

**ORDINANCE NO. 010-11**

**AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, CLOSING THE PUBLIC RIGHT-OF-WAY ON JOHNSON STREET BETWEEN MANCHACA STREET AND CARNES STREET TO VEHICULAR TRAFFIC; AND PROVIDING A SEVERABILITY CLAUSE; AN OPEN MEETING CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, Johnson Street is a dedicated public street within the City of De Leon which is used for vehicular traffic on its surface and is also is the location of underground utility lines which are owned and maintained by the City and other private utility lines which may be located on the right-of-way pursuant to franchise agreements with the City;

**WHEREAS**, the De Leon Independent School District ("DISD") Board of Trustees has taken official action to request that a portion of Johnson Street lying between Manchaca Street on the north and Seguin Street to the south, more specifically, that section of Johnson Street that lies between Manchaca Street on the north and Carnes Street, an unplatted public right-of-way, to the south, be closed as a public right-of-way for vehicular use in the City;

**WHEREAS**, DISD owns all property abutting the portion of Johnson Street to be vacated as a public right-of-way and maintains school facilities on both sides of the street at this location, and the request to close the right-of-way for the purpose of vehicular traffic is being made for the purpose of ensuring the safety of children who routinely cross Johnson Street in this area as they travel between school facilities; and

**WHEREAS**, the City Council of the City of De Leon has determined it is in the best interest of the City and its citizens to close the public right-of-way across this portion of Johnson Street to vehicular traffic subject to the conditions contained herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:**

**Section 1.** The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council.

**Section 2.** A portion of the dedicated right-of-way platted as Johnson Street between Manchaca Street and Seguin Street, more specifically that portion lying between Manchaca Street and Carnes Street, a public right-of-way which is not contained on the plat of dedicated streets of the City, as depicted on the attached *Exhibit "A,"* is hereby closed to vehicular traffic. The City will retain ownership of the described real property, and, along with any franchisees of the City, will retain the right to enter upon the property for the purpose of constructing and maintaining utility lines. DISD will assume control of the property and responsibility for maintenance of the surface of the property. DISD may construct barricades and or gates that will prevent vehicular traffic across the property. The location of such structures shall be coordinated with the City to ensure that they

are not constructed in a location that will interfere with the location and maintenance of any utility lines on the property and which will allow firefighting or other emergency equipment to continue to have access to school property across the closed right-of-way. DISD may not construct any other structures on the property.

**Section 3. Severability.** It is the intention of the City Council that if any phrase, sentence, section or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect, impair or invalidate any of the remainder of this ordinance since the same would have been enacted by the City Council without incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph and shall be and remain in full force and effect.

**Section 4. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Texas Gov't Code, Chapt. 551.*

**Section 5. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication, as may be required in accordance with the provisions of the *Tex. Loc. Gov't Code.*

**PASSED AND APPROVED** on first reading on this the 8<sup>th</sup> day of December, 2011.

**PASSED, APPROVED AND ADOPTED** on second reading on this the 20<sup>th</sup> day of December, 2011.



**THE CITY OF DE LEON, TEXAS**

*[Handwritten Signature]*  
Danny Owen, Mayor

TEXAS TEST:

*[Handwritten Signature]*  
Karen Wilkerson,  
City Administrator/Secretary

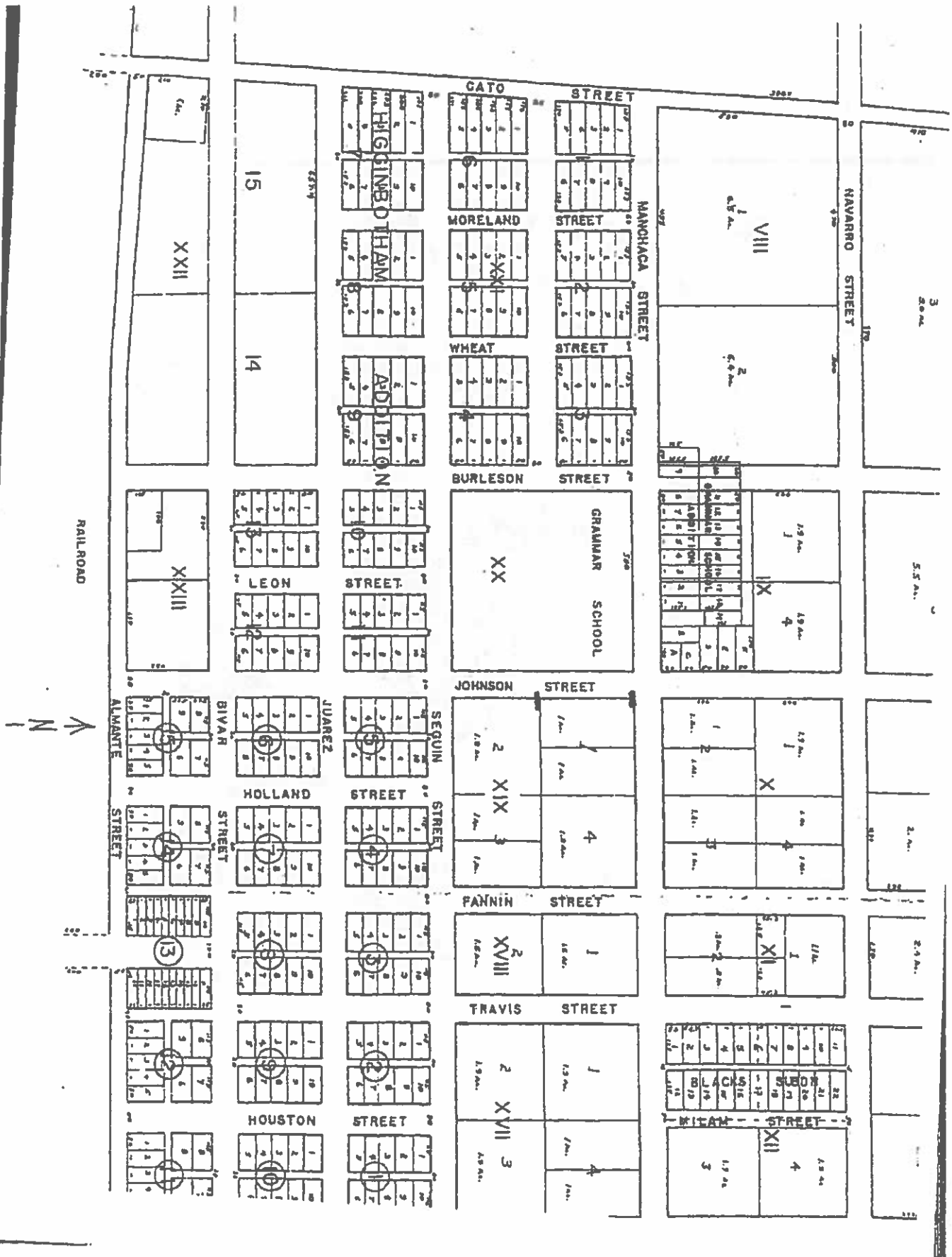


EXHIBIT A-1

Google

Notes Johnson Street between  
Manchaca and Cames Street

