ORDINANCE NO. 60-1998

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART D, "SUBDIVISION REGULATIONS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

- PART 1: That Chapter 23, Subpart D, "Subdivision Regulations," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.
- PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING this5		19 <u>98</u> .
PASSED ON SECOND AND FINAL RE	ADING THIS 19 day of Nove	nber
, 19 <u>98</u>		
ATTEST:		
ATTEST.		
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CITY SECRETARY	MAYOR	
J. J	WATOR	
	APPROVED:	
	1 '00	

EXHIBIT "A"

Amend Section 23-262, CONVENTIONAL DESIGN STANDARDS

5. Streets

- (C) Streets Bordering Subdivision.
 - (1) Existing Boundary Streets.

DELETE:

(b) For all classifications of such streets, except expressways, the subdivider must pave one-half the additional portion of street right-of-way remaining to be paved, according to some overall plan for improving that street alignment. In no instance, however, shall there required any more than 33 feet additional paving, nor shall there result any less than a 26-foot paved roadway. In lieu of actual street improvement, the subdivider shall have the option to contribute to the City an amount of money equal to that necessary to complete paving and curbing required by the Section 23-262. These funds shall be held, and eventually disposed of, in the described within Section manner 23-260.2(B) of this chapter.

ADD:

- (b) For all classifications of such streets, except expressways, the subdivider must pave one-half the additional portion of street right-of-way remaining to be paved, according to some overall plan for improving that street alignment. In no however, shall there instance, be required any more than 33 feet additional paving, nor shall there result any less than a 26-foot paved roadway. In lieu of actual street improvement, the subdivider shall have the following options:
 - The subdivider shall contribute to the City an amount of money necessary to complete all paving and curbing required by Section 23-262 of this chapter. These funds shall be held, and eventually disposed of, in the manner described within Section 23-260.3(C) of this chapter; or

• If the subdivision includes no more than two lots, then the subdivider may execute a Covenant and Agreement which runs with the ownership of the land and which obligates the landowner to pay the City of Abilene on demand the amount of money necessary to cover the cost of all required public street improvements. The Covenant and Agreement shall be on a City-designated form, signed by the property owner, notarized, and filed with the official property records of the county in which the property is located.