

ORDINANCE NO. 1212-11-19

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2.10, SECTION 2.10.001 OF THE CITY OF HONDO CODE OF ORDINANCES TO PROVIDE AN EXCEPTION FOR THE VACATING AND ABANDONMENT OF PLATTED BUT UNDEVELOPED STREETS THROUGH THE SUBDIVISION PLATTING PROCEDURES ESTABLISHED UNDER THE UNIFIED DEVELOPMENT CODE; INCORPORATION OF RECITALS; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Hondo, Texas is a Home-Rule municipality operating pursuant to its City Charter and the laws of the State of Texas; and

WHEREAS, the City of Hondo has approved a Unified Development Code (the "UDC") establishing the general regulations for subdivision platting and the extension of public street and alley right-of-way; and

WHEREAS, Section 2.10.001 of the Code of Ordinances establishes the procedure for the closure, vacation, and abandonment of any public right-of-way, other than drainage easements; and

WHEREAS, the City Council finds that the public would be better served by revising the City's Code of Ordinances to clarify that Section 2.10.001 does not apply to streets and alleys that have been dedicated to the city by subdivision plat, but remain undeveloped, and that such undeveloped street may be vacated and abandoned by the subdivision platting procedure established under the UDC.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO TEXAS:

SECTION 1. AMENDMENT

A. Section 2.10.001 of the Code of Ordinances is hereby appended to include the following paragraph:

(h) Platted but undeveloped streets. This section applies to streets and alleys that have been constructed and are open to the public. It does not apply to streets and alleys that have been dedicated to the city by subdivision plat, but remain undeveloped and closed to the public. Such portion of a street or alley that has been dedicated by a subdivision plat but remains undeveloped and closed to the public may be vacated and abandoned by the subdivision platting procedures established under the city's Unified Development Code.

SECTION 2. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

SECTION 3. REPEALING ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED this 25th day of November 2019.



MAYOR JAMES W. DANNER SR.

ATTEST:



MIGUEL CANTU
CITY SECRETARY

