

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS, CLOSING A SECTION OF COOPER STREET BETWEEN NORTH PRESTON AVENUE AND NORTH MAIN DRIVE IN THE CITY OF VAN ALSTYNE; MAKING FINDINGS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Van Alstyne, Texas (“City”), is a Home Rule municipality of the State of Texas; and

WHEREAS, the City, by original plat, obtained the area known as Cooper Street between North Preston Avenue and North Main Drive, and has retained ownership of the designated area known as Cooper Street in fee simple since the dedication by plat; and

WHEREAS, the City has the authority to vacate, close, or abandon a street or alley pursuant to Texas Transportation Code § 311.007; and

WHEREAS, the City has determined the section of Cooper Street between North Preston Avenue and North Main Drive, and depicted on **Exhibit “A”** attached hereto and incorporated herein, should be closed, which closure the City Council has determined is in furtherance of the public health, safety and welfare of the City; and

WHEREAS, after the closure of the indicated portion of Cooper Street, the City shall continue to have fee simple ownership over the tract and shall hold the tract and dedicate it to such public use as it may hereafter determine is proper;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative findings of the City Council and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after February 3, 2023, the section of Cooper Street between North Preston Avenue and North Main Drive depicted in **Exhibit A** is hereby closed to vehicle traffic and shall cease to be used as a public street. The tract shall be retained in fee simple ownership by the City of Van Alstyne and the City Manager is authorized to direct staff to take actions consistent with this Ordinance, including but not limited to erecting signs and barriers, amendment of City maps, and publication of the closure on the City website.

SECTION 3

All ordinances, orders or resolutions heretofore passed and adopted by the City Council are hereby repealed to the extent that said ordinances, resolutions, or parts thereof, are in conflict herewith.

SECTION 4

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5

This Ordinance shall take effect and be in full force from and after its passage, as provided for by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS ON THE 10th DAY OF JANUARY, 2023.

CITY OF VAN ALSTYNE, TEXAS

Jim Atchison, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jennifer Gould, City Secretary

EXHIBIT A