



Amendment to Code of Ordinances, Article I, Sec 49-12

City Council Presentation
June 18, 2019



Ordinance Language

ARTICLE I. – STREETS AND SIDEWALKS

Sec. 49-12. – Petition Council to establish or closes streets, etc.

(c) Due to the value of the property released by the city in any action involving the closure vacation, reduction or alteration of any public street, alley or other public way, any person who acquires such property under the terms of this section shall pay to the city the fair market value. Fair market value of an improved street, alley, or right-of-way shall be established by ~~an~~ a current appraisal prepared or obtained by the city applicant(s), ~~Applicants who do not agree with the city's appraisal of the value of closed streets may secure their own appraisal, at applicant's expense,~~ for review by the city. Appraisal must be conducted within 6 months prior to the request by an appraiser licensed by the State of Texas. An exemption or credit shall be allowed against such payments under the following circumstances:

(1) No further payment shall be required for the closure vacation of all or a portion of a public alley when such property ~~would be acquired by an abutting property owner~~ is not improved.



Ordinance Language

(2) No further payment shall be required if the closure or alteration is initiated by the city when such closure or alteration is reasonably required for the proper completion of a public improvement project.

(3) A credit equal to all or a portion of such payment shall be allowed when the person makes a simultaneous dedication of other street right-of-way designed to provide traffic circulation meeting the requirements of the ~~master~~ urban transportation plan or other street plan acceptable to the city.

(4) No further payment shall be required for any public street or other public way established by a recorded plat, survey, deed, easement, gift or other means and which is not improved and used for any public street purpose. The term "public street purpose" is hereby defined to include, but is not limited to curbs, gutters, sidewalks, pavement, drainage ditches, water, sewer and gas lines, line poles and wires, and other public utility installations.



Approved Street Closures

From Sep 2015 thru the Present there were 10 Street and 4 Alley closure requests that were approved by Ordinance:

- 5 improved streets with a payment of fair market value totaling:

\$160,780.43

- 5 unimproved streets

- 4 alleys



Staff Recommendation

Approval
