

ORDINANCE NO. 2013- 007

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 154 (SUBDIVISION CONTROL), SECTION 154.059 (STREETS AND ALLEYS) OF THE CODE OF ORDINANCES OF THE CITY IN ORDER TO CLARIFY THE WIDTH REQUIREMENTS FOR DEDICATED STREET RIGHT-OF-WAY ADJACENT TO AN EXISTING STREET; PROVIDING FOR AN EFFECTIVE DATE; PROPER NOTICE AND MEETING, SEVERABILITY AND REPEALER.**

WHEREAS, the City of Wimberley (“City”) has the authority to regulate subdivisions pursuant to Chapter 212 of the Texas Local Government Code; and

WHEREAS, the City, in the exercise of its police power through its subdivision regulations, may require the dedication of streets, alleys and utility easements as a part of the orderly development of a city proper; and

WHEREAS, the City seeks to clarify the right-of-way dedication requirements for replats of certain properties located next to existing streets; and

WHEREAS, the City Council finds that the amendment described herein is in the best interest of the public health, safety and welfare of the citizens of Wimberley.

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

**Section 1. Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Wimberley and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Section 2. Amendment.**

THAT Chapter 154 (Subdivision Control), Section 154.059 (Streets and Alleys) of the City of Wimberley Code of Ordinances is hereby amended to add a new section “(C)” as follows:

“ . . . .

(C) In the event that the City needs additional right-of-way to satisfy the standards set forth in the City’s Transportation Master Plan, the applicant shall dedicate his share of the right-of-way needed as part of the platting process.”

**Section 3.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

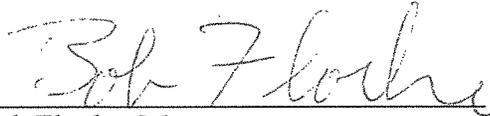
**Section 4.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

**Section 5.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

**Section 6. Open Meetings.** That 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 Meeting Act, Chapt. 551, Loc. Gov't. Code.

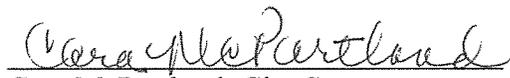
**PASSED AND APPROVED** this 21<sup>st</sup> day of March, 2013, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the City Council of the City of Wimberley, Texas.

**CITY OF WIMBERLEY, TEXAS**

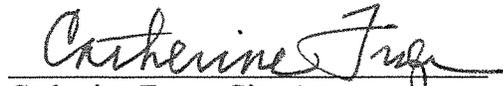


Bob Flocke, Mayor

**ATTEST:**

  
Cara McPartland, City Secretary

**APPROVED AS TO FORM:**

  
Catherine Fryer, City Attorney

