



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ 940.393-0250 voice ★ 940.626.4629 fax

Right-of-Way Abandonment – Street / Alley Closing Checklist

- Universal Application
- Processing Fees
- 3 Copies of Survey and Legal Description
(Must be prepared by a licensed Surveyor)
- 3 Copies of Ordinance (Must be prepared by an Attorney)
- Petition to Vacate A Portion of Street (Must be prepared by an Attorney)
- Two Readings of the Ordinance are required by law

- I have reviewed the checklist and all submittals for completeness and accuracy. I attest that the above information has been provided. If application submittal is determined to be incomplete, additional fees may be assessed.

Signature

Date

FREQUENTLY ASKED QUESTIONS

When will my application be considered?

Your application will be reviewed by the Planning & Zoning Commission (P & Z) and then the City Council. P & Z usually meets the first **Tuesday** of each month, while Council meets on the 2nd and 4th **Mondays** of each month.

When should I apply?

By law, your application **may** require a minimum of two public hearings. These hearings must be advertised in the local newspaper 15 days prior to the meetings. In order to be heard at the next P & Z meeting, you will need to apply a minimum of 40-45 days prior to the meeting to allow the City time to place the ads in the paper.

What happens at the meetings?

The person chairing the meeting will open the public hearing and invite people to speak about your item. After gathering all public comments, the chair will close the public hearing and the commission will make a decision about your application.

So others may talk about my application?

Yes, if your application requires a public hearing, your case will be advertised in the local newspaper. In addition, for most public hearing items, everyone within 200 feet of the property will be mailed a notification letter.

How do they decide?

The P & Z looks at local, state and federal laws as well as the City's long-range plan and makes a recommendation to the City Council. Council considers P & Z's recommendation and may approve, deny or approve with conditions.

How much does it cost?

The application fee is based on the City's current Fee Schedule Ordinance. Check the City's Web Site or the Planning Department for the most current Fee Schedule. Please make checks payable to the "City of Decatur".

What type of Property Drawings do I need?

The applicant must provide a legible and reasonable drawing, to scale, illustrating that which is requested. At a minimum, the drawing must show property in question along with all adjacent properties, streets, street names, north arrow and scale of drawing. Identify lots with lot and block numbers and subdivision name or, if not subdivided, a complete metes and bounds description when addressed. For assistance, contact a surveyor. For additional requirements, please refer to Decatur's Design Standards, Zoning Ordinance and Subdivision Ordinance.

DO NOT WRITE BELOW THIS LINE

• Application	Yes	No	<i>To Be Completed by Staff Accepting Application</i>
• Fee Paid	Yes	No	<i>Key Dates</i>
• Survey Provided	Yes	No	On P&Z Agenda: _____
# of Copies	_____		On Council Agenda: _____
			Newspaper Publication Dates:
• Plans Provided	Yes	No	P&Z: _____
# of Copies	_____		CC: _____
			Property Owner Notification Date _____
• Application Accepted	Yes	No	

Recommendations and Decisions

Staff: _____
P&Z: _____
CC: _____

ORDINANCE EXAMPLE

ORDINANCE NO. 2007-09-17

**AN ORDINANCE CLOSING AND VACATING A PORTION OF A STREET
IN THE CITY OF DECATUR, TEXAS, AND FINDING THAT THE CLOSING
AND VACATING OF SAID STREET IS IN THE PUBLIC INTEREST**

WHEREAS, a petition has been filed with the City Council of the City of Decatur, Texas, by all of the property owners of real estate abutting the hereinafter described portion of one street, to close and vacate said portion of said street in accordance with the provisions of Article 1016 of the Revised Civil Statutes of the State of Texas as amended;

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

1. The City Council hereby finds that the closing of the below identified portion of a street is in the public interest.

2. This Ordinance is adopted without prejudice as to the rights of said City with respect to any existing water lines, sewer lines or municipal easements other than public ways, streets and alleys which may exist within the area affected by this Ordinance; and the City expressly retains the right to lay, construct, maintain, repair and replace such subsurface water, sewer and other municipal utilities within the bounds of the original public way as hereinbelow described.

3. The following described portion of a street in the City of Decatur, Texas, be and the same is vacated and closed, and except as above set forth all rights of said City in and to such land for the use by the public be and the same are hereby relinquished and abandoned; the same being:

Being all that portion of High Street situated in the Sunset Hill Addition to the City of Decatur, Wise County, Texas, according to the Plat of same of record in Vol. 97, p. 144, Deed Records of Wise County, Texas; said portion of High Street being further located between the East line of Texas Avenue (not presently open upon the ground) and the West line of Ford Avenue (not presently open upon the ground), and bounded on the North by Block 15 and on the South by Block 14 of said Sunset Hill Addition; and said portion of High Street being further described as follows:

BEGINNING at the Southeast corner of Block 15, Sunset Hill Addition, being in the West line of Ford Avenue;

THENCE with the West line of Ford Avenue, South 50.0 feet to the Northeast corner of Block 14, Sunset Hill Addition (re-platted as shown by plat of record in Plat Cabinet "B", Slide No. 159, in the Wise County Clerk's Office);

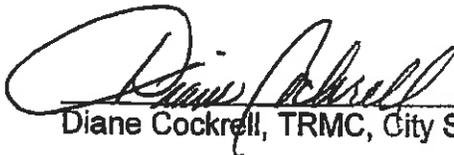
THENCE with the North line of Block 14, West about 400.0 feet to the Northwest corner of

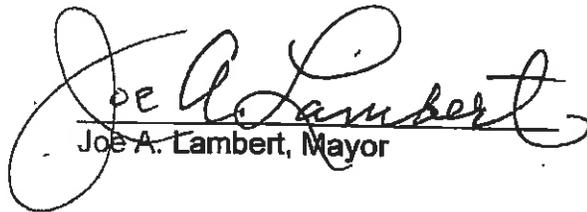
Block 14, Sunset Hill Addition, and in the East line of Texas Avenue as originally platted;
THENCE with the East line of Texas Avenue, North 50.0 feet to the Southwest corner of Block 15, Sunset Hill Addition;

THENCE with the South line of Block 15, East about 400.0 feet to the Point of Beginning, containing 15,000 square feet of land, more or less; and being the same portion of said street as shown by illustration on Surveyor=s Plat of a 0.254-acre tract as compiled by Tommy T. Edwards, R.P.L.S. No. 1869, dated June 20, 2006, a copy of which plat is attached hereto.

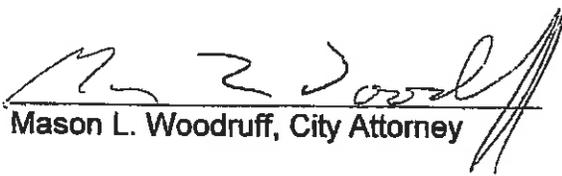
PRESENTED ON FIRST READING THIS 4TH DAY OF SEPTEMBER, 2007.

PRESENTED ON SECOND READING AND APPROVED this 10TH day of September, 2007, by a vote of 5 ayes, and 0 nays, and 0 abstentions, at a regular meeting of the City Council of the City of Decatur.


Diane Cockrell, TRMC, City Secretary

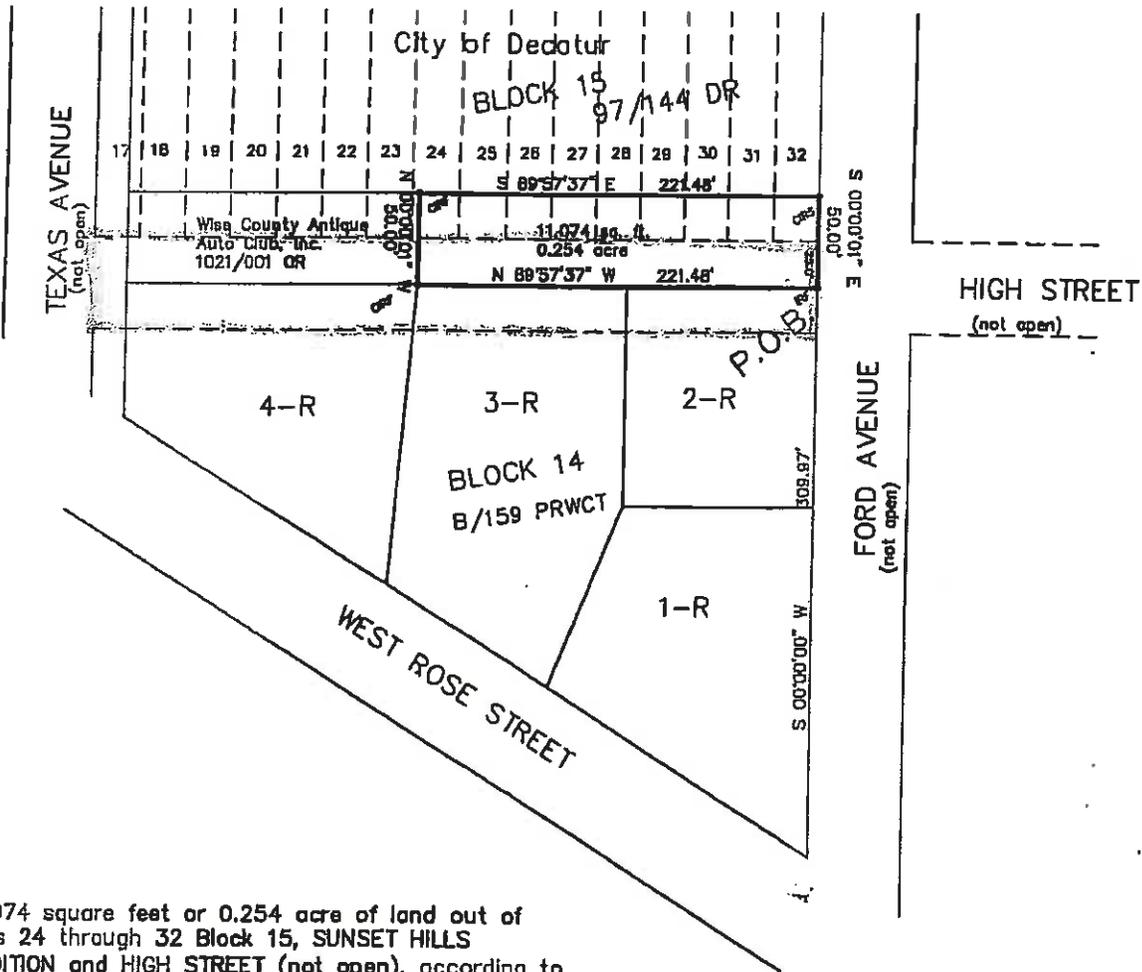
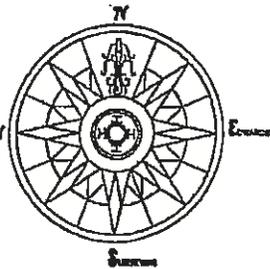

Joe A. Lambert, Mayor

APPROVED:


Mason L. Woodruff, City Attorney



SURVEY TEMPLATE



11,074 square feet or 0.254 acre of land out of Lots 24 through 32 Block 15, SUNSET HILLS ADDITION and HIGH STREET (not open), according to the plat recorded in Volume 97, Page 144, Deed Records, Wise County, Texas.
see field notes

This plat was prepared from a true and accurate survey as surveyed on the ground under my personal supervision on this date.

Tommy T. Edwards
Tommy T. Edwards. RPLS 1869

JOB # 2006-134 SUNSET HILLS
SURVEY DATE: June 20, 2006
DRAWING SCALE: 1"= 100'

OKLAHOMA CERT. AUTH. # 4780 EXP. DATE: JUN. 30, 2006



PROFESSIONAL SURVEYORS SINCE 1971
EDWARDS SURVEYING, L.L.C.
TEXAS & OKLAHOMA
REGISTERED PROFESSIONAL LAND SURVEYORS
P.O. BOX 618
208 WEST WALNUT STREET
DECATUR, WISE COUNTY, TEXAS 76234
(940)-627-2961 OFFICE
(940)-627-3951 FAX
www.edwardsurvey.com

PETITION TEMPLATE

THE STATE OF TEXAS §

THE COUNTY OF WISE §

**PETITION
TO VACATE A PORTION OF A STREET**

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF DECATUR, TEXAS:

By this petition, the undersigned residents of said City seek an Ordinance vacating and closing portions of one certain street in said City, more fully described below; and as grounds under the law respectfully show:

1. Said street was previously dedicated to public use, as shown by Plat of the Sunset Hill Addition to the City of Decatur, of record in Vol. 97, p. 144, Deed Records of Wise County, Texas.
2. Said street is not open upon the ground to actual use by the public. Petitioners know of no person who would be injured by the closing of said street.
3. Said street is not now needed by the public; and by closing same, the City would be relieved of possible legal duty to maintain them, at consequent saving of tax funds.
4. All persons required by law to join in this petition have done so. This Petition is brought under authority of Article 1016, Revised Civil Statutes of Texas.
5. That street hereby petitioned to be closed is further described as follows:

Being all that portion of High Street situated in the Sunset Hill Addition to the City of Decatur, Wise County, Texas, according to the Plat of same of record in Vol. 97, p. 144, Deed Records of Wise County, Texas; said portion of High Street being further located between the East line of Texas Avenue (not presently open upon the ground) and the West line of Ford Avenue (not presently open upon the ground), and bounded on the North by Block 15 and on the South by Block 14 of said Sunset Hill Addition; and said portion of High Street being further described as follows:

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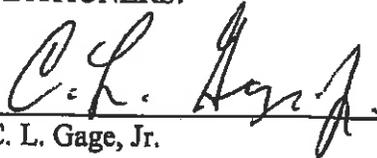
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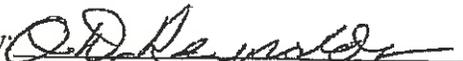
THENCE with the South line of Block 15, East about 400.0 feet to the Point of Beginning, containing 15,000 square feet of land, more or less; and being the same portion of said street as shown by illustration on Surveyor's Plat of a 0.254-acre tract as compiled by Tommy T. Edwards, R.P.L.S. No. 1869, dated June 20, 2006, a copy of which plat is attached hereto.

WHEREFORE, Petitioners request the City Council by Ordinance duly adopted to vacate and close the foregoing portion of a street and alley.

PETITIONERS:


C. L. Gage, Jr.

WISE COUNTY ANTIQUE AUTO CLUB,
INC., a Texas non-profit corporation

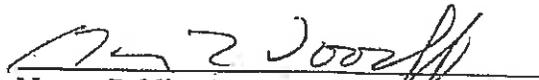
By 
O. D. Reynolds, President

STATE OF TEXAS §

COUNTY OF WISE §

This instrument was acknowledged before me on this the 30th day of August, 2007,
by C. L. Gage, Jr.

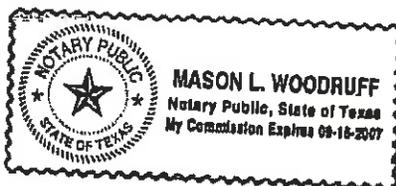



Notary Public, State of Texas
My commission expires: 9-15-07

STATE OF TEXAS §

COUNTY OF WISE §

This instrument was acknowledged before me on this the 29th day of August, 2007,
by O. D. Reynolds, President of Wise County Antique Auto Club, Inc., a Texas non-profit
corporation, for and on behalf of said corporation.




Notary Public, State of Texas
My commission expires: 9-15-07