

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, CLOSING A PORTION OF KARSTEN BOULEVARD; CONTAINING FINDINGS OF FACT; PRESERVING ALL EASEMENTS AND RIGHTS OF WAY; RESERVING THE RIGHT TO REOPEN THAT STREET; AND PROVIDING A SAVINGS CLAUSE, SEVERANCE CLAUSE, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

1. The term “the Closed Street” herein shall mean only the portion of Karsten Boulevard from the southern edge of its intersection with Bullard Parkway (former County Road 81) southward to a point 100 feet north of the northern edge of the intersection of Karsten Boulevard with Cedar Rapids Parkway (former County Road 57), in the City of Iowa Colony, Brazoria County, Texas.

2. The City Council of the City of Iowa Colony, Texas (“the City”) hereby finds that the following facts and all other facts stated in any part of this ordinance are true:

- a. The Closed Street is not necessary for access to any property.
- b. All properties adjoining the Closed Street have adequate access without the Closed Street.
- c. The Closed Street is being used unlawfully as a dumping ground for rubbish and litter.
- d. That rubbish and litter constitute an unlawful nuisance.
- e. Public convenience and necessity do not require that the Closed Street remain open at this time.
- f. This ordinance promotes the public health, safety, and general welfare.
- g. This ordinance is authorized by Section 311.007 of the Texas Transportation Code, Section 217.042 of the Texas Local Government Code, the Home Rule Charter of the City, and all applicable law.

3. The Closed Street shall be closed until further order of the City Council.

4. As a matter of law, this ordinance and the closure of the Closed Street do not substantially impair access to any property.

5. The Public Works Department of the City is hereby authorized and directed to physically block access to the Closed Street and to provide a method for access by emergency vehicles.

6. This ordinance shall not waive, release, vacate, or transfer any right of way or easement of any nature, including but not limited to the right of way and easement of the Closed Street. All easements and rights of way of any nature, including but not limited to the Closed Street, shall remain in full force and effect and shall continue to be held by the City.

7. The City reserves the right to reopen all or any portion of the Closed Street.
8. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this order shall remain in full force and effect.
9. The City Secretary is authorized and directed to record a duplicate original or certified copy of this ordinance in the Official Records of the Brazoria County Clerk.
10. This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED, and APPROVED on the FIRST READING on JANUARY 25, 2021.

READ, PASSED, and APPROVED on the SECOND and FINAL READING ON FEBRUARY 22, 2021.



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Michael Byrum-Bratsen, Mayor  
City of Iowa Colony, Texas

ATTEST:



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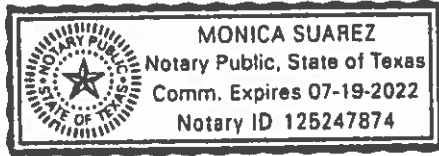
Kayleen Rosser, City Secretary  
City of Iowa Colony, Texas



THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the 26<sup>th</sup> day of April, 2021, by Michael Byrum-Bratsen, as Mayor, of the City of Iowa Colony, Texas.

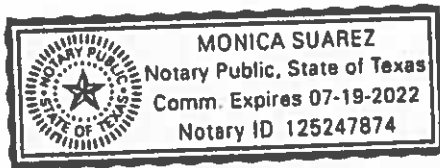


Monica Suarez  
Notary Public in and for the State of Texas

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the 26<sup>th</sup> day of April, 2021, by Kayleen Rosser, as City Secretary, of the City of Iowa Colony, Texas.



Monica Suarez  
Notary Public in and for the State of Texas