

ORDINANCE

AN ORDINANCE CHANGING THE DESIGNATION OF MCNAIRN ROAD BETWEEN SW SUNNYBROOK DRIVE TO WILLOW CIRCLE N FROM AN ALLEY TO A PUBLIC STREET; SETTING THE SPEED LIMIT OF THE PUBLIC STREET AT 30 MPH; DIRECTING THE CITY MANAGER OR DESIGNEE TO REMOVE AND ERECT THE APPROPRIATE SIGNAGE; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A CUMULATIVE CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas (“City”), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City may open or change a public street or alley of the municipality in accordance with Section 311.001 of the Transportation Code; and

WHEREAS, on June 7, 2021, in Ordinance No. CSO1777-06-2021, the City Council changed the designation of McNairn Road, beginning at the intersection of the centerline of SW Sunnybrook Drive and McNairn Road to the terminus at the intersection of the centerline of Willow Circle N and McNairn Road in the City of Burleson, Texas (the “McNairn Road Portion”) from a public street to an alley; and

WHEREAS, the McNairn Road Portion is in the city limits; and

WHEREAS, the current speed limit for the McNairn Road Portion is 15 mph; and

WHEREAS, the City has received numerous complaints from residents about drivers speeding through the McNairn Road Portion; and

WHEREAS, Section 545.352 of the Transportation Code establishes the prima facie speed limit of a street at 30 mph; and

WHEREAS, the City Council finds that the public would be best served by using the McNairn Road Portion for through traffic as a public street; and

WHEREAS, the City Council desires to change the McNairn Road Portion’s designation as an alley to that of a street; and

WHEREAS, the City Council finds and determines that this ordinance is in the best interest of the public health, safety and general welfare of the citizens of Burleson, Texas; and

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council finds that this ordinance may be considered and approved in only one meeting because the provisions of this ordinance change or set a speed limit.

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

Section 1.

The certain portion of McNairn Road beginning at the intersection of the centerline of SW Sunnybrook Drive and McNairn Road to the terminus at the intersection of the centerline of Willow Circle N and McNairn Road in the City of Burleson, Texas, is hereby designated as a public street.

Section 2.

The area described in Section 1 of this ordinance is hereby designated a 30 mph speed zone. It shall be unlawful for any person to drive or operate any vehicle at a rate in excess of thirty (30) miles per hour in the area described in Section 1 of this ordinance.

Section 3.

The City Manager or designee is hereby directed to remove or cause to be removed any signage giving notice that the area described in Section 1 of this ordinance is designated as an alley. The City Manager or designee is hereby directed to remove or cause to be removed any signage giving notice of a speed limit other than the speed limit established Section 2 for the area described in Section 1 of this ordinance. The City Manager or designee is hereby directed to erect or cause to be erected appropriate signage giving notice of the appropriate speed limit established Section 2 for the area described in Section 1 of this ordinance. The provisions of this ordinance regarding the speed limit shall not be effective until such signs or markings are erected.

Section 4.

The findings set forth above in the recitals of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 5.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 6.

This ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

Section 7.

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 8.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for that purpose.

Section 9.

A violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be a fine not exceeding \$200.00.

Section 10.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED:

First and Final Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney