

ORDINANCE NO. 1019

AN ORDINANCE AMENDING CHAPTER 58. STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ARTICLE II. STREETS OF THE CODE OF ORDINANCES OF THE TOWN OF HOLLYWOOD PARK, TEXAS TO ALLOW FOR THE SUBMISSION OF PETITIONS TO VACATE, ABANDON, OR CLOSE A PUBLIC STREET OR ALLEY WITHIN THE TOWN.

WHEREAS, the Town of Hollywood Park is a Type A general-law municipality in Bexar County, Texas; and

WHEREAS, Texas Transportation Code § 311.002(a) provides that a general-law municipality has exclusive control over the highways, streets, and alleys of the municipality; and

WHEREAS, Texas Transportation Code § 311.008 further provides that the governing body of a general-law municipality by ordinance may, but is not required to, vacate, abandon, or close a street or alley of the municipality if a petition signed by all the owners of real property abutting the street or alley is submitted to the governing body; and

WHEREAS, the City Council finds it has the authority to control and regulate the highways, streets, and alleys within the Town's jurisdiction as authorized by state law; and

WHEREAS, the City Council finds that there may be circumstances in which vacating, abandoning, or closing a public street or alley will be necessary to protect the general health, safety, and welfare of the residents of Hollywood Park; and

WHEREAS, the City Council shall carefully review any petition to vacate, abandon, or close a public street or alley to ensure that approving the request will not adversely affect the public interest.

I.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK that Chapter 58. Streets, Sidewalks, and Other Public Places, Article II. Streets, Division 1. is hereby amended by adding Section 58-23 to the Code and shall read as follows:

Sec. 58-23. – Vacate, Abandon, or Close a Public Street or Alley

- (a) The city council may, by ordinance, vacate, abandon, or close a public street or alley of the Town of Hollywood Park.
- (b) In order for the city council to vacate, abandon, or close a public street or alley, all property owners whose properties abut the street or alley to be vacated, abandoned, or closed must first sign and submit a petition requesting action from the city council to the city secretary. Such a petition shall be submitted on a form approved by the city.

- (c) An agenda item may then be placed on the agenda of a future city council meeting during which the council shall discuss and take possible action on passage of an ordinance to approve vacating, abandoning, or closing the street or alley.
- (d) If the petition is granted, the property owners must file amended plats to reflect the vacated, abandoned, or closed roadways in relation to their individual properties.

**II.
CUMULATIVE CLAUSE**

That this Ordinance shall be cumulative of all provisions of the Town of Hollywood Park except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

**III.
SEVERABILITY**

That it is hereby declared to be the intent of the Town Council of the Town of Hollywood Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the Town Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

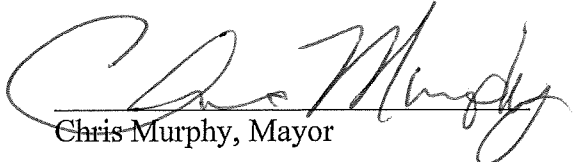
**IV.
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

**V.
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by state and local law. **Passed** by the Town Council of the Town of Hollywood Park this the 17 day of September 2019.

APPROVED:

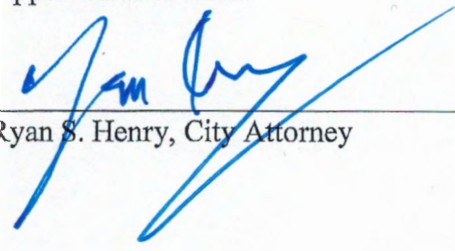

Chris Murphy, Mayor

Attest:



Janice Alamia, City Secretary

Approved as to form:



Ryan S. Henry, City Attorney

Petition No. _____

A PETITION BY PROPERTY OWNERS
OF THE TOWN OF HOLLYWOOD PARK, TEXAS
REQUESTING THE CITY COUNCIL
TO CLOSE ROAD TO THE PUBLIC

Pursuant to § 311.008 of the Texas Transportation Code, the following parties, each being a property owner of land situated in the Town of Hollywood Park, Texas, hereby petition the City Council of Hollywood Park, Texas, for the closure of a public road. The proposed closure will not adversely affect the public interest because the parties seek to have only a portion of road closed; the portion of road subject to closure is bordered on three sides by the petitioning parties' properties; and the portion of road subject to closure does not serve as an easement to access other parts of the town or other properties.

The road, or portion thereof, to be closed is described as follows:

The road to be closed is known as _____, located approximately _____ feet/miles from _____, extending approximately _____ feet into the lands of _____, Petitioner herein, and is described more fully as set forth herein:

Point of Beginning: (See attached Exhibit(s) _____)
Point of Termination: (See attached Exhibit(s) _____)
Distance: (See attached Exhibit(s) _____)

The parties signed below make application for the closure of said portion of road by filing a petition with the City Secretary of Hollywood Park on the _____ day of _____, 20____. The parties further request that an item regarding their request be placed on the agenda of the next regularly scheduled city council meeting following the date of submission of this petition.

Respectfully submitted,

Signature
Printed Name: _____
Address: _____

Phone No.: _____

Signature
Printed Name: _____
Address: _____

Phone No.: _____

Signature
Printed Name: _____
Address: _____

Phone No.: _____

Signature
Printed Name: _____
Address: _____

Phone No.: _____