

STAFF REPORT



SUBJECT: Case No.: AS2023-001
Abandonment of Alley in the Cage Addition

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

To recommend the City Council abandon a portion of a 20-foot alleyway in the Cage Addition. The portion of alleyway to be abandoned is East of Ivy, West of Bates and South of Elm.

BACKGROUND:

On January 3, 2023, the City Council initiated action to abandon an alleyway located East of Ivy, West of Bates and South of Elm. Consequently, the Planning and Zoning Commission is now charged to hold a public hearing and provide a recommendation for final action to the City Council.

Recently, several parcels were rezoned to R-3, Multifamily District by the property owner. One property owner owns each parcel surrounding the alley with exception to 380 Elm, Parcel R28924.

A 12" sanitary sewer line traverses the alley at 1273 Ivy, Parcel R28921. If approved, the property owner will be required to honor the existing easement.

Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative. If the City Council opts to pursue the abandonment, the matter will be forwarded to the Planning and Zoning Commission for a public hearing. The Commission will then make a recommendation to City Council regarding the abandonment. 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 existing 12" sanitary sewer main

Development Services

No additional comments.

Police Department

No additional comments.

Fire Department

No additional comments.

ADVANTAGES:

An advantage to closing the alley will allow for the development of multiple parcels. In doing so, three mobile homes and accessory structures will be removed to allow the construction of multifamily dwellings.

DISADVANTAGES:

No disadvantages have been identified at this time.

ESTIMATE OF VALUE:

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)

ALTERNATIVES:

- 1) Recommend the City Council abandon the alley as initiated.
- 2) Recommend the City Council terminate the initiated action and not abandon.

Exhibit – Twenty-foot alleyway East of Ivy, West of Bates and South of Elm.

