

ORDINANCE NO. 18-2021

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING THE LAND DEVELOPMENT CODE OF THE ABILENE CITY CODE OF ORDINANCES, BY AMENDING CHAPTER 3, SUBDIVISION REGULATIONS, ARTICLE 2, SUBDIVISION STANDARDS, DIVISION 7, ROADWAYS, SECTION 3.2.7.4, STREET, ALLEY ABANDONMENT AND CLOSURE POLICY; CALLING A PUBLIC HEARING; PROVIDING A CRIMINAL PENALTY; AND A PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the closure of a city street, alley, thoroughfare or public right of way is not intended to be an abandonment or vacation of the street, alley, thoroughfare or public right of way; and

WHEREAS, the procedure to close a city street, alley, thoroughfare or public right of way should be a different procedure than an abandonment of a city street, alley, thoroughfare or public right of way, but still provide a process for public input and public safety requirements; and

WHEREAS, the procedure to abandon a city street, alley, thoroughfare or public right of way shall remain as currently provided in the Land Development Code and is not be modified or amended herein.

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

PART 1: That Chapter 3, Article 2, Division 7, Section 3.2.7.4, Street, Alley Abandonment and Closure Policy, of the Land Development Code of the City of Abilene Code of Ordinances is hereby amended as set out in Exhibit A, attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of these chapters shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That if any provision or any section of this Ordinance shall be held to be illegal, invalid, void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

PASSED ON FIRST READING this 13th day of May, 2021.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 23rd day of May, 2021, the same being more than twenty-four (24) hours prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 4:30 p.m., on the 27th day of May, 2021 to permit the public to be heard prior to final consideration of this ordinance. 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.

PASSED ON FINAL READING THIS 27th day of May, 2021.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY



EXHIBIT "A"

Section 3.2.7.4 Street, Alley Abandonment and Closure Requirements

- (a) General. The abandonment of a thoroughfare, alley, right-of-way or public street shall be by replat or plat abandonment unless such was obtained by the City without platting.
- (b) Quit Claim Deed. A Quit Claim deed that eliminates any and all future claim for City responsibility for the abandoned thoroughfare, public street, right-of-way or alley may be required by the City Council as part of the approval of the document (i.e., plat or separate instrument) that achieves abandonment.
- (c) Approval Process. Any thoroughfare, public street, right-of-way or alley abandonment shall follow the same process as required for a zoning change. City Council shall be the final decision maker.
- (d) Closure. The City Council shall have the authority to close any thoroughfare, alley, right-of-way or public street, or any portion thereof, to traffic. Such closure may be by Resolution or Ordinance after a public hearing, and it shall not be necessary to follow the same process as required for a zoning change. The City Council may require signage, barriers, lighting, or other features as it deems appropriate to protect the public safety. Such closure shall not be an abandonment of the thoroughfare, alley, right-of-way or public street.