

City of Marshall, Texas ordinance no. O-23-08

An ordinance of the City Council of the City of the Marshall, Texas, abandoning, vacating, and closing that portion of Beauregard St. from its intersection with Davis St. to its intersection with Price St., and consisting of approximately 7500 square feet of land located within the Railroad Subdivision, City of Marshall, Harrison County, Texas, and which is more particularly described and or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes; providing for a severability clause; providing a repealer clause; and providing for an effective date.

WHEREAS, the City of Marshall, Texas, is a Texas home-rule municipality; and

WHEREAS, Section 311.001(a) of the Texas Transportation Code generally provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, Section 311.007 of the Texas Transportation code provides the authority for a home-rule municipality to vacate, abandon or close a street or alley within the municipality; and

WHEREAS, the City of Marshall, Texas, acquired a public interest in that the heretofore described portion of Beauregard St., between the intersections of Beauregard St. with Davis St., and Beauregard with Price St., through a dedicated plat; and

WHEREAS no actual roadway had ever been constructed or used by the public on the described portion of Beauregard St.; and

WHEREAS, the City Council of the City of Marshall, Texas, has determined and finds it is in the public interest that the heretofore described portion of Beauregard St., between the intersections of Beauregard St. with Davis St., and Beauregard with Price St., as described and/or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes, should be abandoned, vacated, and closed as a public roadway.

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

SECTION 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. That the portion of Beauregard St., in the City of Marshall, Texas between the intersections of Beauregard St. with Davis St., and Beauregard with Price St., as described and/ or depicted in Exhibit A, which is attached hereto and incorporated herein for all purposes, is hereby abandoned, vacated, and closed as a public roadway; PROVIDED HOWEVER, that the City of Marshall shall retain any easement necessary for maintenance, repair or replacement of water, sewer, or any other infrastructure of the City underlying the property described herein.

SECTION 3. That if any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That all provisions of the Ordinances of the City of Marshall, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That this Ordinance shall become effective from and after its date of passage in accordance with law.

Passed and approved by the City Council of the City of Marshall, Texas, this the 11th day of May, 2023.

AYES: 7
NOES: 0
ABSTAINED: 0



Terrell Smith, City Manager



Mayor of the City Council
of the City of Marshall

Attest:



Nikki Smith, City Secretary