



CITY OF HOUSTON

Office of the Mayor

Interoffice

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From: Mayor Bill White BW

Date: September 11, 2007

Re: **Revised Policy for Abandonment of
Improved Streets**

cc: City Council Members

This memorandum describes the City's policy concerning the abandonment and conveyance of improved street rights-of-way. This should be a rare occurrence, since there are and should be significant hurdles for the closure of improved streets.

Abandonment of improved street rights-of-way will be rare because residents ought to be able to rely on existing street grids. As Houston has grown we have attempted to accommodate the desire of citizens for innovative planned development spanning the City streets. We also will increasingly deal with both congestion and cut-through traffic. As a result, the City must respond to various requests for the abandonment of improved streets.

This policy will be implemented by the relevant City Departments, and supersedes prior policy guidance when inconsistent. This does not alter the policy concerning dedication of dead-end rights-of-way for use as green space and/or open space to the communities for maintenance.

A local street segment shall not be eligible for abandonment if: (1) there is a loss of meaningful access to emergency vehicles; (2) it is on a safe school route, bikeway route, METRO mass transit line or bus route or necessary access to rail is lost; or (3) it serves as a principal access point for a public destination such as a public facility.

In addition, an improved local street segment shall not be eligible for abandonment if there is a significant, adverse, and unmitigated impact on traffic in the area street system. This is also why the City will not look with favor on requests for abandonment of sections of thoroughfares. That kind of request would require some policy guidance from the Mayor before it is even considered. The City may

require an applicant to undertake and pay for a traffic operations study by a qualified Professional Engineer licensed by the State of Texas acceptable to the City. The City may require traffic mitigation measures in the vicinity.

Neighborhood traffic management normally will not be affected by street abandonment. It is expected that most requests for managing traffic flow can be accommodated within a Neighborhood Traffic Project Program. If that program does not resolve community issues, abandonment may be considered.

Normally an improved street would only be abandoned and conveyed to abutting property owners, with the consent of all owners. Applications for abandonment of improved street rights-of-way will normally require consent of all abutting property owners. This policy is designed to protect the rights of non-consenting property owners. In the rare but possible case in which there is a minority of non-consenting property owners, the purchasers must permit access to all non-consenting owners on terms which will be legally effective and binding on the purchasers and any subsequent purchasers. In addition to all requirements in this policy statement, there may be additional requirements in cases where there is a non-consenting owner of abutting land.

In addition to the above, the sale and abandonment of a City's interest in an improved street would require:

1. The City should retain or require relocation of any necessary easements for existing underground public utilities, and access to public utilities at all reasonable points. The City shall not be liable to repair special improvements, such as landscaping, damaged during utility repair. Public lighting will be discontinued following the sale.
2. The purchaser should obtain agreements from any private utilities which may have facilities in the improved street right-of-way conveyed, with any new, required easements.

The Department of Public Works & Engineering will define detailed procedures for the conveyance of improved street rights-of-way. Those procedures will include among other matters: (a) a requirement for a fee sufficient to pay for needed appraisals; (b) agreement to safety standards applicable to any gates; (c) indemnification of the City; (d) submission of a reproducible survey plat and field notes; and (e) posting of visible public notices disclosing a request for conveyance, and written communication to designated adjacent property-owners, for a defined period and with information of how comments should be directed to the City.

The City need not agree to a conveyance of an improved public right-of-way meeting all of these terms and conditions.

If the City does agree with the conveyance, then the City should receive fair compensation, based on market value. That value, set by the City, should take into account: (a) the appraised value; (b) the value of conveyance to the value of abutting property; and (c) any public interest to be served by the proposed conveyance, including safety of pedestrians or residents in the abutting properties, and the promotion of commercial and residential development near major employment centers. No final decision on the pricing shall be made without approval by the Mayor or his designee. The proceeds of sale may, in specified cases, be invested in needed infrastructure improvements in the neighborhood or vicinity.

The Director of Public Works & Engineering, or his or her designee, should seek approvals from designated officials within that Department, the Planning & Development Department, Fire Department, Houston Police Department and Legal Department. This Policy shall describe procedures and deadlines for action by all departments, in a manner designed to expedite a decision by a defined date.

All abandonments are subject to applicable state law and City Council approval as required by law.