

ORDINANCE NO. 2009 - 06

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING ORDINANCE NUMBERS 2005-006 AND 2006-22 TO REMOVE THE TRAFFIC CONTROL GATE ARM INSTALLED AS PART OF THE TRAFFIC CALMING MEASURES RELATING TO 185TH WAY; PROVIDING FOR INSTRUCTIONS TO THE TOWN ADMINISTRATOR TO REMOVE THE TRAFFIC CONTROL GATE; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town is the legal owner of those portions of S.W. 185th Way, which lie within Town of Southwest Ranches' boundary (hereinafter the "Road"); and

WHEREAS, the Road is a local road void of any traffic signals and was created solely to service a rural residential community and its equestrian traffic; and

WHEREAS, on May 19, 2005, pursuant to Ordinance No. 2005-006, the Town, in order to better protect the health, safety and welfare of its residents, determined that a traffic control gate should be installed on the Road; and

WHEREAS, on September 14, 2006, pursuant to Ordinance 2006-22, the Town also began a phased implementation of additional traffic calming measures, speed tables, on the Road; and

WHEREAS, since these additional traffic calming measures have been implemented the Town has seen a dramatic decrease in the vehicular issues pertaining to the Road; and

WHEREAS, the Town now finds that the traffic control gate arm no longer serves its intended purpose and that it is in the best interest of the health, safety, and welfare of its residents to remove the traffic control gate.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

Section 2: That, at duly noticed public hearings held on January 15th and February 5, 2009, the Town Council, having considered the evidence submitted, the analysis of the Town Staff, and comments from interested parties, upon a motion duly made and acted upon, has determined that it is in the best interest of the health, safety, and welfare of the Town's residents to amend Ordinance Number 2005-006 and 2006-22 by removing the traffic control gate arm on SW 185th Way. The gate's assembly box, including but not limited to the gate's electrical components, may remain in its present location.

Section 3: The Town Council hereby authorizes the Town Administrator to take whatever actions are necessary to facilitate the removal of the SW 185th traffic control gate arm.

Section 4. The Town Clerk is hereby directed, if necessary, to record a copy of this Ordinance in the Public Records of Broward County, Florida.

Section 5. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 7. Effective Date. This Ordinance shall be effective immediately upon its adoption.

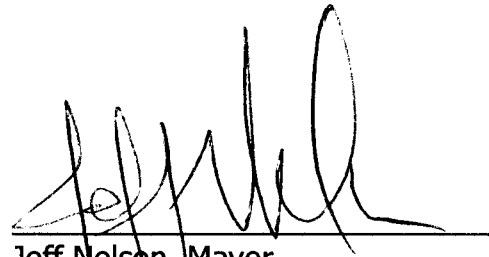
PASSED ON FIRST READING this 8th day of January, 2009 on a motion made by Council Member Aster Knight and seconded by Council Member Doug McKay.

PASSED AND ADOPTED ON SECOND READING this 5th day of February, 2009, on a motion made by Council Member Doug McKay and seconded by Council Member Aster Knight.

Nelson	<u>Y</u>
Breitkreuz	<u>Y</u>
Fisikelli	<u>Y</u>
Knight	<u>Y</u>
McKay	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>


[SIGNATURES ON FOLLOWING PAGE]


Jeff Nelson, Mayor

Attest:


Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:


Gary A. Poliakoff, J.D., Town Attorney
FTL_DB: 1162145_1