

Texas Local Government Code, Chapter 272.001:

The State of Texas statute authorizes municipalities to sell, lease, or exchange property which was originally acquired for streets , rights-of-way, or easements for property better suited to the needs of the municipality to be used for streets, rights-of-way, easements, or other public purposes.

City of Houston Code of Ordinances, Sections 2-237 and 2-238:

The current City of Houston Code of Ordinances requires the City to pass an ordinance to abandon and sell a street, alley, easement, or fee-owned land to an abutting owner.

Chapter 2, Article VI, Section 2-237: Abandonment of Streets and Alleys

Streets or alleys, whether owned in fee or used by easement, may be sold to the abutting owner or owners, in proportion to the underlying fee ownership as exists, or would exist if by easement. When ownership is of the underlying fee, the apportionment shall be determined by City Council, which determination will be final. Upon the payment of:

- 1) A fee of \$300.00; or
- 2) The appraised market value of the street or alley, based on not less than one appraisal; or
- 3) The actual costs to the City based upon a “per square foot” proration of the City’s cost plus the cost of any City improvements subsequently made that pertain to the property covered by the street or alley;

whichever is greatest, and after abandonment of the street or alley, the City will deliver a certified copy of the ordinance effecting abandonment to the owners of the fee simple title thereto, or to the abutting owners. The market value of any such street or alley shall be fixed by City Council, which determination as to such market value will be final.

Chapter 2, Article VI, Section 2-238: Abandonment of Easements

Easements, other than streets or alleys, may be sold to the abutting owner or owners, in proportion to the underlying fee ownership as exists, upon the payment of:

- 1) A fee of \$300.00; or
- 2) The appraised market value of the easement, based on not less than one appraisal; or
- 3) The actual costs to the City based upon a “per square foot” proration of the City’s cost plus the cost of any City improvements made that pertain to the property covered by the easement;

whichever is greatest, and after abandonment of the easement, the City will deliver a certified copy of the ordinance effecting abandonment to the owners of the fee simple title thereto. The market value of any such easement shall be fixed by City Council, which determination as to such market value will be final.