

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Edward Lopez and members of the Richland Hills City Council
From: Eric Strong, City Manager
Date: October 14th, 2019
Subject: Easement

City Council Action Requested:

Discussion only

Background Information:

There is a strip of city owned property that runs between several residential lots on the south side of the City (see attached map for exact location). This property has presented us with some challenges for several reasons, including:

1. Many property owners don't realize that it isn't their property and that we own it.
2. As such, many property owners have made improvements on the property over time. These improvements include fencing the area into their yard, erecting sheds and parking vehicles.
3. Technically, none of this is allowed as the property is city owned
4. Although we own the property, it has always been maintained by the property owners (or at least for as long as anyone on staff is aware).

We have recently started making an attempt to clean up some of the issues on this property. This includes trying to enforce no parking without a screening fence and the proper surface to park on. Some of the owners have said they would like to continue parking there, but gain compliance by installing a fence and the proper surface. The current parking regulations say the following:

Sec. 34-291. - Parking restrictions generally.

- (a) No vehicles, trailers or recreational equipment shall be parked or stored on any lot within the city except in accordance with the following provisions:

- (1) On nonresidential property when parked upon an approved surface;
 - (2) On residential property when parked on any side or front yard when such vehicle is parked on hard paved surface of concrete or asphalt not less than nine feet by 18 feet, or at least of sufficient size to accommodate the horizontal area projected by the extreme limits of the vehicle. A vehicle may be parked or stored in the side yard, side yard adjacent to a street or rear yard provided it is screened from public view by not less than a six-foot tall solid fence. All parking spaces constructed for the purpose of abating this nuisance shall be constructed with a driveway adjoining an existing on-site driveway and approach adjoining a public right-of-way;
 - (3) On residential property when parked on any rear yard provided it is screened from public view by not less than a six-foot tall solid fence;
 - (4) Items parked or stored in or on a side yard shall maintain a minimum three-foot clearance to the property lines; or
 - (5) No more than two vehicles shall at any one time be parked in the rear yard of a residential lot of less than one-half acre, and no more than three vehicles shall be parked in the rear yard of a residential lot of one-half acre or more in size. On residential lots greater than one acre in size, farm implements shall be exempted from the requirements of this subsection and shall not count as vehicles in calculating the maximum number allowed. Notwithstanding the foregoing, vehicles which are parked in an enclosed garage or carport shall not count as vehicles in calculating the maximum number allowed, and shall be permitted in unlimited numbers.
- (b) Any vehicle, trailer or recreational equipment that is parked or stored in violation of subsection (a) of this section, is hereby declared to be a nuisance.
- (c) A person commits an offense if the person, on property under that person's control, parks or stores or allows to be parked or stored, in violation of subsection (a) of this section, any vehicle, trailer or recreational equipment.

As you see when you read this, there are several reasons why staff feels we can't permit people to move forward. In order to allow the parking they need to have an impervious area which connects to the driveway. We are not going to permit concrete or asphalt over a sewer or gas line. Non residential parking allows for an "approved surface", which is defined as:

"A continuous and unbroken area at least as long and wide as the vehicle or structure upon which such vehicle or structure is located, consisting of either concrete, asphalt, gravel completely contained or bordered by a concrete curb, brick, brick pavers, or other commercially sold concrete, masonry, or rock material widely marketed for the purpose of serving as a surface for a driveway."

Essentially, gravel is allowed under certain conditions, but that is only in non-residential areas. Residential areas are specific to include only concrete or asphalt. Further, the concrete or asphalt would need to connect to an existing driveway and must have a screening fence. The issue with all of this is that the property is owned

by the City, and we would not permit a driveway, fence or other structure to be built on our property.

We need direction from the council on how to proceed. Do we require all vehicles to be removed? Fences and sheds as well? If not, when someone new comes in and wants to put up a fence or shed, do we allow it? What if something new goes up without a permit? Do we continue to allow parking without proper screening and surface? Do we need to look at how to abandon the property and maintain an easement? These are the types of questions that have arisen, and we would like council to discuss how to proceed with some of these issues going forward.

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Attachments: Map

