

ORDINANCE NO. 5318

AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 21 “STREETS, SIDEWALKS, AND RIGHT-OF-WAY MANAGEMENT”, ARTICLE IV “STREET AND ALLEY ABANDONMENT”, SECTION 21-82 “ADMINISTRATIVE CHARGES”; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Denison, Texas (the “**City**”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City (the “**City Council**”) adopted Chapter 21 of its Code of Ordinances, which governs streets, sidewalks and right-of-way in and around the City; and

WHEREAS, on October 1, 2018, the City Council adopted Ordinance 4966 establishing the City’s Comprehensive Fee Schedule; and

WHEREAS, the City Council wishes to amend Chapter 21 by removing the fee outlined in Section 21-82 “Administrative Charges” and by referencing the fee currently set by the Comprehensive Fee Schedule; and

WHEREAS, the City Council finds it in the best interest of the City to amend Chapter 21 as set forth below.

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

Section 1: Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2: Amendment. Chapter 21 “Streets, Sidewalks, and Right-of-Way Management”, Article IV “Street and Alley Abandonment”, Section 21-82 “Administrative Charges” is hereby amended as set forth below (with additions being reflected as underlined and the removals being reflected as strike-through):

Sec. 21-82. – Administrative charges.

Upon filing of any request for abandonment of a street, alley, right-of-way, or easement, an administrative fee shall be paid to the planning department in the amount of ~~one hundred eighty-five dollars (\$185.00)~~ set forth in the Comprehensive Fee Schedule, as amended, to cover the expense of administering the procedure outlined in this article, the cost of mailing notices and release forms to all abutting property owners, and the cost of

publishing the public notice. Such fee is nonrefundable, regardless of the ultimate action of the city, and shall be in addition to other charges hereinafter described.

Section 3. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 4. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

Section 5. Publication and Effective Date. This Ordinance shall become effective immediately upon its adoption and publication as required by law.

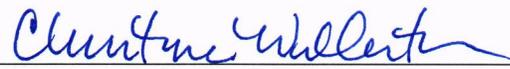
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, on this the 16th day of October, 2023.

APPROVED:



JANET GOTT, Mayor

ATTEST:



Christine Wallentine, City Clerk

