



It's real.

MEMORANDUM

To: City of Seguin Mayor and Council
From: Andy Quittner, City Attorney *AQ*
Date: April 14, 2021
Re: Ordinance abandoning the right-of-way for Lavaca Lane

Parkview Estates was platted sometime in the late 1940's with a layout of streets and lots. Some of the streets, such as Lavaca Lane, were only one block long. In the case of Lavaca Lane the layout being approximately 360 feet long running from Guadalupe River Drive to Rio Grande Drive splitting a total of four properties, two on each side.

Lavaca Lane was never developed as a street, and when a portion of the subdivision plat was amended in 1998, Lavaca Lane was noted as "undeveloped" on the amended plat.

Two of the property owners agreed, by a separate Boundary Line Agreement, to adjust their adjoining property lines. This was done, probably, on the mistaken legal opinion that they owned the property to the middle of Lavaca Lane. The Agreement does state that no building should occur in this area; however, fences do exist.

The septic system for lot 127 (317 Guadalupe River Drive – owned by Hardy and Mary Hobbs) failed. The leach lines for the new system encroach into the Lavaca Lane right-of-way. Given the size of the property and layout of the structures, it may not be possible to design the system in another manner so that it does not encroach on the present right-of-way. Sewer service is not available in the area.

Given that Lavaca Lane has not been developed and no utilities exist in the right-of-way abandonment of the right-of-way is feasible.

Generally, abandoned right-of-way is split between the adjoining property owners who are free to buy or trade as they see fit. In this case staff recommends that the abandonment follow the preexisting agreement between two of the property owners with the remainder being split equally by the other two owners.