

STAFF REPORT



SUBJECT: Case No.: SC2021-002
Abandonment of the Undeveloped Portion of Shirley Street

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

To recommend the City Council abandon the undeveloped portion of Shirley Street between Paddock Street and the Fort Worth and Western Railroad.

BACKGROUND:

Staff was contacted by an individual interested in purchasing and developing an undeveloped portion of Shirley Street. The individual has purchased a property on the northeast end of the undeveloped property. The street under consideration contains a six-inch diameter sanitary sewer line. There are no plans to develop the street as it intersects with the railroad and there is not an existing crossing.

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 2, 2021. 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

A Municipal Utility Easement must be retained by the city for an existing 6-inch diameter sanitary sewer line that crosses the existing Shirley Street right-of-way.

Development Services

No objections.

Police Department

No Objections.

Fire Department

No Objections.

ESTIMATE OF VALUE

An estimate of value for the undeveloped portion of Shirley Street has been identified as \$15,882.78 for the full 40-ft. width of right-of-way and \$7,941.39 for the half width of right-of-way using Section 95.56 of the adopted Code of Ordinances. An exhibit of the undeveloped portion of Shirley Street 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 undeveloped portion of Shirley Street between Paddock Street and the Fort Worth and Western Railroad include probable development of the undeveloped property adjacent to the railroad tracks.

DISADVANTAGES:

No disadvantages have been identified at this time.

ALTERNATIVES

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

Exhibit – Undeveloped portion of Shirley Street at Paddock Street

