

# STAFF REPORT



**SUBJECT:** Case No.: AS2022-003  
Abandonment of Tarleton Street from Harbin Drive to Saint Felix Street

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen, Director of Development Services

## RECOMMENDATION:

The Planning and Zoning Commission convened on March 16, 2022, and by a vote of 3/4, recommended the City Council proceed with the street abandonment. The motion failed to meet a 2/3 affirmative vote and is therefore forwarded as a denial in accordance with Section 154.20.2.K(3)(b) of the City of Stephenville Code of Ordinances.

## BACKGROUND:

The City has previously abandoned streets near and through Tarleton State University when the University was acquiring private property in order to expand campus improvements. The University is currently in the process of buying private property along Tarleton Street from Harbin Drive to Saint Felix Street.

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 at the regular business meeting on February 1, 2022. Such action requires 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

- Retain easement for proposed stormwater drainage line
- Retain easement for existing raw water line
- Existing sewer main to be abandoned to private ownership
- Existing potable main to be abandoned to private ownership with physical disconnection or meter installation

### Development Services

No additional comments.

### Police Department

No additional comments.

### Fire Department

No additional comments.

## ESTIMATE OF VALUE:

### ARTICLE IV. - CLOSING STREETS AND ALLEYS

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

- 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.
- 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.
- 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 Tarleton Street from Harbin Drive to Saint Felix 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) Proceed with the initiated action to abandon the street.
- 2) Terminate the initiated action to abandon the street.