

ORDINANCE NO, 2009—01

AN ORDINANCE ACCEPTING FOR DEDICATION TO PUBLIC USE CERTAIN LANDS WITHIN BARROW RANCH SECTION TWO A SUBDIVISION WITHIN BEACH CITY, TEXAS, AS PUBLIC STREETS AND ACCEPTING SAID STREETS FOR PUBLIC MAINTENANCE.

WHEREAS, Gromax Development, (hereafter referred to as “Developer”) owner of Barrow Ranch, Section Two, is offering to the City of Beach, Texas, for dedication to public use certain lands for streets, drives, roads and easements (the “Public Right-of-Way”) as shown on the plat for the subdivision (the “Subdivision Plat”); and

WHEREAS, the Chambers County Engineer has reported that certain of the Public Improvements including street pavements as shown on the Subdivision Plat and described in the Improvement Plans have been completed;

WHEREAS, the Chambers County Engineer has reported that the street improvements are consistent with the construction standards required for acceptance of county streets and roads;

WHEREAS, Chambers County is willing to enter into an Interlocal Agreement whereby Chambers County agrees to assume the responsibility of maintaining and upkeeping of all roads that are consistent with County engineering standards within the City;

WHEREAS, the Developer is desirous that the City accept the following roads for the purpose of maintenance and upkeep:

Stablebrook Drive

Saddlewood Drive

Blackhorse Road

Rock Creek Road

WHEREAS, Chambers County has agreed that it will assume the responsibility of maintaining the above-mentioned streets upon acceptance by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH CITY, TEXAS;

SECTION ONE: The City Council finds and determines that it is the public interest to accept for dedication to public use the Public Rights-of-Way;

SECTION TWO: That the following Public Rights-of-Way in Barrow Ranch, Section Two offered to the City be and are hereby accepted and dedicated to public use:

Stablebrook Drive

Saddlewood Drive

Blackhorse Road

Rock Creek Road

SECTION THREE: That all of the Public Improvements constructed above and beneath the surface of the ground within the aforesaid Public Rights-of-Way, all as shown on the Improvement Plans, except private storm and sanitary sewers, utilities, and appurtenances which do not serve the general public, be and are hereby accepted by the City, subject to the provisions of the Ordinance.

SECTION FOUR: The acceptance of the aforementioned streets and roadways is subject to and contingent upon the City and Chambers County entering into an Interlocal Agreement whereby Chambers County agrees to assume the responsibility of maintaining and upkeeping of all roads that are consistent with County engineering standards within the City;

SECTION FIVE: That the Mayor be and is hereby authorizes and directed to execute the acceptance and dedication on the Subdivision Plat. Further, the Mayor is authorized and directed to cause said Subdivision Plat to be filed for record with Clerk of Chambers County, Texas as provided by law, upon the City receiving an Affidavit from the Developer that shows that title to

all lands dedicated to the City are free and clear of any easements, taxes, liens, assessments, or other encumbrances of any kind.

SECTION SIX: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council; and that all deliberations of the Council that resulted in such formal action were in a meeting open to the public in compliance with all legal requirements.

SECTION SEVEN: That this Ordinance is hereby declared to be of full force and effect from and after ten (10) days from the date of its passage.

SIGNED, ADOPTED AND APPROVED this the 31st day of March, 2009.


GUIDO PERSIANI, Mayor

ATTESTED TO:


MARGARET GAINER, City Secretary

APPROVED AS TO FORM ONLY:


DANIEL R. JACKSON, City Attorney