

CITY OF THE COLONY, TEXAS

ORDINANCE NO. 2013-1991

MASTER THOROUGHFARE PLAN AMENDMENT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THE COLONY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING APPENDIX D, COMPREHENSIVE PLAN, TO PROVIDE FOR AN AMENDMENT TO THE MASTER THOROUGHFARE PLAN OF THE CITY DATED NOVEMBER 15, 2011 BY MODIFYING THE ALIGNMENT, DESIGN STANDARDS AND DESIGN SPEED FOR THE PLANNED THOROUGHFARE EXTENDING WESTWARD FROM THE INTERSECTION OF SPRING CREEK PARKWAY AND HEADQUARTERS DRIVE; BY MODIFYING THE ALIGNMENT, DESIGN STANDARDS AND DESIGN SPEED FOR THE PLANNED THOROUGHFARE EXTENDING FROM THE SOUTHERN END OF CASCADES COURT SOUTHWARD TO PLANO PARKWAY, APPROXIMATELY 4,500 FEET EAST OF THE INTERSECTION OF S.H. 121 AND PLANO PARKWAY; AND BY ADDING THE ALIGNMENT, DESIGN STANDARDS AND DESIGN SPEED FOR A PLANNED THOROUGHFARE EXTENDING FROM TITTLE DRIVE EASTWARD TO CONNECT WITH THE NEW ALIGNMENT OF THE HEADQUARTERS DRIVE EXTENSION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, on July 2, 2007, the City Council of the City of The Colony, Texas, approved Ordinance No. 07-1723, adopting a Comprehensive Plan for the City of The Colony, Texas (the “Comprehensive Plan”); and

WHEREAS, on November 15, 2011, the City Council of the City of The Colony, Texas, adopted Ordinance No. 2011-1928, amending the Comprehensive Plan to amend the City’s Master Thoroughfare Plan dated April 16, 2008 (the “Thoroughfare Plan”); and

WHEREAS, the essential purpose of the Thoroughfare Plan is to provide a circulation system for the efficient movement of people and goods in and around the City, and to further provide a structured framework for the smooth flow of traffic that will result from future growth and development, while preserving both the quality and character of residential neighborhoods; and

WHEREAS, this amendment to the Thoroughfare Plan will ensure that sound planning principles are consistently applied to the community as it grows and as its needs change; and

WHEREAS, the continuing review and monitoring of the City’s traffic needs by the City Council, with the staff’s support and careful input, reveal that certain amendments to the Thoroughfare Plan, as set forth herein, are desirable and therefore recommended; and

WHEREAS, Section 213.003 of the Texas Local Government Code authorizes the City Council of the City of The Colony, Texas, to amend its Thoroughfare Plan by ordinance following a public hearing, and review by the City's Planning and Zoning Commission; and

WHEREAS, on December 11, 2012, prior to the adoption of this Ordinance, the City's Planning and Zoning Commission held a public hearing and recommended approval of this ordinance; and

WHEREAS, the City Council has determined that it is in the best interest of the City of The Colony, Texas, to amend the Thoroughfare Plan by addressing the long-range movement of people and goods in and around the City of The Colony, Texas.

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

SECTION 1. Each and every one of the recitals, findings, and determinations contained in the preamble to this Ordinance are incorporated into the body of this Ordinance as if fully set forth herein and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes. ***Exhibit A*** is attached hereto and incorporated herein for all purposes.

SECTION 2. That the Thoroughfare Plan shall be amended to reflect the modifications to the alignment of the six (6) lane divided thoroughfare within 88 feet of right-of-way that extends westward from the intersection of Spring Creek Parkway and Headquarters Drive and connects to S.H. 121 and South Colony Boulevard, as shown on ***Exhibit A*** ("Future Thoroughfare 6D-88").

SECTION 3. That the Future Thoroughfare shall be a six (6) lane divided Collector thoroughfare with a separated grade crossing (bridge) over the existing Burlington Northern Santa Fe (BNSF) Railroad, as shown on ***Exhibit A***. The future right-of-way width shall be reduced to extend three (3) feet behind the curb, as shown on Exhibit A. Sidewalks and utilities will be located, if at all, within easements located outside of the right-of-way for the Future Thoroughfare. The design speed for the Future Thoroughfare shall be 35 miles per hour. The design of the Future Thoroughfare shall be in accordance with ***Exhibit A***.

SECTION 4. That the Thoroughfare Plan shall be amended to reflect the modifications to the alignment of a four (4) lane divided thoroughfare within 70 feet of right-of-way that extends southward from the intersection of S.H. 121 and Cascades Court and connects to Plano Parkway approximately 4,500 feet east of the intersection of S.H. 121 and Plano Parkway, as shown on ***Exhibit A*** ("Future Thoroughfare 4D-70").

SECTION 5. That the Future Thoroughfare shall be a four (4) lane divided Collector thoroughfare, as shown on ***Exhibit A***. The future right-of-way width shall be reduced to extend three (3) feet behind the curb, as shown on ***Exhibit A***. Sidewalks and utilities will be located, if at all, within easements located outside of the right-of-way for the Future Thoroughfare. The design speed for the Future Thoroughfare shall be 35 miles per hour. The design of the Future Thoroughfare shall be in accordance with ***Exhibit A***.

SECTION 6. That the Thoroughfare Plan shall be amended to reflect the addition of an alignment of a four (4) lane divided thoroughfare within 79 feet of right-of-way that extends eastward from the intersection of Plano Parkway and Tittle Drive and connects to the new alignment of Headquarters Drive approximately 800 feet south of the intersection of S.H. 121 and South Colony Boulevard, as shown on ***Exhibit A*** (“Future Thoroughfare 4D-79”).

SECTION 7. That the Future Thoroughfare shall be a four (4) lane divided Collector thoroughfare, as shown on ***Exhibit A***. The future right-of-way width shall be reduced to extend three (3) feet behind the curb, as shown on Exhibit A. Sidewalks and utilities will be located, if at all, within easements located outside of the right-of-way for the Future Thoroughfare. The design speed for the Future Thoroughfare shall be 35 miles per hour. The design of the Future Thoroughfare shall be in accordance with ***Exhibit A***.

SECTION 8. If any section, article, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereto to any persons or circumstances, is held invalid or unconstitutional by a Court of competent jurisdiction, such holdings 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 9. That all provisions of the Ordinances of the City of The Colony, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, 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 10. That this Ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of The Colony, Texas, on this 15th day of January, 2013.

/s/JOE McCOURRY, MAYOR

ATTEST:

/s/Christie Wilson, City Secretary

APPROVED AS TO FORM:

/s/Jeff Moore, City Attorney

