

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 114, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV, RIGHT-OF-WAY ACCESS AND MANAGEMENT, RELATING TO SECTION 94, PERMIT REQUIRED; APPLICATION; TO ALLOW FOR A CAPITAL PROJECTS ACCESS PERMIT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Capital Programs Division of the City of New Braunfels, executes numerous roadway improvement projects throughout the City; and

WHEREAS, there have been several Citizen requests for the construction, addition, alteration, enlargement or movement of access across public property to abutting private property during the construction of the roadway improvement project; and

WHEREAS, the City of New Braunfels Capital Programs Division desires to have a defined method to accommodate these Citizen requests as part of the roadway improvement projects;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1.

THAT, Section 114-94, Permit Required; Application, is amended by adding a new paragraph (e) as follows:

- (e) Capital Projects Access Permit: Any owner or authorized agent, who desires to construct, add, alter, enlarge or move access across public property to abutting private property during the course of a project being performed by the City of New Braunfels Capital Programs Division shall make application to the City Engineer and obtain a Capital Projects Access Permit and pay all required fees to include escrowing the amount necessary for the City's Contractor to construct, add, alter, enlarge or move the access across public property. Said escrow funds shall be applied to the Capital Programs Division construction account for the respective project. All applications are subject to approval of the City Engineer or Public Works Director or their designee.

SECTION 2.

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to right-of-way access and management within the City of New Braunfels, and same shall not operate to repeal or

affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3.

That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4.

This Ordinance shall take effect upon the second and final reading of the same.

PASSED AND APPROVED: First reading this the _____ day of _____, 2018.

PASSED AND APPROVED: Second reading this the _____ day of _____, 2018.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY