

STATE OF TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS AMENDING THE SEGUIN CODE OF ORDINANCES, CHAPTER 90, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ADDING ARTICLE II, 90-33, REGARDING ABANDONMENT, SALE, AND EXCHANGE OF PUBLIC RIGHT OF WAY AND AMENDING APPENDIX C, FEE SCHEDULE, CHAPTER 90; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; AND AUTHORIZING CITY STAFF TO SUBMIT THIS ORDINANCE FOR ADDITION TO THE SEGUIN CODE OF ORDINANCES.

WHEREAS, the City owns Rights-of-Way all across the City of Seguin, some of which have not been improved as City streets but which .

WHEREAS, there have been occasions where property owners have requested the abandonment of such easements, expressing a desire to utilize the space and a lack of utilization by the City of Seguin.

WHEREAS, the release of underutilized easements and Rights of Way will lower the City of Seguin’s premises liability risk.

WHEREAS, the appropriate costs and fees should be borne, in large part, by the landowner requesting transfer of the Right of Way under the new procedure’s associated with the release and transfer of Right-of-Way.

WHEREAS, establishment of an Ordinance prescribing a process for abandonment and conveyance of underutilized Rights of Way by the City of Seguin would allow those properties to utilize unused real property and bring that currently tax-exempt real property back onto the tax rolls

NOW THEREFORE BE IT ORDAINED, by the City Council of Seguin, Texas:

SECTION ONE. The Seguin Code of Ordinances, Chapter 90, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES ARTICLE II, is amended to add Section 90-33 and to read as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

ARTICLE II. -STREETS

DIVISION 1. -GENERALLY

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Section 90-33. -Abandonment, Sale, Exchange of Public Right of Way.

I. Procedure.

(a) Adjoining property owners seeking to have Right of Way abandoned and released under this Section shall file their request in writing to the City Secretary. The request must contain a legal description of the street, alley, or public way, as well as a plan or survey showing the street, alley, or public way, and the surrounding parcels. Applicant(s) shall provide alongside their request, the last known address of all property owners joining the request. If all adjoining property owners do not join the request, a statement made by the non-joining property owners must be attached stating their reason for non-participation. The City Secretary, the City Engineer and the City Attorney will evaluate the request and make a recommendation to City Council which will have authority to approve or disapprove the transaction.

II. Application Fee.

(a) Each request must be accompanied by a non-refundable application fee in the amount specified in Appendix C to cover the expenses of processing, notification, and legal publication incurred by the City. If an applicant believes that circumstances dictate that the fee should be reduced or waived, City Council may grant such reduction or waiver.

III. Sale or exchange

(a) The City of Seguin may sell or exchange the public street, alley, or other public Right of Way that has been abandoned, either to:

- 1) Abutting Property owners in the same subdivision, if the land had been subdivided;
- 2) Abutting Property owners in proportion to their abutting ownership provided that the apportionment among such abutting owners of the land to be sold or exchanged shall be made in an equitable manner; or
- 3) The remaining Property owners abutting the Right of Way to be abandoned after some abutting Property owners have declined to receive any portion of the Right of Way, provided that division of the Right of Way shall be made in an equitable manner.

(b) Nothing in this Section obligates the City of Seguin to complete a proposed sale or exchange of property. The City Council's maintains sole discretion to approve or disapprove a transaction upon recommendation of Staff.

IV. Appraisal

- (a) The sale or exchange price of the public street, alley, or other public Right of Way to be released must be conveyed for fair market value of the land, which price will be conclusively determined by an appraisal conducted for the City of Seguin after approval of the transaction by City Council. It may also be necessary to have the land and its division among abutting Property owners surveyed. The applicant must pay the cost of the appraisal, along with any land surveys, prior to its delivery to the City.

V. Land Exchange

(a) Land Acquired by the City in exchange for any portion of a public street, alley or other public way must be appraised for its fair market value. The appraised value of the land to be received by the City must equal or exceed the value of the land to be granted by the City, or the applicant may pay the difference in value in order to achieve parity of value between the properties to be exchanged. The City of Seguin may accept, in exchange, land for use as Streets, Parkland or Drainage.

VI. Updating Plat Records

(a) Upon the abandonment, closure, or exchange of any street, alley, or public Right of Way under this Section, the applicant may be required to plat or replat the affected properties so the plat records accurately reflect the revised subdivision of the property. This requirement may be waived at the discretion of the Director of Planning and Codes.

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APPENDIX C – FEE SCHEDULE

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Chapter 90. Streets, Sidewalks and Other Public Places			
<i>Article II. Streets</i>			
(a)	Fees for events in Downtown Historic District, see Chapter 74 above.		
(b)	Banners, installation of temporary street banners:		90-32
	1. Installation fee per banner	30.00	
	2. Late fee for non-pickup	50.00	
(c)	Barricades - Cost is set forth in Chapter 74, Parks, subsection (dd), street closure and barricades/cones.		
(d)	<u>Application Fee for Abandonment, Sale, Exchange of Public Right of Way.</u>	<u>\$200.00</u>	<u>90-33</u>

Article IV. Right-of-Way Work

(a)	ROW Work Permit	100.00	
(b)	ROW Work Re-inspection	50.00	

Article VI. License and Franchise Fees

(a)	Small cell structures per node per year	256.31	
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(Ord. No. 05-31, §§ 1, 2, 7-5-05; Ord. No. 09-13, § 1, 2-17-09; Ord. No. 2013-41, § 9, 8-26-13; Ord. No. 2017-37, § 9, 8-1-17; Ord. No. 2020-070, § 2, 12-15-20; Ord. No. 2023-014, § 2, 3-21-23)

SECTION TWO. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION THREE. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION FOUR. This Ordinance shall become effective ten days after the date of its publication.

SECTION FIVE. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

PASSED AND APPROVED on first reading this 21st of April 2026.

PASSED AND APPROVED on second reading this 5th day of May 2026.

DONNA DODGEN
Mayor

ATTEST:

Kristin Mueller
City Secretary