

## Vacation of Brittany Business Park Subdivision

**Request** Vacate the existing Brittany Business Park Subdivision plat being comprised of 9 commercial lots on 25.4 acres.

In accordance with the approval of the vacation process on June 18, 2012, staff is returning to the Commission for action on the instrument that will be recorded with Galveston County to vacate the plat. The City Attorney has reviewed and approves of the language proposed in the vacation document.

**Applicant** Dale Hardy of GeoSurv, LLC

**Owner** Wycoff Construction

**Zoning** "CM" (Commercial Mixed Use)

**Location** Generally located north of League City Parkway and west of Butler Road with the approximate address in the 1100 to 1300 block of Butler Road.

**Attachments** 1. Exhibit of Plat Vacation document

**Background** In early 1971, a drainage easement was granted to TxDOT and recorded along the northern property line.

On November 1, 2004, the Planning and Zoning Commission approved the final plat for the Brittany Business Park.

On November 4, 2005, a separate instrument establishing the 60-foot wide drainage easement as well as subsequent easements that cross the property to the City of League City.

On November 7, 2005, the Planning and Zoning Commission approved an extension to the final plat for the Brittany Business Park for 1 year.

On October 5, 2006, the plat was recorded with Galveston County.

On September 2, 2008, a deed transferring 1,250 square feet of land for the lift station property was recorded.

On June 18, 2012, the Planning and Zoning Commission approved the authorization for the plat vacation process by a vote of 6-0-0.

**Subdivision and Development Regulations** Per the Subdivision and Development regulations, a plat vacation is defined as an instrument declaring that a plat and its dedication be vacated or cancelled and that the land be converted to acreage. The plat vacation is to be approved by the Planning and Zoning Commission and recorded with Galveston County.

**Texas Local Government Code** Chapter 212.013 of the Texas Local Government Code states that a plat may be vacated at any time before any lot in the plat is sold. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. Upon the execution and recording of the vacating instrument, the vacated plat has no effect.

**Easement  
Dedications**

As mentioned at the Commission meeting on June 18, 2012, the 60-foot wide drainage ditch on the western portion of the development, several 10-foot wide drainage easements across the property for drainage, and the Texas Department of Transportation (TxDOT) easements will continue since separate instruments have already been recorded. The document of plat vacation specifies that the 10-foot wide right-of-way for Butler Road will remain as well.

For additional information, you may contact Shawn Vaughn, Senior Planner at 281-554-1079 or via e-mail at [shawn.vaughn@leaguecity.com](mailto:shawn.vaughn@leaguecity.com).

**NOTICE  
OF  
PARTIAL PLAT VACATION  
AS TO THE  
FINAL PLAT OF BRITTANY BUSINESS PARK  
ACCORDING TO THE MAP OR PLAT THEREOF  
RECORDED AT MAP RECORD 2006A, MAP NUMBER 183,  
IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS**

THE STATE OF TEXAS           \*  
  \*           KNOW ALL MEN BY THESE PRESENTS THAT  
COUNTY OF GALVESTON       \*

WHEREAS Brittany Business Park, LLC, a Texas limited liability company, is owner and holder of a part of that certain tract or parcel of land being located and situated in the City of League City, Galveston County, Texas, and being subdivided as the FINAL PLAT OF BRITTANY BUSINESS PARK according to the map or plat thereof recorded at Map Record 2006A, Map Number 183, being a Subdivision of 25.4348 acres of land out of Lot 2, Block N of Subdivision 9 of the STEPHEN F. AUSTIN LEAGUE, Abstract No. 3, according to the map or plat thereof recorded at Volume 3, Page 3, all being of record in the Office of the County Clerk of said Galveston County, Texas, and;

WHEREAS the City of League City is owner and holder of all that portion of the FINAL PLAT OF BRITTANY BUSINESS PARK not owned and held by said Brittany Business Park, LLC, said portions being FIRST; that certain called 0.0287 acres tract or parcel of land being out of Restricted Reserve "E" of said FINAL PLAT OF BRITTANY BUSINESS PARK conveyed to the City of League City by DONATION DEED dated September 2, 2008, and recorded at Galveston County Clerks' File Number 2008053837, and SECOND; that certain RIGHT-OF-WAY strip for the widening of Butler Road, said strip being 10 feet in width, 2,064.20 feet in length and running along the East line of said FINAL PLAT OF BRITTANY BUSINESS PARK, said RIGHT-OF-WAY dedicated to the City of League City as reflected in said FINAL PLAT OF BRITTANY BUSINESS PARK, and;

WHEREAS Brittany Business Park, LLC, is desirous of vacating and abandoning that part of said FINAL PLAT OF BRITTANY BUSINESS PARK owned and held by said Brittany Business Park, LLC, in accordance with § 212.013 of the Texas Local Government Code, and;

WHEREAS it is determined and agreed by and between Brittany Business Park, LLC, and the City of League City, acting by and through its' duly convened Planning and Zoning Commission, that those portions of said FINAL PLAT OF BRITTANY BUSINESS PARK owned and held by the City of League City and described hereinabove shall not be vacated but shall remain vested with the City of League City;

NOW THEREFORE, it is the Order of the Planning and Zoning Commission of the City of League City that the hereinabove described portion of the FINAL PLAT OF BRITTANY BUSINESS PARK so owned and held this date by Brittany Business Park, LLC, shall be and is hereby vacated and abandoned. It is further ordered that the County Clerk of the County of Galveston, Texas, is hereby directed to write legibly on the vacated plat the word "VACATED" and shall enter on the plat a reference to the clerks' file number at which this vacating instrument is recorded. Upon the execution and recording of this vacating instrument, the vacated portion of the FINAL PLAT OF BRITTANY BUSINESS PARK plat shall have no further effect.

Brittany Business Park, LLC  
a Texas limited liability company

By: Ross W. Wycoff, Manager  
Brittany Business Park, LLC  
351 Columbia Memorial Pkwy.  
League City, Texas 77573

THE STATE OF TEXAS       \*  
  \*  
COUNTY OF GALVESTON   \*

Before me, the undersigned authority, on this day personally appeared Ross W. Wycoff, Manager of Brittany Business Park, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the above and foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein set forth.

WITNESS MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
NOTARY PUBLIC for the  
STATE of TEXAS  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Christopher Hullman - Chairman  
Planning and Zoning Commission  
City of League City, Texas

\_\_\_\_\_  
Wes Morrison  
Planning Manager  
City of League City

Approved: \_\_\_\_\_  
(Date)

Attested: \_\_\_\_\_  
(Date)