

ORDINANCE NO. 2005-O-47

AN ORDINANCE AMENDING ORDINANCE NO. 2004-O-36 SEC. 33.327; TO PROVIDE FOR DEDICATION OF ADDITIONAL RIGHT-OF-WAY BY DEVELOPERS OF UNIMPROVED PROPERTY AND THE CONSTRUCTION OR IMPROVEMENT OF EXISTING OR PLATTED STREETS IMPACTED BY NEW DEVELOPMENT; PROVIDING SEVERABILITY, OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES

WHEREAS, the Village of Volente finds that Section 33.327 (D) Public Street Design Criteria (2) Relation to Adjoining Street subsections (a) and (c) of the Village's Site Development Ordinance govern existing streets but not platted streets; and

WHEREAS, the Village of Volente finds that subsections (a) and (c) of Section 33.327 (D) Public Street Design Criteria (2) Relation to Adjoining Street should govern platted streets as well as existing streets;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE:

1. The Village of Volente Ordinance No. 2004-O-36, Article 33.300 Site Development Regulations, Section 33.327 (D) Public Street Design Criteria (2) Relation to Adjoining Street System, passed and approved on October 26, 2004, is amended to read as follows:

- D-2 a. The Village shall require the subdivision or development to provide additional right-of-way as determined necessary by the Village and to construct or improve that portion of existing streets, or platted streets to the end of the property lines, including all underground utilities, bordering, abutting, or within a proposed subdivision or development.
- D-2 c. The Village may require the subdivision or development to construct or improve portions of existing or platted streets which do not border or abut the proposed subdivision or development but are impacted based on the finding of an applicable Traffic Impact Analysis.

2. SEVERABILITY: In the event that any provision of this Ordinance shall be found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed, and all remaining provisions shall remain in full force and effect as though such void or unenforceable provisions had never formed a part of this Ordinance.

3. EFFECTIVE DATE: This Ordinance shall take effect immediately from and after its passage and publication of its enacting ordinance in accordance with the provisions of *Chapter 52 of the Texas Local Government Code*.

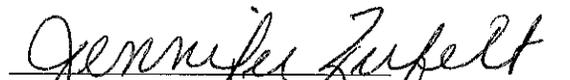
4. OPEN MEETINGS: It is hereby officially found and determined that the meeting at which the enacting ordinance of this article is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code.*

PASSED AND APPROVED on the 15th day of August, 2005.



JAN YENAWINE, MAYOR OF THE
VILLAGE OF VOLENTE

ATTEST:



JENNIFER ZUFELT, CITY SECRETARY