

ORDINANCE NO. 20220524-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS REZONING AN APPROXIMATE 2.748 ACRES IN THE J. DE J. VALDERES SURVEY, ABSTRACT NO. 380, CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS, FROM CHAPTER 28, ZONING, ARTICLE III ZONING DISTRICTS SECTION 28-57 C-G - COMMERCIAL-GENERAL DISTRICT TO CHAPTER 28 ZONING, ARTICLE III ZONING DISTRICTS SECTION 28-45 SF-7.2 SINGLE-FAMILY RESIDENTIAL-7.2 DISTRICT OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND AN EFFECTIVE DATE.

WHEREAS, the City is authorized by Chapter 211 of the Texas Local Government Code to promulgate rules and regulations governing regulation of land use, structures, businesses, and related activities; and

WHEREAS, the City Council further finds that the rules and regulations governing land use, structures, and related activities within the territorial limits of the City promote the safe, orderly, and healthful development of the City; and

WHEREAS, on May 5, 2022 the Angleton Planning and Zoning Commission conducted a public hearing regarding a request by Patrick and Gail Thomas to rezone an approximate 2.748 acres from Chapter 28 Zoning, Article III Zoning Districts Section 28-57 C-G – Commercial General District to the Chapter 28 Zoning, Article III Zoning Districts Section 28-45 SF-7.2 Single-Family Residential-7.2 District of the Code of Ordinances City of Angleton, Texas following lawful publication of the notice of said public hearing; and

WHEREAS, on May 5, 2022 after considering the public testimony received at such hearing, if any, the Planning and Zoning Commission has recommended that the request by Patrick and Gail Thomas to rezone an approximate 2.748 acres from Chapter 28 Zoning, Article III Zoning Districts Section 28-57 C-G – Commercial General District to the Chapter 28 Zoning, Article III Zoning Districts Section 28-45 SF-7.2 Single-Family Residential-7.2 District be approved; and

WHEREAS, on May 24, 2022 the City Council of the City of Angleton conducted a public hearing regarding a request by Patrick and Gail Thomas to rezone an approximate 2.748 acres from Chapter 28 Zoning, Article III Zoning Districts Section 28-57 C-G – Commercial General District to the Chapter 28 Zoning, Article III Zoning Districts Section 28-45 SF-7.2 Single-Family Residential-7.2 District of the Code of Ordinances City of Angleton, Texas; and

WHEREAS, on May 24, 2022 the City Council of the City of Angleton, Texas approved the request by Patrick and Gail Thomas to rezone an approximate 2.748 acres from Chapter 28 Zoning, Article III Zoning Districts Section 28-57 C-G – Commercial General District to the Chapter 28 Zoning, Article III Zoning Districts Section 28-45 SF-7.2 Single-Family Residential-7.2 District of the Code of Ordinances City of Angleton, Texas; and

WHEREAS, each and every applicable requirement set forth in Chapter 211, Subchapter A, Texas Local Government Code and the Code of Ordinance of the City of Angleton, Texas, concerning public notices, hearings and other procedural matters have been fully met; and

WHEREAS, the City Council desires to rezone an approximate 2.748 acres from Chapter 28 Zoning, Article III Zoning Districts Section 28-57 C-G – Commercial General District to the Chapter 28 Zoning, Article III Zoning Districts Section 28-45 SF-7.2 Single-Family Residential-7.2 District of the Code of Ordinances, City of Angleton, Texas;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS;

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof as if copied herein verbatim.

SECTION 2. The request by Patrick and Gail Thomas to rezone an approximate 2.748 acres from Chapter 28 Zoning, Article III Zoning Districts Section 28-57 C-G – Commercial General District to the Chapter 28 Zoning, Article III Zoning Districts Section 28-45 SF-7.2 Single-Family Residential-7.2 District of the Code of Ordinances, City of Angleton, Texas be approved.

SECTION 3. 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 Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of the Ordinance occurs shall constitute a separate offense.

SECTION 4. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5. 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 Angleton, 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 on or more parts.

SECTION 6. This ordinance shall be effective and in full force immediately upon its adoption.

SECTION 7. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said

meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code

PASSED AND APPROVED THIS THE 24TH DAY OF MAY 2022.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Frances Aguilar, TRMC, MMC
City Secretary

EXHIBIT A



County: Brazoria County
Project: 2.748 Acre N Tract
Job No.: 15239

FIELD NOTES FOR 2.748 ACRES

Being a tract of land containing 2.748 acres, located within the J. De J. Valderes Survey, Abstract No. 380, Brazoria County, Texas; Said 2.748 acre tract, being a portion of the tract conveyed to Theresa Gail and Patrick Thomas, as recorded in Brazoria County Clerk's File No. (B.C.C.F.N.) 2018064937, said 2.748 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System of 1983, (NAD83) Central Zone, per GPS observations):

BEGINNING at a point in the west right-of-way (R.O.W.) line of N. Valderas Street, for the northeast corner of the herein described tract;

THENCE South $00^{\circ}00'25''$ East, along the west R.O.W. line of said N. Valderas Road and the east line of the herein described tract, a distance of 77.00 feet to a point for the most southerly northeast corner of the herein described tract;

THENCE South $89^{\circ}59'48''$ East, along the south line of the herein described tract, a distance of 289.90 feet to a point for an interior corner of the herein described tract;

THENCE South $00^{\circ}01'54''$ East, along a southeasterly line of the herein described tract, a distance of 229.83 feet to a point for the southeast corner of the herein described tract;

THENCE South $89^{\circ}59'41''$ West, along the south line of the herein described tract, a distance of 315.81 feet to a point for the southwest corner of the herein described tract;

THENCE North $00^{\circ}50'10''$ West, along the west line of the herein described tract, a distance of 306.25 feet to a point for the northwest corner of the herein described tract;

THENCE North $89^{\circ}56'28''$ East, along the north line of the herein described tract, a distance of 610.04 feet to the **POINT OF BEGINNING**, containing 2.748 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.