

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, CLOSING THE INTERSECTION OF NOBLE LARK DRIVE AND DIETZ ELKHORN ROAD TO VEHICULAR TRAFFIC; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Fair Oaks Ranch is authorized by Title 7, Subchapter C of the Texas Transportation Code to establish and regulate compliance with rules governing the use of public thoroughfares, and,

WHEREAS, residents along Noble Lark Drive and Kalkallo Drive have informed the City of increased vehicle traffic causing safety concerns due to motorists using the roadways as a cut-through to and from Dietz Elkhorn Road, and,

WHEREAS, on December 18, 2023, the City temporarily closed Noble Lark Drive at Dietz Elkhorn Road to assess the impacts to traffic flow in the area, and,

WHEREAS, resident meetings were held on March 22 and 28, 2024 to hear feedback on driver experiences due to the temporary closure, and,

WHEREAS, at the June 20, 2024 City Council meeting, staff presented the “Noble Lark Drive Closure Analysis” conducted by the city’s General Engineering Consultant inclusive of traffic counts, drone footage, key considerations, and a recommendation to close the intersection of Noble Lark Drive and Dietz Elkhorn Road, and,

WHEREAS, after the presentation and discussion, City Council directed staff to present a proposed ordinance closing the intersection of Noble Lark Drive and Dietz Elkhorn Road, and,

WHEREAS, the City Council has deemed closing the intersection of Noble Lark Drive and Dietz Elkhorn Road is in the best of the public’s safety and well-being.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section 1. The City Council authorizes the closing of the intersection of Noble Lark Drive and Dietz Elkhorn Road to any vehicular traffic as depicted in **Exhibit A**.

Section 2. That the recitals contain in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

Section 4. That it is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and

subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

- Section 5.** This ordinance shall take effect immediately from and after its second reading, passage and any publication requirements as may be required by governing law.
- Section 6.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.
- Section 7.** If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this ordinance would have been enacted without such invalid provision.
- Section 8.** All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters ordained herein.
- Section 9.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 10.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.

PASSED and APPROVED on first reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 18th day of July, 2024.

PASSED, APPROVED, and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on reading this 1st day of August, 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriquez Bernal Santee & Zech
P.C., City Attorney