

AN ORDINANCE OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 13 (THE THOROUGHFARE PLAN) OF THE TOWN OF PROSPER’S COMPREHENSIVE PLAN, ORDINANCE NO. 04-103; REVISING A PORTION OF FIRST STREET, LOCATED BETWEEN COLEMAN STREET AND CRAIG STREET, FROM A FUTURE FOUR LANE DIVIDED THOROUGHFARE (90 FEET OF RIGHT-OF-WAY) TO A FUTURE THREE LANE THOROUGHFARE (60 FEET OF RIGHT-OF WAY); PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Town Council of the Town of Prosper, Texas (“Town Council”) has investigated and determined that Section 13 (The Thoroughfare Plan) of the Town of Prosper, Texas (“Prosper”) Comprehensive Plan, Ordinance No. 04-103 should be amended; and

WHEREAS, Prosper has complied with all notices and public hearings as required by law; and

WHEREAS, the Town Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Prosper to amend a portion of the Comprehensive Plan as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Prosper’s Comprehensive Plan, Ordinance No. 04-103. Section 13 (The Thoroughfare Plan) of Prosper’s Comprehensive Plan, Ordinance No. 04-103 is hereby amended to revise a portion of First Street, located between Coleman Street and Craig Street, from a future four lane divided thoroughfare (90 feet of right-of-way) to a future three lane thoroughfare (60 feet of right-of-way), attached hereto as “Exhibit A.”

SECTION 3: Savings/Repealing Clause: Prosper’s Comprehensive Plan, Ordinance No. 04-103 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 4: Severability: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

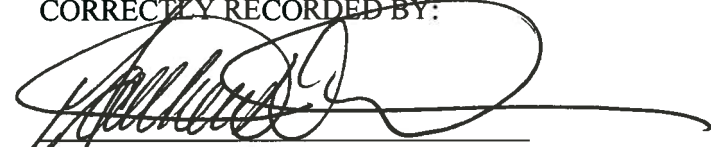
SECTION 5: Effective Date: This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 10th DAY OF NOVEMBER, 2009.

APPROVED AS TO FORM:


Charles Niswanger, Mayor

ATTESTED TO AND
CORRECTLY RECORDED BY:

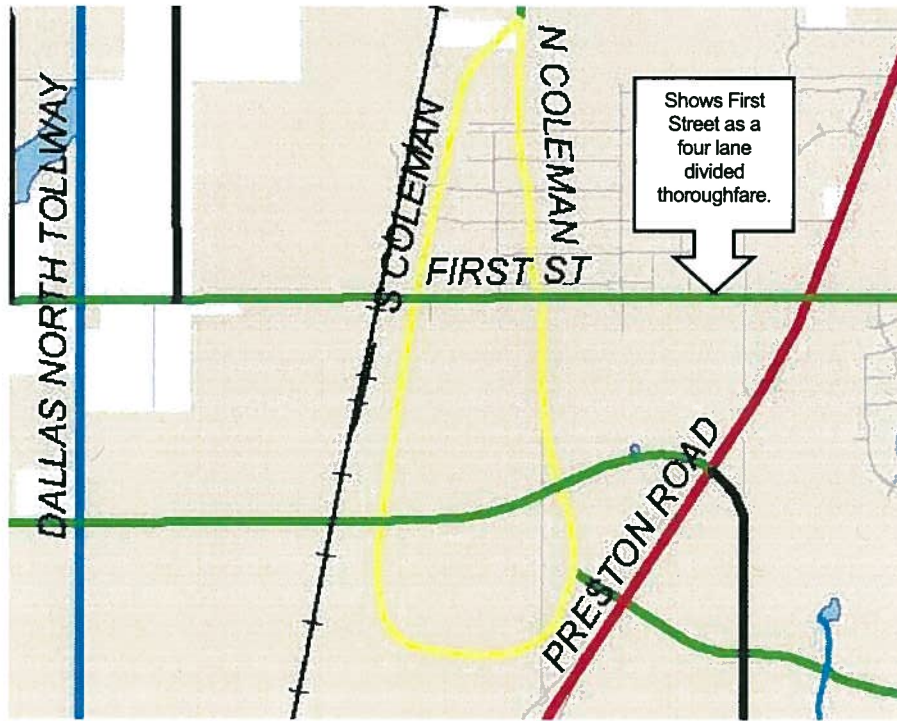

Matthew D. Denton, TRMC
Town Secretary



DATE OF PUBLICATION: NOVEMBER 20, 2009, Dallas Morning News

Exhibit A

Town's Thoroughfare Plan as adopted in June 2006



Proposed Amendment to the Town's Thoroughfare Plan

