

ORDINANCE NO. 82-35

AN ORDINANCE ESTABLISHING REGULATIONS
FOR THE CONSTRUCTION AND MAINTENANCE OF PRIVATE STREETS
WITHIN THE CITY OF LEAGUE CITY AND OTHER RELATED PROVISIONS

WHEREAS, the City of League City, Texas (the "City"), wishes to regulate the construction and maintenance of private streets within the City, whether or not such streets (as defined herein) are constructed in connection with the laying out, subdividing or platting of land; and

WHEREAS, such regulation is in the interest of the health and safety of the residents of the City; and

WHEREAS, as a part hereof, this Ordinance will amend Article VIII, Section C(12), of the Subdivision Ordinance of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1: Definition of Private Street.

(a) For the purpose of this ordinance, the term "private street" is defined to mean a non-dedicated street on private property, including but not limited to the following:

(i) any area, parcel or strip of land, whether or not the same is depicted or shown as such on any plan, map or drawing, which is not a duly dedicated and established public street of and in the City and which provides access from any public street in the City to one or more buildings designed or appropriate collectively for occupancy by four (4) or more families, or for occupancy or use by two (2) or more businesses, industrial or commercial establishments or for occupancy and use by one (1) or more industrial, commercial or business establishments and two (2) or more families, and to which buildings there is no other access from such public street than over the area, strip or parcel of land in question; or

(ii) any area, strip or parcel of land, whether or not the same is depicted or shown as such on any map, plan or plat, which provides a connection between any two (2) public streets in the City and which the general public is permitted to use for the purpose of traveling from one (1) of such public street to the other. Under this definition, the public shall be considered as being permitted to so use such area, strip or parcel of land if in fact it does so and its use is not obstructed by gates, chains or watchmen. The mere fact that there may be posted signs prohibiting such use by the public shall not suffice to keep the area from being considered a private street under the terms of this Ordinance if in fact the owner thereof does not take and continue to take steps sufficient to prevent such use.

(b) The term "private street" shall not include the following:

(i) any driveway designed principally to provide access to any building or between any principal building and the out-buildings appurtenant thereto, or to provide access to delivery platforms or the entrances of a building appropriate for the delivery thereto of goods or merchandise;

- (ii) an area appurtenant to a store or a group of stores, a theater, a church or any similar establishment, designed primarily to be used as a parking space by customers or patrons of the establishment or group of establishments in question; or
- (iii) an entranceway or roadway designed to provide entrance to or communication or passage to or between the several units of a single industrial establishment or of a group of such establishments which are under common control or management; provided such industrial entranceway or roadway shall be considered a private street under the terms hereof if it has entrances upon two (2) or more public streets, unless there are, at each of such entrances, gates, chains or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct or such industrial plants or establishments in question.

Section 2: Necessary Approvals.

Private streets will be permitted to be constructed only with the recommendation of the Planning Commission and approval of the City Council.

Section 3: Franchises and Utilities.

All franchisees under franchises granted by the City may use private streets, as defined herein, and no franchise or other authorization shall be granted in a private street by any person or entity without a franchise having been duly authorized or the prior written consent having been given by the City.

Section 4: Agreement Between City and Developer.

An agreement between the City and any person or entity seeking to construct a private street in the City (the "Developer") will be required before a private street will be approved for construction. The agreement will be subject to review every five (5) years and will specify as a minimum:

- (a) that the Developer shall convey to the City the necessary easement and right-of-way over a private streets so that the City may provide fire and police protection, sewer, water and other normal and usual municipal services to the citizens of the City and the County of Galveston located adjacent to and nearby such private street;
- (b) that the Developer shall maintain the surface and condition of such private street so as to permit the City to use its easement and right-of-way over such private street in a reasonably safe and convenient manner. Should the Developer fail to provide the required standard of maintenance after first being given written notice of the nature of such failure and a reasonable time thereafter (not to exceed 90 days) to cure such failure, the City shall have the right to remedy such failure and receive reimbursement from the Developer for the actual cost thereof;

- (c) that the Developer shall not hold the City or any of its personnel to be guilty of trespass in regard to the use of its easement and right-of-way as defined herein;
- (d) that the Developer shall not alter, block or vacate such private street so as to interfere with or prevent the City from providing the municipal services referred to herein. However, the Developer may close such private street for short periods of time on an occasional basis so as to prevent the public dedication of such street and may erect signs identifying the private nature of such street;
- (e) that the Developer shall be responsible for the installation of all service pipes and hydrants on such private street as are required by the operating procedures of the City; and
- (f) arrangements as agreed to by the Developer and the City on the installation and maintenance of street lighting.

Section 5: City Specifications.

Private streets will be constructed according to City specifications.

Section 6. Amendment to Subdivision Ordinances.

This Ordinance amends Article VIII, Section (C (12), of the subdivision Ordinance of the City which shall hereafter make reference to this City Ordinance on private streets. The provisions of Article VIII, Section C (12), of the Subdivision Ordinance of the City are incorporated herein by reference for all purposes.

PASSED the 14th day of December, 1982, by a vote of 5 "Ayes" in favor and 0 "Nos" against, 5 (number) of Council Members present.

APPROVED the 14th day of December, 1982.

/S/ _____
JOE L. LAMB, Mayor

ATTEST:

/S/ _____
LETA F. WILLOUGHBY, City Secretary

(Seal)

APPROVED AS TO FORM:

/S/ _____
ROBERT M. COLLIE, JR, City Attorney

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