

ORDINANCE NO. 06012020

AN ORDINANCE OF THE CITY OF ELKHART, TEXAS, CLOSING AN ALLEY IN THE CITY OF ELKHART LOCATED IN BLOCK 952-3, ABUTTING TRACTS 6, 7, 13, 13A, 14A, 19 & 20 BETWEEN HORTMAN RD AND WEST PARKER STREET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Elkhart, Texas, is a Type A general-law municipality located in Anderson County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, V.T.C.A, Transportation Code Section 311.002 states that any such municipality has exclusive control over the highways, streets, and alleys of the municipality; and

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law, that are necessary to protect the welfare and safety of its inhabitants; and

WHEREAS, the City Council of the City of Elkhart is of the opinion that the best interest and welfare of the public will be served by closing the hereinafter described alleyway to thru-traffic.

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

SECTION 1. The public alleyway lying and being situated in Block 952-3 and abutting tracts 6,7,13,13A,14A,19 and 20 between Hortman Road and West Parker Street, is hereby closed to thru-traffic. A description of the property to be closed is attached as Exhibit A.

SECTION 2. SEVERABILITY. Should any provision 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.

SECTION 3. PENALTY. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Hundred Dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the

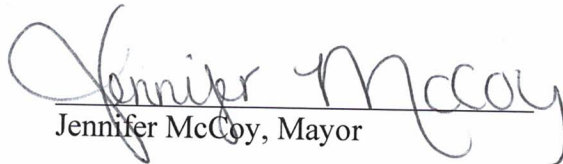
enforcement of any of the provisions of this ordinance may also be subjected to such civil penalties and such civil remedies as authorized by law.

SECTION 4. SAVINGS. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinance amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. PUBLICATION. The City Secretary of the City of Elkhart is hereby directed to publish in the official newspaper of the City of Elkhart, the caption and the penalty clause of this ordinance in accordance with Section 52.011 of the Local Government Code.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective after its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Elkhart on this 1st day of June 2020.


Jennifer McCoy, Mayor

Ami Ashworth, City Secretary

Exhibit A

