

**ORDINANCE NO. 2014-1169**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING ORDINANCE NUMBER 2013-1091; PROVIDING RULES AND REGULATIONS FOR RIGHTS OF WAY; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Fulshear, Texas ("City"), desires to ensure adequate mobility for current and future residents both inside the City and in the City's extraterritorial jurisdiction; and

**WHEREAS**, requiring adequate Rights of Way is of utmost importance to insuring future road way capacity; and

**WHEREAS**, amending the Right of Way requirements in the Subdivision Ordinance is of benefit to current and future residents so that adequate mobility capacity exists;

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

**Section 1.** That the facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

**Section 2.** That Section 18, Sub-section C., Paragraph 2 titled Right of Way Width in Ordinance No. 2013-1091 is hereby amended to read as follows:

"2. Right of Way Width: The Right of Way width to be dedicated for a Major Thoroughfare shall be at least one hundred and twenty feet (120'); for Principal Arterials the Right of Way shall be one hundred feet (100'); for Minor Arterials the Right of Way shall be eighty feet (80'); and for all other streets shall be sixty feet (60'). Provided however, that the City Council may allow a street Right of Way width of less than sixty

feet (60') but not less than fifty feet (50') with such exception being allowed only for streets with storm sewers that are not open ditches or if the street is located so that it logically could not be extended to connect with an existing, approved, proposed or possible future street."

**Section 3.** *Severability.*

In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 4.** *Penalty.*

Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

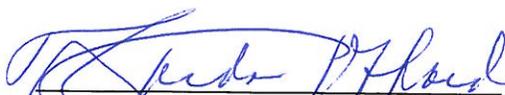
**Section 5.** *Effective date.*

This Ordinance shall become effective when published as required by law.

**PASSED** and **APPROVED** this, the 16th day of December, 2014.

  
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Thomas C. Kurkendall, Jr., Mayor

**ATTEST:**

  
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D. Gordon Offord, City Secretary