

Ordinance amending Corpus Christi Code of Ordinances Section 49-12 to require applicant(s) to provide a fair market value appraisal for the closure of improved streets, alleys, or rights-of-way, require payment of fair market value for improved alleys, and update outdated terms or language.

WHEREAS, City of Corpus Christi, Department of Development Services, is requesting an Ordinance amending the City Code of Ordinances, Article I, Sec 49-12 – Petition council to establish or close streets, etc., to require applicant(s) to provide a fair market value appraisal for the closure of improved rights-of-way, require payment of fair market value for improved alleys, and update outdated terms or language.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The Corpus Christi Code of Ordinances, Chapter 49, Article I, Sec 49-12 is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

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

- (a) All persons desiring to have the city council exercise its powers under Section 1(a)(11) of Article X of the Charter, regarding the establishment or closing of public streets, alleys, or other public ways, shall file their request with the director of development services, in writing, directed to the city council. Such request shall contain an accurate description of the street, or portion thereof, desired to be opened, 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 or alley and within four hundred fifty (450) feet there from, together with the last known address of all such owners. 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 establishment or closing of public streets, alleys, or other public ways must be recorded in the real property records of the county in which the property is located. Prior to permitting any construction on the land, an up-to-date survey, abstracted for all streets, alleys or public ways and items of record must be submitted to the director of development services.

- (b) Each request shall be accompanied by the payment of a nonrefundable application fee in the amount of five hundred thirty dollars (\$530.00) to cover the expense of administrative processing and a fee of seventy-five dollars (\$75.00) to cover all notification and legal publication costs incurred by the city. The seventy-five dollars (\$75.00) 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) 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 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. 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.
- (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.

The application of any exemptions or the evaluation of any credits provided herein shall be made in the reasonable discretion of the city exercised in good faith. 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 council agenda. In the event that the ordinance fails to pass, said check shall be returned.

- (d) All payments received by the city pursuant to this section, other than administrative fees and expenses, shall be paid into a fund which is hereby established as the "street trust account" to be used for land acquisition and improvements related to street projects in the city.

SECTION 2. If for any reason any section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance shall be held to be invalid or unconstitutional by final judgment of a court of competent jurisdiction, such judgment shall not affect any other section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, sentence, clause, phrase, word, or provision of this Ordinance be given full force and effect for its purpose. The City Council hereby declares that it would have passed this Ordinance, and each section, paragraph, subdivision, sentence, clause, phrase, word, or provision thereof, irrespective of the fact that any one or more sections, paragraphs, subdivisions, sentences, clauses, phrases, words, or provisions be declared invalid or unconstitutional.

SECTION 3. Publication shall be made in the City's official publication as required by the City's Charter.

SECTION 4. This ordinance is effective immediately upon passage.

draft

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2019, by the following vote:

Joe McComb _____	Michael Hunter _____
Roland Barrera _____	Ben Molina _____
Rudy Garza _____	Everett Roy _____
Paulette M. Guajardo _____	Greg Smith _____
Gil Hernandez _____	

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2019, by the following vote:

Joe McComb _____	Michael Hunter _____
Roland Barrera _____	Ben Molina _____
Rudy Garza _____	Everett Roy _____
Paulette M. Guajardo _____	Greg Smith _____
Gil Hernandez _____	

PASSED AND APPROVED on this the _____ day of _____, 2019.

ATTEST:

Rebecca Huerta
City Secretary

Joe McComb
Mayor