

# STAFF REPORT



**SUBJECT:** Case No.: AS2022-005  
Abandonment of Cain Street, from West Jones Street to West Vanderbilt Street

**DEPARTMENT:** Development Services

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

## RECOMMENDATION:

To recommend the City Council abandon the aforementioned street as authorized by Chapter 95 of the City of Stephenville Code of Ordinance.

## BACKGROUND:

The City has previously abandoned streets near and through the Tarleton State University Campus for campus expansion or improvements.

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 November 7, 2023, approving resolutions to abandon. The Planning and Zoning Commission is now charged with holding a public hearing and providing a recommendation to the City Council. 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: 15-ft. wide Municipal Utility Easement is needed for 6-inch Water Line to keep water system looped

Abandon: 6-inch sanitary sewer line

Final easement dimensions to be identified by survey.



### 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.

- 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 therefore, 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 road as initiated.
- 2) Recommend the City Council terminate the initiated action and not abandon.