

**ORDINANCE NO. 2-08/2018**

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, TO AMEND THE "ZONING MAP OF THE CITY OF ANGLETON" BY CHANGING THE ZONING DISTRICT DESIGNATION AND PROVIDING FOR A ZONING CHANGE TO 6.409 ACRES LOCATED SOUTH OF EAST HENDERSON ROAD (CR 341) AND IMMEDIATELY WEST OF THE ROSEWOOD, SECTION TWO SUBDIVISION, IN THE CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS; FROM SF-5 (SINGLE-FAMILY RESIDENTIAL) AND PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD); PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000 FOR EACH AND EVERY OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, Riverway Properties, as the duly authorized agent representing the owner, Andy Fleshman, has requested that said property be rezoned from the SF-5 (Single-Family Residential) district and the Planned Development (PD) district to the Planned Development (PD) district subject to compliance with the Planned Development Concept Plan attached hereto as Exhibit "C"; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on August 2, 2018; and

**WHEREAS**, the City Council conducted a public hearing on August 7, 2018; and

**WHEREAS**, notice of the public hearings was published in the newspaper and sent to property owners within 200 feet of the zoning request; and

**WHEREAS**, the Planning and Zoning Commission chose to forward the request to the City Council without a recommendation for the requested rezoning to the Planned Development (PD) district subject to compliance with the Planned Development Concept Plan attached hereto as Exhibit "A"; and

**WHEREAS**, The City Council finds the change in zoning is consistent with the Future Land Use Plan recommendation of the Comprehensive Plan, consistent with the existing zoning of property immediately west of the subject property, and that said zoning would be consistent with generally accepted urban planning principals based on the surrounding zoning and existing land uses.

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

**SECTION 1:** That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

**SECTION 2:** That the 6.409 acres located south of East Henderson Road (CR 341) and immediately west of the Rosewood, Section Two, subdivision in the City of Angleton, Brazoria County, Texas, more particularly described in

Exhibit "A" and depicted graphically by Exhibit "B", be rezoned from SF-5 (Single-Family Residential) and PD (Planned Development) to the PD (Planned Development) subject to compliance with the Planned Development Concept Plan attached hereto as Exhibit "C".

**SECTION 3:** That the Zoning Map of the City of Angleton is hereby amended in accordance with the provisions of this Ordinance to show the change in zoning district classification.

**SECTION 4:** That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding \$2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

**SECTION 5:** That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no way affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

**SECTION 6:** That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code – Chapter 551, as amended, and that a quorum of the City Council was present.


**SECTION 7:** That this Ordinance shall be effective not less than 10 days from the date of its passage and in accordance with the time set forth in the City Charter and the City Secretary is directed to cause the descriptive caption of this Ordinance to be published in the official newspaper of the City, at least once within ten days after the passing of the Ordinance.

**SECTION 8:** That this Ordinance shall be in full force and effect from and after August 7, 2018.

PASSED AND APPROVED this 7th day of August, 2018.

  
\_\_\_\_\_  
Jason Perez, Mayor

ATTEST:

  
\_\_\_\_\_  
Scott Albert, City Manager

## EXHIBIT A



BEING A 6.409 ACRE TRACT OF LAND IN THE THEODORE S. LEE SURVEY, ABSTRACT NO. 318, BRAZORIA COUNTY, TEXAS; SAID 6.409 ACRE TRACT BEING A PART OF A 16.033 ACRE TRACT CONVEYED TO PAUL O'FARRELL, TRUSTEE D/B/A HERITAGE DEVELOPMENT COMPANY FROM JAMIL M. ZABANEH, TRUSTEE BY DEED DATED FEBRUARY 21, 2005 AND RECORDED UNDER COUNTY CLERK'S FILE (C.C.F.) NO. 2005011298 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS (O.R.B.C.T.); SAID 6.409 ACRE TRACT INCLUDES THE 2.364 ACRE DETENTION RESERVE (RESERVE A) OF THE ROSEWOOD SUBDIVISION, SECTION I AS RECORDED UNDER C.C.F. NO. 2007034050 OF THE O.R.B.C.T. AND A PORTION OF THE 0.629 ACRE DRAINAGE RESERVE (RESERVE B) OF SAID ROSEWOOD SUBDIVISION, SECTION I; SAID 6.409 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a five-eighths inch iron rod with an aluminum cap marked "PRM 2513" found at the southwest corner of said 16.033 acre tract and the southwest corner of said 2.364 acre detention reserve, same being the northwest corner of the Angleton Plantation Oaks Subdivision as recorded in Volume 20, Pages 275 and 276 of the P.R.B.C.T.; same being on the east line of the Greenridge North Subdivision, Section III as recorded in Volume 16, Page 48 of the P.R.B.C.T., the west line of said T. S. Lee Survey, and the east line of the J. de J. Valderas Survey, Abstract No. 380;

THENCE North 00° 00' 00" East (Reference Bearing), along the west line of said 16.033 acre tract, the west line of said detention reserve, the east line of said Greenridge North Subdivision, Section III, the west line of said T. S. Lee Survey, and the east line of said J. de J. Valderas Survey, at 419.66 feet pass a one inch iron pipe found at the northeast corner of said Greenridge North Subdivision, Section III and the southeast corner of a 1.00 acre tract conveyed to Raymond D. Felder from Vera Elizabeth Reagan Felder by deed dated January 15, 1993 and recorded under C.C.F. No. 93-002002 of the O.R.B.C.T., and continuing along the east line of said 1.00 acre tract, at 617.89 feet pass a five-eighths inch iron rod with a plastic cap marked "Baker & Lawson" set on line, and continuing for a total distance of 618.89 feet to a point for the northwest corner of said 16.033 acre tract and the northwest corner of said detention reserve on the south right-of-way line of Henderson Road; from which a found one-half inch iron rod bears South 71° 29' 40" East, 1.09 feet;

THENCE North 87° 04' 00" East, along the north line of said 16.033 acre tract, the north line of said detention reserve, and the south right-of-way line of Henderson Road, at 165.44 feet pass a five-eighths inch iron rod with a plastic cap marked "Baker & Lawson" found at the northeast corner of said detention reserve, and continuing for a total distance of 201.56 feet to a five-eighths inch iron rod with a plastic cap marked "Baker & Lawson" found for angle point;

THENCE North 89° 56' 04" East, continuing along the north line of said 16.033 acre tract and the south right-of-way line of Henderson Road, a distance of 243.93 feet to a five-eighths inch iron rod with a plastic cap marked "Baker & Lawson" set for corner;

Property Exhibit

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HERBERT S. SMITH, P.E. - Principal Engineer

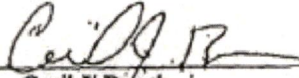
CORPORATE OFFICE 300 EAST CEDAR ANGLETON, TEXAS 77515  
(979) 849-0081 • (713) 222-7451 • Fax (979) 849-6669

DESCRIPTION OF 6.409 ACRES  
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THENCE South 00° 00' 44" East, at 459.39 feet pass a five-eighths inch iron rod with a plastic cap marked "Baker & Lawson" set on the north line of said drainage reserve, at 519.39 feet pass a five-eighths inch iron rod with a plastic cap marked "Baker & Lawson" set on the south line of said drainage reserve, and continuing for a total distance of 629.39 feet to a five-eighths inch iron rod with a plastic cap marked "Baker & Lawson" set for corner on the south line of said 16.033 acre tract and the north line of said Angleton Plantation Oaks Subdivision;

THENCE South 89° 59' 16" West, along the south line of said 16.033 acre tract and the north line of said Angleton Plantation Oaks Subdivision, at 280.00 feet pass a five-eighths inch iron rod found at the southeast corner of said detention reserve, and continuing for a total distance of 445.36 feet to the POINT OF BEGINNING and containing 6.409 acres of land, of which 2.364 acres is said detention reserve and 0.277 acre is within said drainage reserve. The description herein is based on a survey made on November 19, 2009 by Baker & Lawson, Inc.

CERTIFIED CORRECT:

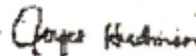


Cecil J. Booth  
Registered Professional Land Surveyor  
Registration No. 2061



Date: 19 NOV 09  
Job No. 10428

Doc# 2011008139  
# Pages 4  
02/28/2011 2:22PM  
Official Public Records of  
BRAZORIA COUNTY  
JOYCE HUMAN  
COUNTY CLERK  
Fees \$26.00



**EXHIBIT B**  
**SUBJECT PROPERTY**



**RIVERWAY**  
CAPITAL PARTNERS

Investment Summary: Acquisition – Raw Land Acquisition – SFR Hold/Redevelopment Play

+/- 6.2 Acres – E. Henderson St, Angleton, TX 77515 – Angleton Submarket



# EXHIBIT C PLANNED DEVELOPMENT CONCEPT PLAN

