

ORDINANCE NO. 17-045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING CHAPTER 27, STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE V, PUBLIC PARKS, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS ("CODE"), BY AMENDING SECTION 27-96, LAUREL STREET OPEN SPACE POLICY, FOR THE PURPOSE OF EXEMPTING THE BELLAIRE TOWN SQUARE AQUATIC CENTER WITHIN THE CONFINES OF THE EXISTING FENCE FROM THE LAUREL STREET OPEN SPACE POLICY.

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

Section 1. *Chapter 27, Streets, Sidewalks and Public Places, Article V, Public Parks, of the Code of Ordinances of the City of Bellaire, Texas, is hereby amended by revising Section 27-96, Laurel Street Open Space Policy, for the purpose of exempting the Bellaire Town Square Aquatic Center within the confines of the existing fence from the Laurel Street open space policy. The amended Section 27-96 shall read as set out in Appendix A, attached hereto. All other portions of Chapter 27 of the City's Code not specifically amended hereby shall remain in full force and effect.*

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 5. This Ordinance shall be effective immediately upon its passage and adoption.

PASSED, APPROVED and ADOPTED this, the 10th day of July, 2017.

Andrew S. Friedberg, Mayor
City of Bellaire, Texas

ATTEST:

Tracy Dutton, City Clerk
City of Bellaire, Texas

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney
City of Bellaire, Texas

Appendix A

(Language to be added shown by underline)

Chapter 27 – STREETS, SIDEWALKS AND PUBLIC PLACES

ARTICLE V. – PUBLIC PARKS

Sec. 27-96. - Laurel Street open space policy.

The policy as herein set out shall be applicable to certain real property in the City of Bellaire hereinafter designated "open green space" which shall be generally described as all of the residential lots abutting the Laurel Street right-of-way on the north between Fifth Street and South Rice Avenue beginning at the point of intersection of Laurel Street and Fifth Street on the west and ending at the point of intersection of Laurel Street and South Rice Avenue on the east, along with: (1) the ten-foot strip that is contiguous to the north boundary lines of the residential lots; and (2) all property located between lots 7 and 8, and between lots 19 and 20, all as set out in the plat of the Town of Bellaire as recorded in Volume 3, Page 59, Harris County Map Records.

The policy of the City of Bellaire concerning the "open green space" property shall be as follows:

- (a) All lots presently owned by the City of Bellaire within the "open green space" shall be maintained and not sold.
- (b) All lots in private ownership within the "open green space" shall be purchased by the City of Bellaire as the same are offered for sale by the owners thereof in accordance with applicable law for the purchase of privately owned property by a municipality. Nothing herein shall be interpreted to require purchase of property within the "open green space" when the same cannot be acquired for legal, financial or other reasons.
- (c) All property within the area herein designated "open green space" shall be used as open green space which shall be defined as open, unobstructed land covered with grass or natural vegetative covering maintained in such a way as to insure an open area free of obstructions except for trees and other vegetative growth in existence as of the date of the adoption of this amendment or such other vegetative growth including, without limitation, trees, hedges, shrubs and grass as may be from time to time recommended and installed by order of the director of parks and recreation of the City of Bellaire; provided, however, that the property located between and contiguous to lots 7 and 8 shall not be restricted to green space until the current owners of lots 7 and 8 no longer own their respective lots. Upon the transfer of title of lots 7 and 8 (whichever is later), the City of Bellaire may, at the city's sole option, remove any improvements, structures, or landscaping in the open green space between on lots 7 and 8.

The director of parks and recreation shall be permitted, pursuant to such plan and configuration as approved by the director of parks and recreation, to install park benches, picnic benches, barbecue pits, playground equipment and such lighting fixtures as shall be reasonably necessary to insure and provide for the use of the "open green space" in a manner which is conducive to free, unstructured use by families and individuals as a green area reserved for informal activities and personal enjoyment.

- (d) All construction and improvements shall be prohibited and not permitted within the area of the "open green space," and no impervious surfaces shall be permitted to be constructed or built unless deemed necessary by the director of parks and recreation as sidewalks or walkways customarily reserved for the passage of pedestrians and

vehicles for walking or jogging or otherwise necessary for the preservation of the health, safety and well-being of all persons using and enjoying the "open green space." The exclusion as herein provided shall include:

1. Any structures having walls or enclosures;
Tennis courts;
3. Softball or baseball fields or practice fields;
4. Soccer, basketball and volleyball courts or other team or individual sport play areas marked or restricted for such use; and
5. Parking lots and driveways.

(e) Notwithstanding the foregoing, the Bellaire Town Square Aquatic Center within the confines of the existing fence is exempt from this Section.