

**CITY OF FARMERSVILLE**

**ORDINANCE # O-2011-0927-002**

**AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF ARTICLE 4, "BUILDING AND CONSTRUCTION," BY AMENDING SECTION 4.105.7, ENTITLED "STREET NAMING AND PROPERTY NUMBERING PROCEDURES ARE STANDARDS AS AUTHORIZED IN THE COUNTY ROAD AND BRIDGE ACT (ART. 6702-1, TEXAS CIVIL STATUTES). THESE PROCEDURES WILL INCLUDE:," BY DELETING SUCH SECTION IN ITS ENTIRETY AND ADOPTING A NEW SECTION 4.105.7 ENTITLED "STREET NAMING AND PROPERTY NUMBERING PROCEDURES," BY AMENDING SECTION 4.105.9, "STREET NAMES ADOPTED," BY NAMING THE NEWLY ANNEXED PORTION OF COUNTY ROAD 610 BETWEEN COUNTY ROAD 611 AND U.S. HIGHWAY 380 AS COLLIN PARKWAY AND CHANGING THE CURRENT STREET NAMES OF THE 100 BLOCK OF SOUTH RIKE, THE 100 BLOCK OF AUSTIN, THE 100 BLOCK OF COLLIN, AND PROSPECT ALL IN ACCORDANCE WITH SECTION 4.105.2 OF THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS; REPEALING ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR NOTICE AND IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the current names of certain existing roadways are duplicate or similar sounding names that cause or may cause confusion; and

**WHEREAS**, the City desires to rename the current street names of the 100 block of South Rike, the 100 block of Austin, the 100 block of Collin, and Prospect to eliminate duplicate or similar sounding names; and

**WHEREAS**, the City Council of the City of Farmersville, Texas finds that all prerequisites to the adoption of this Ordinance have been met; and

**WHEREAS**, the City Council of the City of Farmersville, Texas finds that it is in the best interest of the public health, safety and welfare to rename these existing street segments;

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

**SECTION 1. Findings Incorporated**

All of the above premises are hereby found to be true and correct legislative and factual determinations of the City of Farmersville and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2. Amendment of Article 4, "Building and Construction," by amending Section 4.105.7, entitled "Street naming and property numbering procedures are standards as authorized in the County Road and**

**Bridge Act (Art. 6702-1, Texas Civil Statutes). These procedures will include;," by deleting such section in its entirety and adopting a new Section 4.105.7 entitled "Street Naming and Property Numbering Procedures" to read as follows:**

From and after the effective date of this Ordinance, Article 4, Section 4.105.7 of the Code of Ordinances, City of Farmersville, Texas, entitled, "Street naming and property numbering procedures are standards as authorized in the County Road and Bridge Act (Art. 6702-1, Texas Civil Statutes). These procedures will include;," is hereby deleted in its entirety and a new Section 4.105.7 entitled "Street Naming and Property Numbering Procedures" is hereby adopted to read as follows:

**"Sec. 4.105.7. Street Naming and Property Numbering Procedures**

- (A) Street naming and property numbering shall conform to the requirements set forth in this article, the City's Subdivision Ordinance and the requirements of state law.
- (B) New address notification of any newly approved street name, change in street name or change in street addressing assignment must be presented to the owner(s) and tenant(s) of property affected by such change(s) in writing when the final determination of the street name and/or assignment of street address(es) occurs. Notification should also be provided to the U.S. Postal Service. The street name, street name change and/or assignment of street address becomes effective as provided in the ordinance approving such action.
- (C) The property owner and tenant are responsible for posting proper address number signage within thirty (30) days after the effective date of such change as described in the new address notification.
- (D) Maintenance of the City's addressing procedure and the inventory of public streets will be the responsibility of the City Manager or his designee."

**SECTION 3. Amendment of Article 4, "Building and Construction," by amending Section 4.105.9, "Street Names Adopted," by naming the newly annexed portion of County Road 610 between County Road 611 and U.S. Highway 380 as Collin Parkway and changing the current street names of the 100 block of South Rike, the 100 block of Austin, the 100 block of Collin, and Prospect.**

From and after the effective date of this Ordinance, Article 4, Section 4.105.9 of the Code of Ordinances, City of Farmersville, Texas, entitled, "Street Names Adopted," is hereby amended in part by naming the newly annexed portion of County Road 610 between County Road 611 and U.S. Highway 380 as Collin Parkway and changing the current street names of the 100 block of South Rike, the 100 block of Austin, the 100 block of Collin, and Prospect and noting such changes in Section 4.105.9, in alphabetical order, to read as follows:

<b>"EXISTING NAMES:</b>	<b>ADD OR CHANGE TO:</b>
Austin, 100 block	North Honaker
Collin, 100 block	Yeary
	Collin Parkway
Prospect	Davis
S Rike St, 100 block	South Honaker"

### **SECTION 3. Written Notice of Change in Street Name and Change in Signage**

City staff shall provide written notice of the street name changes contained in Section 2, above, together with the effective date of such street name changes to the United States Postal Service, all emergency service providers and governmental entities within whose jurisdiction such properties are situated, and the owners and tenants of all properties affected by the foregoing street name changes. New signage reflecting the street name changes contained in Section 2, above, should be installed by the City within thirty (30) days following the effective date of this Ordinance.

### **SECTION 4. Cumulative Repealer**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

### **SECTION 5. Savings**

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 6. Severability**

It is hereby declared to be the intention of the City Council of the City of Farmersville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by valid judgment or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

#### **SECTION 7. Governmental Immunity**

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Farmersville in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

#### **SECTION 8. Injunctions**

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Farmersville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Farmersville.

#### **SECTION 9. Engrossment and Enrollment**

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

#### **SECTION 10. Effective Date**

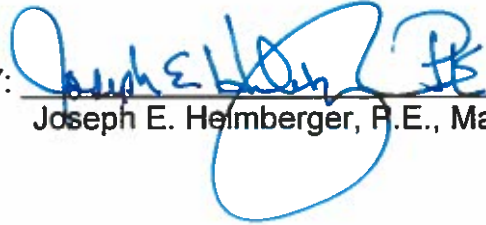
The change in street names adopted by this Ordinance shall take effect upon the 1st day of January, 2012.

**PASSED** on first reading on the 13th day of September, 2011, and second reading on the 27th day of September, 2011 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 27th DAY OF SEPTEMBER, 2011.

APPROVED:

BY:

  
Joseph E. Helmberger, P.E., Mayor

ATTEST:

  
Edie Sims, City Secretary

APPROVED AS TO FORM AND LEGALITY:

  
Alan D. Lathrom, City Attorney



## STATE OF TEXAS COUNTY OF COLLIN

Before me, the undersigned authority, on this day personally appeared Chad Engbrock, publisher of *The Princeton Herald and Farmersville Times*, newspapers regularly published in Collin County, Texas and having general circulation in Collin County, Texas, who being by me duly sworn, deposed and says that the foregoing attached:

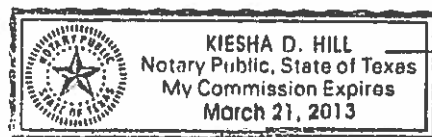
City of Farmersville  
Ordinances  
Publish date: October 6, 2011



Chad Engbrock, Publisher

Subscribed and sworn before me on this, the 6<sup>th</sup> day of October, 2011

to certify which witness my hand and seal of office.



Notary Public in and for  
The State of Texas

My commission expires 3-21-13