



**ORIGINAL**

**ORDINANCE NO. 2011-12-12-A**

**AN ORDINANCE OF THE CITY OF RANGER, TEXAS CONFIRMING , RATIFYING, AND APPROVING THE CLOSING OF MARSHALL STREET FROM HUNTER STREET TO IONA STREET; PROVIDING FOR THE INSTALLATION OF GATE CLOSINGS; AUTHORIZING USE OF MARSHALL ROAD BY AUTHORIZED CITY PERSONNEL; PROVIDING FINDINGS OF FACT; PROVIDING PENALTY, SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the street right –of-way commonly known as Marshall Street, located in Ranger, Eastland County, Texas, from its intersection with Hunter Street to Iona Street;

**WHEREAS**, the landowners adjacent to the closed Street have requested that the City close this Street and have means of access to the property;

**WHEREAS**, the City Council wishes to confirm, ratify, and approve the closure of the above described Marshall Street;

**WHEREAS**, the City Council has determined that the closing of Marshall Street protects the public health, safety, and welfare;

**WHEREAS**, the road serves no other owner, and the action will allow control access to land;

**WHEREAS**, the City would be relieved of responsibility of maintenance and upkeep expense, fencing and gates will reduce or eliminate the vandalism, illegal dumping and trespassing;

**WHEREAS**, this would reduce the chance of an accident through unauthorized use of the lakes located on landowners property;

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are incorporated into this Ordinance as findings of fact by the City Council of Ranger, Texas.

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**Section 2. Closure of Marshall Street.** The closure of the street right-of-way commonly known as Marshall Street, located in Ranger, Eastland county, Texas, from its intersection with Hunter Street to Iona Street (the "ROW") to motor vehicle traffic, pedestrian traffic, and all conveyances of any nature or kind whatsoever is hereby confirmed, ratified, and approved; provided that such ROW may be used by City personnel authorized by the Mayor or designee to repair and maintain City utilities located in ROW.

**Section 3. Barricades.** The City Council hereby orders and directs that suitable barriers or traffic control devices be placed, installed and erected to prevent motor vehicle and pedestrian access to Marshall Street. The installation of such barriers is hereby confirmed and ratified by the City Council.

**Section 4. Rights Retained.** It is not the intent or purpose of this ordinance, and this ordinance shall not be construed, to (a) abandon any rights, title or interest of the City in and to Marshall Street; or to (b) release or waive any license, property interest or legal right of the City whatsoever. This ordinance is and shall be construed as an exercise of the City's police power for the benefit of the public health and safety, and not as any release, conveyance or waiver of any legal or property right of the City.

**Section 5. Damage to Public Property; Hindering Access.** It shall be illegal for any person to knowingly or intentionally damage, tamper with, remove, or replace any barrier, traffic control device, lock or sign erected by the City pursuant to this ordinance. Any person who causes damage to or removal of barrier, traffic control device, lock or sign erected by the City pursuant to this ordinance shall be responsible for the costs of replacement and/or repair. It shall further be illegal for any person to knowingly or intentionally hinder, impede, or prevent access by the City or the City's designee to the ROW.

**Section 6. Violation and Penalty.** It shall be unlawful for any person, except a person authorized under Section 2, to access or transverse Marshall Street by motor vehicle, by foot, or by any other means. Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$500.00. Each day of violation and each incident of violation of this ordinance shall constitute a separate offense. Allegations and evidence of culpable mental state are not required for proof of any offense under this Ordinance, unless specifically stated otherwise.

**Section 7. Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

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**Section 8. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the City Charter.

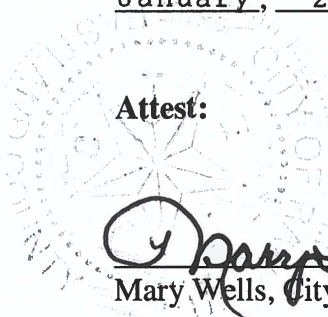
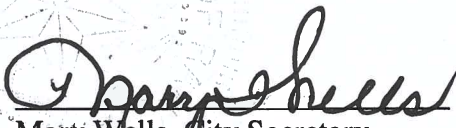
**Section 8. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, *Chapt. 551, Tex. Gov't Code.*

**PASSED AND APPROVED** on first reading this 12th day of December, 2011

**PASSED AND FINALLY APPROVED** on second reading this 9th day of January, 2012.

**Attest:**

**THE CITY OF RANGER, TEXAS**

  
  
Mary Wells, City Secretary

  
Raymond Hart, Mayor