

ORDINANCE NO. O-2022-0008

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS AUTHORIZING THE EXPENDITURE OF FUNDS FOR STREET LIGHTS IN THE OMEGA BAY SUBDIVISION

WHEREAS, the subdivision of Omega Bay is located in the City of La Marque, Texas;

WHEREAS, Omega Bay is within the city limits of the City of La Marque, Texas but the area within the subdivision, including the streets are privately owned;

WHEREAS, the City of La Marque Texas maintains easements across the privately owned streets in Omega Bay in order to provide city services and emergency services including sanitary sewer and potable water systems;

WHEREAS, the use of the privately owned streets in Omega Bay is the only way the City of La Marque, Texas may provide city services and emergency services to the residents of Omega Bay; and

WHEREAS, by lighting the privately owned streets in Omega Bay the City of La Marque, Texas will be better able to provide city services and emergency services to the residents of Omega Bay and to respond to emergency situations including sanitary sewer and potable water system breakages.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

Section 1. The findings and recitals set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

Section 2. The City shall assume and pay an amount not to exceed \$300 per month without Council approval to cover electricity costs to operate the streetlights along privately owned streets in Omega Bay. City Council does not intend to and nothing in this Ordinance shall be construed to evidence an intent of the City to accept the streets, streetlights, or other common elements in the Omega Bay subdivision into the City's public improvements. Nothing herein shall obligate the City of La Marque, Texas to maintain or improve the streets, streetlights or other common elements in the Omega Bay subdivision.

Section 3. Severability. In the event any clause, phrase, provision sentence, or part of this Ordinance or the application of the same to any person or circumstance for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4. Publication and Effective Date. This Ordinance shall be effective thirty days after final passage by City Council, a public hearing in accordance with Section 2.19 of the City Charter, and publication of this ordinance or a caption that summarizes the purpose of this ordinance.

PASSED AND APPROVED by the City Council of the City of La Marque on First Reading this 11th day of July, **2022**; and

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on Second and Final Reading this _____ day of _____, **2022**; and

CITY OF LA MARQUE, TEXAS

Keith Bell, Mayor

ATTEST:

Kierra Nance, TRMC, City Clerk

APPROVED AS TO FORM:

Gus Knebel
City Attorney