



# Street and Alley Abandonment Checklist and Application

## Street and Alley Abandonment Required Documents \*\*Submittals will not be viewed until all items are received\*\*

Revision Date: 9/2024

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The following items are required for street and alley abandonment. Application to be considered administratively complete. Once all documents have been received, you will receive comments back within ten (10) business days of your submittal.

After all comments have been addressed and revisions made, the request will be placed on the agenda of the next available Planning & Zoning Commission meeting for a recommendation. The request and recommendation will be forwarded to City Council, who has final approval authority. Prior to the public hearing the applicant must submit to the City, an appraisal of the fair market value of said property in accordance with Vernon's Ann. Civ. St. art. 5421c-12. Applicant must then pay to the city the appraised value of the property to be abandoned, and such payment shall be retained by the city in the case of City Council approval or refunded to applicant in the case of City Council denial.

### Plan Format & General Standards (check if provided; indicate N/A if not applicable)

- Completed Application Form (includes Project Narrative and Criteria for Approval)
- Application fee (\$185.00) – Includes \$75.00 County Filing Fee
- Project Narrative
- Criteria for Approval
- Legal Description of property (must extend to centerline of any ROW)
- Reduced copies (11 X 17”) of the required plan(s) as required by the planning director or his/her designee
- Copies of the required general site plan(s) on 24” X 36” sheet(s) drawn to a known engineering scale (with dimension labeled) that is large enough to be clearly legible along with other required information
- Any additional information/materials (such as plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the planning director (or his/her designee) in order to ensure that the development request is understood
- A list of all owners of property abutting such street, alley, right-of-way, or easement, together with the last known address of each such owner
- Appraisal of the fair market value of said property.
- In the event that all abutting property owners do not join in such petition, a statement shall be attached to said request showing the reason for non-participation of those who have not signed.
- It shall be the burden of the applicant to support the petition by showing that the abandonment of such street, alley, right-of-way, or easement is in the public interest due to as many of the following prerequisites as may be established:



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## Plan Format & General Standards Continued (check if provided; indicate N/A if not applicable)

- That the street, alley, right-of-way, or easement, as it now exists, is not
- That such street, alley, right-of-way, or easement has never been used by the public but has, in fact, been abandoned and vacated for any public use.
- Accessible to the general public.
- That, if there were any public need for the continuance of such street, alley, right-of-way, or easement in times past, such need no longer exists.
- That the street, alley, right-of-way, or easement has, in fact, never been used by the public and, in cases of streets and alleys, that they are not paved or graveled and, as a practical matter, are not accessible to the public and/or that the expense of opening or improving for use such street, alley, right-of-way, or easement would be prohibitive due to location or topography.
- The location of all existing structures on the subject property and on adjoining property
- Design and location of ingress and egress
- Electronic copies of all aforementioned materials.

## Important Resources

- Chapter 21, Article IV: [Street & Alley Abandonment](#)
- Planning & Zoning Webpage: [Planning Department](#)
- Comprehensive Plan: [Full Plan](#) | [Future Land Use Plan](#)
- Subdivision Ordinance: [Chapter 22](#)
- Zoning Ordinance: [Chapter 28](#)
- Utilities: [Chapter 26](#)



CITY OF DENISON, TEXAS

PETITION TO ABANDON PORTION OF RIGHT-OF-WAY

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

I, the undersigned owner(s) of \_\_\_\_\_, as recorded in Vol. \_\_\_\_, Page \_\_\_\_, of the deed of records of Grayson County, Texas, (hereinafter "Applicant"), petition the City of Denison, Texas (hereinafter "City"), pursuant to Texas Transportation Code §311.007, to abandon \_\_\_\_\_ of the right-of-way which is part of \_\_\_\_\_, as recorded in Vol. \_\_\_\_\_, Page \_\_\_\_\_, of the deed of records of Grayson County, Texas as more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes (hereinafter "Property").

**I, the petitioner(s), agree to release, defend, indemnify and hold harmless the City of Denison, its officers and employees against all suits, claims, and causes of action, including without limitation damages of every nature and type, costs, expenses, judgments, and attorney’s fees, that may result from, relate to, or arise or grow out of the Applicant's request for closure and abandonment of the Property, whether such claims are made by or on behalf of Applicant, an abutting Property owner, or any third party claiming or seeking an interest or benefit to or from the Property.**

By my signature(s) below on the petition I agree to pay the costs of an appraisal to obtain the fair market value of the Property by a City approved real estate appraiser and the costs of title search and survey of the property. Additionally, I agree to pay all Administrative fees as set forth in Section 21-82 of Article IV, "Street and Alley Abandonments" of the Code of Ordinances of the City of Denison. I understand that without payment of such costs, the City will not proceed with appraisal of the Property that we are requesting to be abandoned and vacated nor will the City proceed with sending notices or setting a public hearing. I also understand that these costs and fees are not refundable.

Within five (5) business days of receipt of the appraisal, Applicant shall pay the City the appraised value of the Property to be abandoned. City agrees to retain such payment until final action of City Council. In the event of Council approval of the abandonment, City shall be entitled to retain the payment by Applicant; however, in the event of Council denial of the abandonment, such payment shall be returned to Applicant. Notwithstanding the foregoing, Applicant understands that Section 21-84 of Article IV of the Denison Code of Ordinances, requires that City to sell the Property abandoned to abutting property owners in proportion to their abutting ownership, such division to be made in an equitable manner. The Applicant agrees to provide, at his/her sole cost and expense, individual quitclaim deeds for each affected property owner who does not desire to purchase any of the Property, and upon providing those deeds, the City will provide Applicant an executed quitclaim deed and other documents necessary to convey ownership to Applicant.

Check and complete one of the following:

- I certify that there are no other property owners owning land butting the Property I am requesting be abandoned.
- I certify that there are property owners owning land abutting to the Property I am requesting be abandoned and that those property owners have declined participation in the abandonment petition. The names and addresses for all such

owners are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Each of these owners has either submitted a petition requesting abandonment of the right-of- way so it can be divided among the owners, has submit a signed statement providing the reason for non-participation, and will provide a quitclaim deed upon approval of the abandonment by the City. Applicant understands that the costs of obtaining and filing quitclaims deeds are at Applicant's sole cost and expense. The foregoing documents are attached hereto and incorporated as **Exhibit "B"**.

OWNER(S):

\_\_\_\_\_  
(Signature)

Name printed: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

Name printed: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF \_\_\_\_\_ § COUNTY OF \_\_\_\_\_§

BEFORE ME, the undersigned, a Notary Public in and for **The** State of Texas, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

*An application is not deemed filed pursuant to Texas Local Government Code Chapters 212 and 232 until all prerequisite authorizations and all documents required by and prepared in accordance with the requirements of the DMC Chapter 22 subdivision regulations are complete.*.....

**OFFICIAL USE ONLY**

Received Date: \_\_\_\_\_ Received By: \_\_\_\_\_

Case No.: \_\_\_\_\_ P & Z and City Council Hearings: \_\_\_\_\_



**City of Denison**  
**Developer Acknowledgement Form**

I, \_\_\_\_\_, am aware and agree that I am solely responsible for all development costs related to this project, including but not limited to fees and costs related to site development and construction, plan review, construction inspections and testing, improvements necessary to offset impacts from my development, contribution to master plans, impact fees, and any other costs and/or fees related to my development and the impact to existing neighborhoods and infrastructure in the City and the Extra Territorial Jurisdiction (ETJ).

\_\_\_\_\_  
**Owner/Project Representative**  
**Printed Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**

**EXHIBIT A**

[TO BE ATTACHED BY PETITIONER DEPICTING RIGHT-OF-WAY REQUESTED TO BE  
ABANDONED]