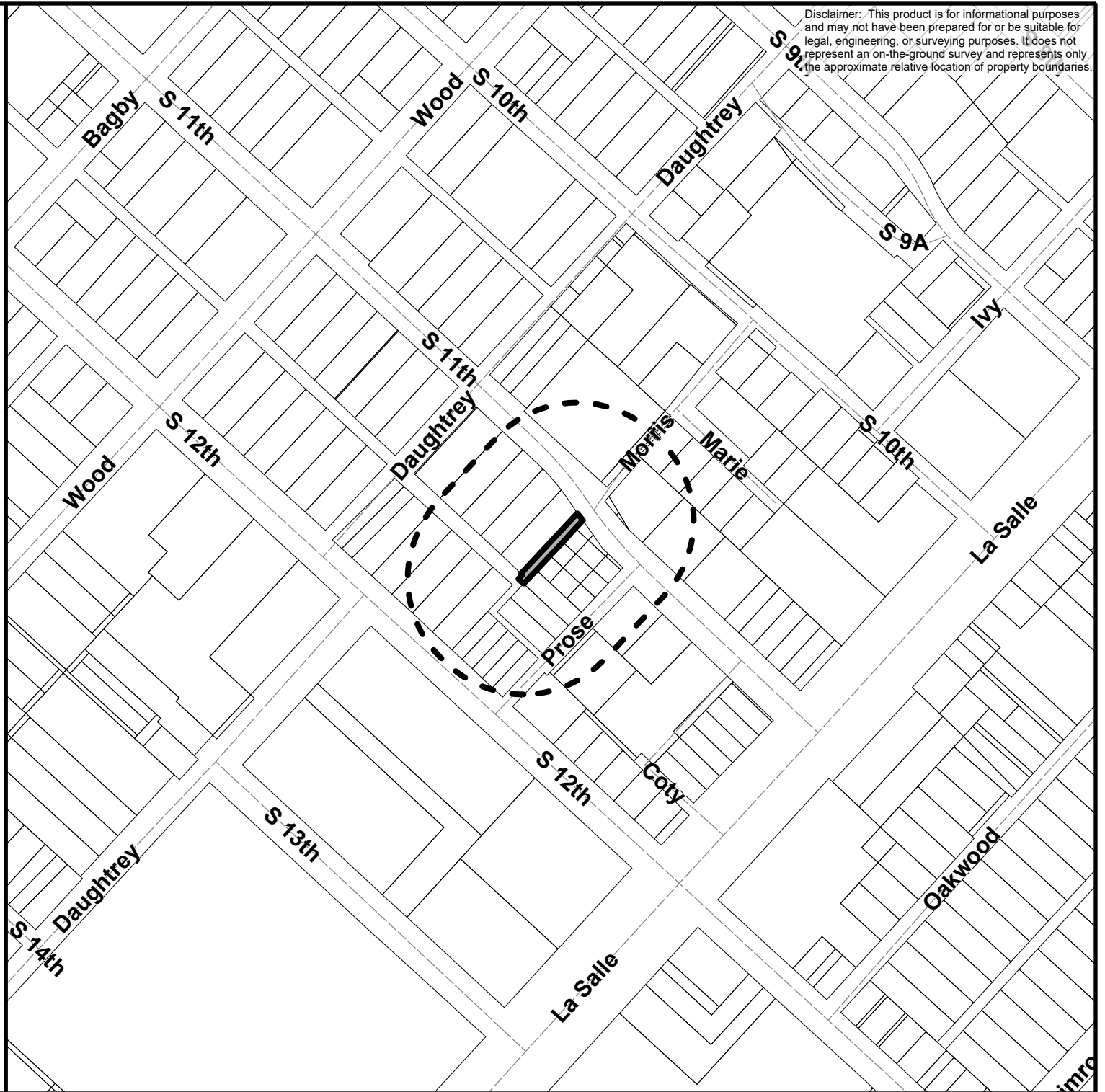
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November 2022

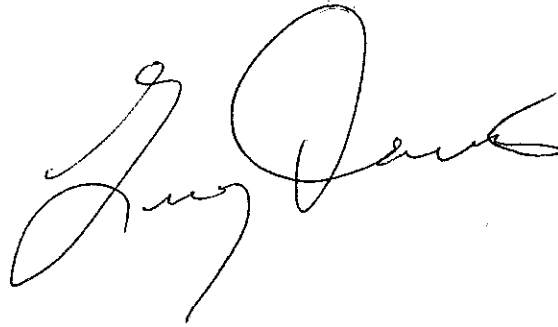


Additional Details from Petition for Abandonment for Public Property

Right of Way between 2011 S 11<sup>th</sup> and 2013 S 11<sup>th</sup>

Conversation between owner of 2013 S 11<sup>th</sup> (Greg Davis) and the owner of 2011 S 11<sup>th</sup> (Randy Crockett) occurred on September 27, 2022. Owners agreed to petition for abandonment of the Morris ROW and Mr. Crockett verbally conceded his potential half of the ROW should the city approve the abandonment.

After the September 27 conversation and prior to signing the petition, Mr. Crockett passed away on October 3<sup>rd</sup> from a heart attack. He is joint owner of 2011 S 11<sup>th</sup> with his sister Karen Harris who resides out of state. Ms. Harris will be asked to sign the petition once some time has passed from losing her brother.

A handwritten signature in black ink, appearing to read "Greg Davis". The signature is written in a cursive style with a large, prominent initial "G".

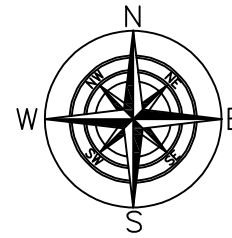
**SURVEYOR'S NOTES:**

1. ALL BEARINGS SHOWN HEREON ARE CORRELATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203), NAD83 (NA 2011).
2. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A COPY OF A COMMITMENT FOR TITLE INSURANCE, PREPARED BY STEWART TITLE GUARANTY COMPANY, GF#20212443, ISSUED SEPTEMBER 8, 2021.
3. THE SURVEY PERFORMED ON THE GROUND OF THE SUBJECT PROPERTY AND THE PREPARATION OF A DEPICTION OF THE RESULTS THEREOF ON THIS SURVEY EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE, THEREFORE THERE MAY BE EASEMENTS OR OTHER MATTERS THAT COULD EXIST AND ARE NOT SHOWN.
4. ( ) DENOTES RECORD DATA.

THIS SURVEY EXHIBIT WAS PREPARED FROM A SURVEY PERFORMED ON THE GROUND UNDER THE SUPERVISION OF SHELBY J. HOFFMAN, R.P.L.S. NO. 6084, ON SEPTEMBER 21, 2021 AND SHOWS THE SIGNIFICANT VISIBLE IMPROVEMENTS OBSERVED AT THE TIME OF THE SURVEY.



PROPERTY ADDRESS:  
700 MILLER ST.  
WACO, TEXAS



**LEGEND OF ABBREVIATIONS**

D.R.M.C.T. Deed Records of McLennan County, Texas

**PROPERTY DESCRIPTION**

BEING A 0.352 ACRE TRACT OF LAND, BEING FOUR TRACTS OF LAND, IN THE PRIMROSE ADDITION, AN ADDITION TO THE CITY OF WACO, MCLENNAN COUNTY, TEXAS, RECORDED IN VOLUME 275, PAGE 189, PLAT RECORDS, MCLENNAN COUNTY, TEXAS, (P.R.M.C.T.), CONVEYED TO ADELE & KELVIN WILLIAMS, AS DESCRIBED IN A DEED, RECORDED IN INSTRUMENT NO. 2009-30261, DEED RECORDS, MCLENNAN COUNTY, TEXAS, (D.R.M.C.T.), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING**, AT AN IRON ROD FOUND, AT THE SOUTHWEST CORNER OF SAID WILLIAMS TRACT, AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 2, OF SAID PRIMROSE ADDITION, IN THE NORTHWEST LINE OF PROSE STREET, A 30' RIGHT-OF-WAY, (R.O.W.);

**THENCE**, WITH THE COMMON LINE BETWEEN SAID WILLIAMS TRACT, AND WITH SAID LOT 6, N 44°36'18" W, A DISTANCE OF 110.53 FEET, TO A CAPPED IRON ROD FOUND, AT THE NORTHWEST CORNER OF SAID WILLIAMS TRACT, IN THE SOUTHEAST LINE OF MORRIS STREET;

**THENCE**, WITH THE SOUTHEAST LINE OF SAID MORRIS STREET, N 44°10'41" E, A DISTANCE OF 138.82 FEET, TO A CAPPED IRON ROD SET, STAMPED "GSI SURVEYING", FOR THE NORTHEAST CORNER OF SAID WILLIAMS TRACT, FOR THE INTERSECTION OF THE SOUTHEAST LINE OF SAID MORRIS STREET AND THE SOUTHWEST LINE OF SOUTH 11TH STREET;

**THENCE**, WITH THE SOUTHWEST LINE OF SAID SOUTH 11TH STREET, S 44°36'41" E, A DISTANCE OF 110.54 FEET, TO A CAPPED IRON ROD SET, STAMPED "GSI SURVEYING", FOR THE SOUTHEAST CORNER OF SAID WILLIAMS TRACT, FOR THE INTERSECTION OF THE SOUTHWEST LINE OF SAID SOUTH 11TH STREET AND THE NORTHWEST LINE OF SAID PROSE STREET;

**THENCE**, THE NORTHWEST LINE OF SAID PROSE STREET, S 44°10'52" W, A DISTANCE OF 138.84 FEET, TO THE POINT OF BEGINNING AND CONTAINING 0.352 ACRES OF LAND AS SURVEYED ON THE GROUND UNDER THE SUPERVISION OF SHELBY J. HOFFMAN, R.P.L.S. NO.6084, ON SEPTEMBER 21, 2021.

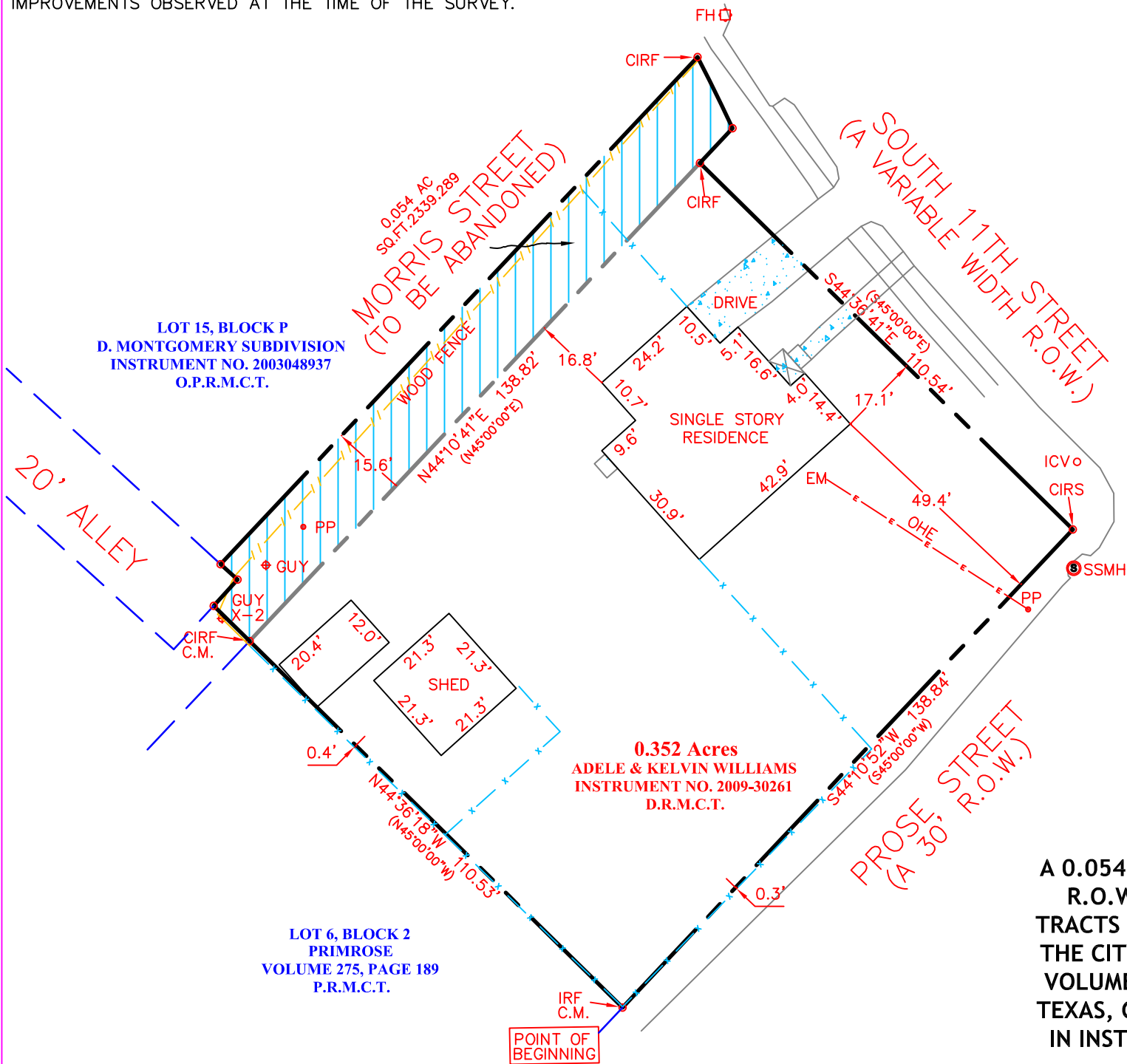
**LEGEND OF SYMBOLS**

- ⊠ air conditioner
- borehole
- CATV○ cable tv
- EM○ electric meter
- fence or handrail
- FDC fire dept. connection
- FH fire hydrant
- fire lane
- guard rail
- ⊙ grease trap
- GP○ bollard
- GI○ grate inlet
- GM○ gas meter
- gas line
- GUY○ utility pole anchor
- IV irrigation valve
- landscape or tree line
- LEB landscape electric box
- LSL landscape light
- light pole
- MB mailbox
- overhead utility lines
- SSMH sanitary sewer manhole
- storm drain manhole
- telephone manhole
- traffic signal pole
- CO utility clean out
- UV utility vault
- water valve
- WM water meter
- well
- SN sign
- power pole

**PRESENCE OF UTILITIES WARNING**

811 or other similar utility locate requests (DIG-TESS) may have not been requested, may have been ignored, or may have resulted in an incomplete response; in which case utilities may have not been marked, or not completely marked, at the time the fieldwork was performed. Therefore, other utilities may exist which are not shown on this survey exhibit. Where additional or more detailed information is requested, subsurface utility investigation, and/or a private utility locate request may be necessary.

NOTE - SOME ITEMS IN THIS LEGEND MAY NOT PERTAIN TO THIS SURVEY EXHIBIT. THE IDENTIFICATION IS SUBJECT TO INTERPRETATION, AND VERIFICATION IS REQUIRED.



**ABANDONMENT EXHIBIT SHOWING**  
A 0.054 ACRE PORTION OF MORRIS STREET, A VARIABLE WIDTH R.O.W., AND A 0.352 ACRE TRACT OF LAND, BEING FOUR TRACTS OF LAND, IN THE PRIMROSE ADDITION, AN ADDITION TO THE CITY OF WACO, MCLENNAN COUNTY, TEXAS, RECORDED IN VOLUME 275, PAGE 189, DEED RECORDS, MCLENNAN COUNTY, TEXAS, CONVEYED TO ADELE AND KELVIN WILLIAMS, RECORDED IN INSTRUMENT NO. 2009-30261, OFFICIAL PUBLIC RECORDS, MCLENNAN COUNTY, TEXAS



*SJ Hoffman* 09/22/2022  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 6084



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3000 S. Hulen, Suite 124-236, Fort Worth, Texas 76109  
Telephone: 817-487-8916, www.gsisurvey.com  
TBPELS Firm No. 10184400, SHELBY@GSISURVEY.COM

Scale: 1"=30'	Date: 09/22/2022	DWG: 2022905 SURVEY-001
Drawn: OF	Checked: SJH	Job: 2022-905



