

PO # 190034 R # 538231

Sec. 28-301. - Petition to abandon, or vacate a public street, alley, or other public way.

- (a) All persons desiring to have the city commission exercise its powers under Section 2.04 of Article II of the Charter, regarding the closing of public streets, alleys, or other public ways, shall file their request with the city secretary, in writing, directed to the city commission. Such request shall contain an accurate description of the street, or portion thereof, desired to be vacated, closed, or altered, as the case may be and attached to such request shall be a list of all owners of property abutting the street, alley, or other public way and within 200 feet therefrom, together with the last known address of each such owner. Unless all such owners of abutting property join in the request, a statement shall be attached to the request showing the reason for nonparticipation of those who have not signed the request.

All grants of abandonment, vacating, or closing of public streets, alleys, or other public ways must be recorded in the real property records of Fort Bend County.

- (b) Each request shall be accompanied by the payment of a nonrefundable application fee in the amount of \$100.00 to cover the expense of administrative processing and a fee of \$150.00 to cover all notification and legal publication costs incurred by the city. The \$150.00 fee will be refunded if the processing of the applicant's request does not reach the notification and publication stage and the city does not incur such expenses.
- (c) Any person acquiring property under the terms of this section shall pay to the city the fair market value of the property released by the city in any action involving the closure, reduction or alteration of any public street, alley, or other public way. Fair market value may be established by an appraisal prepared or obtained by the city, prepaid, at the expense of the person requesting the closure and abandonment, including the appraised value established by the Fort Bend Central Appraisal District. An applicant who does not agree with the city's appraisal of the value of closed street, alley, or other public way may secure her/his own appraisal, at applicant's expense, for review by the city. An exemption from or credit against such payment may be considered under the following circumstances:
- (1) No further payment will 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.
 - (2)

A credit equal to all or a portion of such payment may be considered when the person makes a simultaneous dedication of other street right-of-way designed to provide traffic circulation meeting the requirements of the thoroughfare plan or other street plan acceptable to the city.

The application of any exemptions or the evaluation of any credits provided herein may be made at the reasonable discretion of the city. The payments required by the terms of this section shall be tendered in the form of a certified or cashier's check prior to the placement of the ordinance effecting the closure on the commission agenda. In the event that the ordinance fails to pass, said check will be returned.

- (d) After payment of the fair market value of the abandoned and vacated street, alley, or other public way, the city will deliver a deed without warranty to the owners of the fee simple title thereto or the abutting owners.

(Ord. No. 2018-04, § 2, 6-25-2018)

d.
6/16/20
Total: \$250.00
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