

STAFF REPORT



SUBJECT: Case No.: SC2021-004
Closure and Abandonment of an Undeveloped Portion of Fifth Avenue

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

RECOMMENDATION:

The Planning and Zoning Commission convened on July 21, 2021, and voted 3/3 on the matter relating to the closure and abandonment of undeveloped portion of Fifth Street. Because of the split vote, there is no recommendation from the Commission.

BACKGROUND:

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 June 6, 2021. Such action now requires review by the Planning and Zoning Commission via public hearing and a recommendation to City 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 14-inch diameter concrete water transmission main within the existing Fifth Avenue right-of-way as well as a 6-inch diameter sanitary sewer line traversing the 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 Fifth Street has been completed by the Public Works Department and identified as \$19,497.65 for the full 50-ft. width of right-of-way and \$9,748.83 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 Fifth Street is included in your packet.

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:

Abandonment is believed to lead to development of the adjacent property.

DISADVANTAGES:

Although easements will be necessary for existing utilities; there are no disadvantages identified with abandonment.

ALTERNATIVES

- 1) Abandon the street as initiated.
- 2) Terminate the initiated action and not abandon.