

# STAFF REPORT



**SUBJECT:** Case No.: SC2021-001  
Abandonment of the 800 Blk. of N. Lillian Avenue

Development Services

**STAFF CONTACT:** Steve Killen

## RECOMMENDATION:

The Planning and Zoning Commission convened on March 10, 2021, and by a vote of 3/1, recommended the City Council abandon the aforementioned street as authorized by Chapter 95 of the City of Stephenville Code of Ordinances.

## BACKGROUND:

The City has previously abandoned North Lillian Avenue from Washington Street to Shirley Street which was then sold to Tarleton State University. The University has now acquired the remaining private residences on Lillian Avenue and has asked the city to consider the sale of the final block of Lillian Avenue between Shirley and Frey. Staff is agreeable to this request.

Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative. Council initiated such action on February 2, 2021, which then required review by the Planning and Zoning Commission via public hearing and a recommendation to Council for final approval. The applicable sections of the city code are as follows:

### ARTICLE IV. - CLOSING STREETS AND ALLEYS

Sec. 95.50. - Reference to transportation code.

Provisions for the closing of streets and alleys are granted by the V.T.C.A. Transp. Code § 311.07. The procedures and regulations set out herein are consistent with the requirements of the Code and set out regulations to be followed in the closing of streets and alleys.  
(Ord. 2015-11, passed 7-7-2015)

Sec. 95.51. - Public hearing generally.

The City Council, on its own initiative, may call a public hearing to determine whether or not any street or alley in the city, or any portion thereof, should be closed or abandoned as a public thoroughfare.  
(Ord. 2015-11, passed 7-7-2015)

Sec. 95.54. - Recommendation of the planning and zoning commission.

Before City Council may take final action to adopt any ordinance to close a street or alley the Planning and Zoning Commission shall review the request from the point of view of impact on future traffic circulation in the city and shall make a recommendation on such matters to the City Council. The Planning and Zoning Commission shall be required to conduct a public hearing. (Ord. 2015-11, passed 7-7-2015)

## DEPARTMENTAL COMMENTS:

### Public Works Department

A Municipal Utility Easement must be retained by the city for:

1. an existing 12-inch diameter water line that runs parallel to and lies under the existing Lillian Avenue right-of-way and for
2. an existing 6-inch diameter water line that runs parallel to and lies under the existing Shirley Street right-of-way.

The portions of existing sanitary sewer would become the property of Tarleton State University.

### Development Services

No additional comments

### Police Department

No additional comments

### Fire Department

Removable bollards will be required to allow access at both intersections (Frey and Lillian/ Lillian and Shirley).

## ESTIMATE OF VALUE

An estimate of value has not been developed for the 800 block of Lillian Avenue. Because the right-of-way and adjacent property is currently developed, staff recommends using an independent appraisal of the real property using Section 95.56 of the adopted Code of Ordinances. An exhibit of the area is shown below.

### ARTICLE IV. - CLOSING STREETS AND ALLEYS

#### Sec. 95.56. - Appraisal of real property required.

- A. Within 90 days after the City Council public hearing and Planning and Zoning Commission recommendation, but before City Council final action, the petitioner shall provide an appraisal by a certified appraiser of real property. The cost of the appraisal is to be paid in full by the petitioner. Upon written application by the petitioner stating the need therefor, this time period may be extended by the City Administrator. Such extension shall be in writing.
- B. As an alternative to the above, the petitioner may elect, in writing, to utilize the average appraised values of the land immediately adjacent to the street or alley to be closed as shown on the most recent approved municipal tax roll. Such average value shall be calculated by city staff.
- C. If the requested closure is approved by City Council, the actual selling price shall be determined solely by the City Council, but in no case shall the selling price be less than the appraised value as determined under this section.

(Ord. 2015-11, passed 7-7-2015)

### ADVANTAGES:

An advantage to closing the 800 block of North Lillian Avenue between Shirley Street and Frey Street include the transfer of maintenance of the pavement and the sanitary sewer utility that provide benefit to a sole customer.

### DISADVANTAGES:

No disadvantages have been identified at this time.

## ALTERNATIVES

- 1) Accept the recommendation of the Planning and Zoning Commission and abandon the street as initiated.

2) Over-rule the recommendation of the Planning and Zoning Commission and terminate the initiated action and therefore, not abandon the identified portion of North Lillian.

Exhibit – 800 Block of North Lillian

