

**ORDINANCE NO. 1093-05-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, AMENDING CHAPTER 1, ARTICLE 1.07, FINANCES, DIVISION 2 PURCHASING AND SALE OF PROPERTY, SECTIONS 1.07.032 TO 1.07.034 OF THE CODE OF ORDINANCES BY ADDING A NEW SUBSECTION RELATING TO THE CLOSURE, VACATION AND ABANDONMENT OF PUBLIC RIGHT OF WAY TO POLITICAL SUBDIVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City Council has adopted regulations to comply with Chapter 272 of the Local Government Code regarding the closure, vacation, and abandonment of public right-of-way; and

**WHEREAS**, the City Council finds that the public would be better served by having a different process for the closure, vacation, and abandonment of public right-of-way to other political subdivisions;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, THAT:**

**SECTION 1.** Chapter 1, Article 1.07, (Finances), Division 2 Purchasing and Sale of Property, Sections 1.07.032 to 1.07.034 (Closure, vacation, and abandonment of public right-of-way) is amended by adding a new subsection to read as follows:

**Sec. 1.07.032 Closure, vacation, and abandonment of public right-of-way**

- (a) Requests for closure, vacation, and abandonment of public right-of-way, other than drainage easements, must be submitted in writing to the City Manager or his designee. The city may process requests and may establish forms and procedures to carry out this section.
- (b) Petitioner must demonstrate ownership of each abutting property or approval of abutting property owners and must submit at least a category 1B standard land survey with field notes for each abutting property owner's portion of the affected public right-of-way. All owners of abutting property must consent to the action under this section. The consent must be in writing and may be by quitclaim deed.
- (c) The non-refundable processing fee for a petition to close, vacate, or abandon public right-of-way is \$150.00.
- (d) For any closure, vacation, or abandonment approved by City Council, petitioner must pay the city a fee equal to the fair market value of the affected land. The City Manager may recommend that the City Council reduce or waive the fee if petitioner originally granted the subject public right-of-way at no cost, e.g., by dedication through plat or other instrument.
- (e) The city may require a petitioner to sign and deliver an agreement setting out the applicable closure fee and conditions imposed by city departments and utility agencies.
- (f) Not later than ten (10) days before the city council takes up a proposed closure, vacation, or abandonment, the city must cause sign(s) to be placed at or near the public right-of-way to be closed. The signs must state the proposed action and the location and dates of the City Council action. The signs are to remain in place until the City Council

acts on the petition. Signs need not be erected for closure, vacation, or abandonment of undeveloped (“paper”) public right-of-way.

(g) Closing, vacating, and abandoning public right-of-way must approved by ordinance in the form set out in exhibit A to Ordinance 893-04-08.

**Sec. 1.07.033 Closure, vacation, and abandonment of public right-of-way to political subdivision**

- (a) Requests for closure, vacation, and abandonment of public right-of-way, other than drainage easements, must be submitted in writing to the City Manager or designee.
- (b) The non-refundable processing fee for a petition to close, vacate, or abandon public right-of-way is \$150.00.
- (c) For any closure, vacation, or abandonment approved by City Council, the political subdivision must pay the city a fee equal to the fair market value of the affected land, however the city may waive this requirement if the political subdivision agrees to the following:
  - 1. the land will be used by the political subdivision for a purpose that benefits the public interest; and
  - 2. the title and right to possession of the land will revert back to the city if the political subdivision ceases to use the land in carrying out the public purpose.
- (d) The city will require the political subdivision to sign and deliver an agreement setting out the applicable closure fee and conditions imposed by the city and utility agencies.
- (e) Closing, vacating, and abandoning public right-of-way must approved by ordinance in the form set out in exhibit A to Ordinance 893-04-08.

**Sec. 1.07.034 Sale of surplus real property**

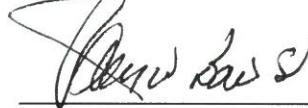
- (a) Requests for sale of surplus property must be submitted to the City Manager or his designee. The city may process requests and may establish forms and procedures to carry out this section.
- (b) The City Manager is responsible for the disposition of all city-owned real property deemed surplus to the city’s needs as established by a canvassing of city departments and agencies.
- (c) Surplus status may finally be determined only by the City Council, upon the recommendation of the City Manager, and only the City Council can authorize sales. All sales of surplus property must conform to state law.
- (d) The non-refundable processing fee for a request to canvass a particular city-owned property for designation as surplus for disposition purposes shall be \$150.00, unless initiated by the city.

**SECTION 2.** The remainder of Chapter 1, Article 1.07, (Finances), Division 2 Purchasing and Sale of Property, Sections 1.07.032 to 1.07.034 (Closure, vacation, and abandonment of public right-of-way) shall remain unchanged.

**SECTION 3.** Severability: If any portion of this Ordinance shall, for any reason, be declared invalid, the invalidity shall not affect the remaining provisions thereof.

**PASSED, ADOPTED, AND EFFECTIVE this 9<sup>th</sup> day of May, 2016.**

**APPROVED:**



**JAMES W. DANNER, SR., MAYOR**

**ATTEST:**



**Gloria Colbath, City Secretary**

