

ORDINANCE NO. 24-3760

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PLAINVIEW, TEXAS BY AMENDING CHAPTER 1, ARTICLE 1.08 OF THE CODE OF ORDINANCES AMENDING THE PROCEDURES FOR DISPOSING OF SURPLUS PROPERTY TO INCORPORATE APPLICABLE PROVISIONS AND EXCEPTIONS ALLOWED BY STATE LAW INCLUDING THOSE OUTLINED IN TEXAS LOCAL GOVERNMENT CODE CHAPTERS 253 AND 272; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City Council for the City of Plainview, Texas pursuant to the constitution and laws of the State of Texas including, but not limited to, Article 11, Section 5 of the Texas Constitution as a home rule city, and Texas Local Government Code § 51.076 to hold and dispose of real property for the benefit of the citizens of the City of Plainview; and

**WHEREAS**, the City of Plainview Code of Ordinances, Article 1.08, outlines a procedure for disposing of surplus real property owned by the City of Plainview; and

**WHEREAS**, Texas Local Government Code Chapters 253 and 272 outline certain requirements that municipalities must follow before selling or disposing of real property owned by a political subdivision of the State of Texas which includes a home-rule municipality such as the City of Plainview; and

**WHEREAS**, having multiple and duplicative requirements governing the sale of real property can cause confusion and inefficiencies in disposing of real property; and

**WHEREAS**, the City Council of the City of Plainview, desires to revise the process for the disposition of surplus real property to make it more efficient and to avoid confusion between Article 1.08 and applicable state law finds the following addition to the Code of Ordinances, City of Plainview to be reasonable and beneficial for the public health, safety and general welfare of the citizens of Plainview and a proper exercise of its police power;

**NOW THEREFORE, THE CITY OF PLAINVIEW HEREBY ORDAINS THAT:**

SECTION 1. The Code of Ordinances, City of Plainview, is amended by adding to Article 1.08, "Disposition of Surplus Real Property", Section 1.08.009, entitled "Disposition of Surplus Property by State Law as Alternative Method" to read as follows (for reference purposes, new additions to the Code of Ordinances are underlined and italicized and deleted provisions are indicated by strikethrough text):

**“Sec. 1.08.009 Disposition of Surplus Property by State Law as Alternative Method**

As an alternative, the City Council may, after declaring that real property of the city is surplus pursuant to a resolution adopted in accordance with § 1.08.001, authorize the city manager to dispose of such real property in accordance with Chapters 253 or 272 of the Texas Local Government Code or such other applicable state law.”

SECTION 2. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 3. Repealed. All other terms and provisions of the Code of Ordinances, City of Plainview, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 4. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Plainview, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 5. Publication. The City Secretary of the City of Plainview is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved on first reading this 13<sup>th</sup> day of February, 2024.

Passed and approved on second reading this 27<sup>th</sup> day of February, 2024.

  
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Charles Starnes, Mayor

ATTEST:

  
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Belinda Hinojosa, City Secretary