

ORDINANCE NO. 2002-06-02

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, SEVERABILITY, AN EFFECTIVE DATE, PROPER NOTICE AND A MEETING

WHEREAS, the Village of Point venture has been requested and petitioned to abandon for the purposes of public transportation a portion the 500 block of Valley Hill Drive, a dead end street within the limits of the Village of Point Venture; and

WHEREAS, the Petitioner is requesting only that the abandonment of the road shall apply to general public transit and recognizes that an easement is to be retained by the Village of Point Venture for purposes of use by emergency vehicles in the event of an emergency occurring in the adjoining subdivision; and

WHEREAS, the Village Council finds that is in the public interest to not reconstruct and maintain the deteriorated unuseful portion of roadway for which abandonment is sought; and

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TEXAS THAT:

- (1) The portion of the 500 block of Valley Hill Drive located in Section 3-2, Point Venture Subdivision and that is within the limits of the Village of Point Venture is hereby abandoned, vacated and closed insofar as the right, title or easement of the general public is concerned.
- (2) The Village of Point Venture hereby reserves and easement across the abandoned, vacated and closed portion of the 500 block of Valley Hill Drive for use only by Fire Department, Emergency Medical Service and Law Enforcement emergency vehicles in events of an emergency occurring in the adjoining subdivision.
- (3) No above ground structures shall be placed upon the abandoned right of way nor shall any plantings be placed of such nature as to block access of emergency vehicles to the northern most end of the dead end portion of the 500 block of Valley Hill Drive without prior written approval from the Village of Point Venture Council.
- (4) A legal description of the portion of the 500 block of Valley Hill Drive that is hereby abandoned, vacated and closed shall be attached to this Ordinance along with a map showing its location.
- (5) This ordinance shall take effect and be in full force immediately upon its final passage and approval.

- (6) If any section, subsection, sentence, clause, phrase or portion to this Ordinance is for any reason held invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

A quorum of the Village Council was present at the meeting at which this Ordinance was adopted. The meeting was open to the public and public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED, this 3rd day of June, 2002, by a 4 to 0 vote, with 1 abstaining of the Village Council of the Village of Point Venture, Texas.