

ORDINANCE NO. 23-____

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, ABANDONMENT OF APPROXIMATELY 6,556 square feet of STREET RIGHT-OF-WAY; ADJACENT TO 11628 AND 11622 SPORTSMAN ROAD AND ADJACENT PROPERTIES ARE LEGALLY DESCRIBED AS THE EAST PART OF LOT 176 (176-7), AND THE NORTHWEST PART OF LOT 157 (157-3), TRIMBLE AND LINDSEY, SECTION 2; IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 23P-033; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the Applicants are Lance and Jennifer Robertson and Sam Grizzaffi and Adjacent property owners are Lance and Jennifer Robertson and Casa Di Mare Galveston, LLC, and the Easement Owner is the City of Galveston; and,

WHEREAS, the property is commonly known as, Adjacent to 11628 and 11622 Sportsman Road and Adjacent Properties are legally described as the East Part of Lot 176 (176-7), and the Northwest Part of Lot 157 (157-3), Trimble and Lindsey, Section 2, in the City and County of Galveston, Texas; and,

WHEREAS, the Applicant, and adjacent property owners are requesting an abandonment of 6,556 square feet of street right-of-way abutting their properties, and as more particularly described and detailed in the Staff Report, attached hereto as **Exhibit 1**, for all intents and purposes; and,

WHEREAS, Staff reviewed the property pursuant to the city's Comprehensive Plan regarding abandonment, and Section 6.302(B)(3) of the Land Development Regulations criteria for a Permanent Street Closure (Abandonment); and,

WHEREAS, the City Engineer requests that if the request is approved, the City retain a 20-foot wide drainage easement between Sportsman Road and the Bay, centered on the common line. and,

WHEREAS, Staff finds the abandonment will not impact the transportation system. This subject right-of-way is not an improved roadway and all adjacent lots are served by improved roadways; and,

WHEREAS, at its meeting of May 16, 2023, the Planning Commission recommended denial of the request; and,

WHEREAS, after conducting a public hearing, the City Council of the City of Galveston, Texas, deems it in the public interest to abandon this property, subject to the conditions listed in **Section 3** below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City Council of the City of Galveston, Texas, hereby releases any and all interest in the subject property. The City Council of the City of Galveston, Texas, hereby abandons to applicant and owners a 6,556 square feet of street right-of-way, Adjacent to 11628 and 11622 Sportsman Road and Adjacent Properties are legally described as the East Part of Lot 176 (176-7), and the Northwest Part of Lot 157 (157-3), Trimble and Lindsey, Section 2, in the City and County of Galveston, Texas.

SECTION 3. This abandonment is subject to the following conditions:

Specific Conditions for Abandonment:

1. Upon payment of the property and execution of the Deed without Warranty, a replat of the properties shall be completed within six months of the approval of the abandonment request (December 22, 2023);
 - a. The replat shall dedicate a 20-foot wide drainage easement to the City between Sportsman Road and the Bay, centered on the common line between the two parcels with 10 feet on both sides of the newly created common lot line;

Standard conditions for an abandonment:

2. No structure shall be erected within the original right-of-way;
3. The applicant shall pay for an opinion letter by an appraiser, regarding the market value of the subject property. The appraiser shall be appointed by the City;
4. The applicant shall pay the value of the right-of-way, as determined by an appraiser, after it is reviewed and approved by the City Manager;
5. The applicant shall adhere to all comments/conditions received from City departments. Should conformance with the comments/conditions require alterations to the project, as approved, the case must be returned to the Planning Commission for additional review and approval; and;

SECTION 4. It is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter, this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 7. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONNA M. FAIRWEATHER
SR. ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on June 22, 2023, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this _____ day of _____, 2023.

Secretary for the City Council
of the City of Galveston