

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS CHANGING THE ZONING USE DESIGNATION OF A 5.81 ACRE TRACT IN THE NORTHEAST QUARTER OF THE LUNATIC ASYLUM LANDS SECTION NUMBER 7, ORIGINAL GRANTEE W. F. LEE ABSTRACT NUMBER 1197, CITY OF BRECKENRIDGE, STEPHENS COUNTY, TEXAS FROM GENERAL BUSINESS DISTRICT (“C-3”) TO MOBILE HOME DWELLING DISTRICT (“MH”) EFFECTIVE JUNE 1, 2021; AMENDING THE ZONING MAP FOR THE CITY OF BRECKENRIDGE TO REFLECT SUCH CHANGE; AND ADOPTING THE ZONING MAP SO AMENDED.

WHEREAS, pursuant to state law, the City Commission of the City of Breckenridge, Texas (the “City Commission”) adopted a zoning ordinance and appointed a Planning & Zoning Commission to recommend amendment of that ordinance, from time to time;

WHEREAS, the owner of a 5.81 acre tract of land in the Northeast Quarter of the Lunatic Asylum Lands, Section Number 7, Original Grantee W. F. Lee Abstract Number 1197, City of Breckenridge, Stephens County, Texas (the “Property”) submitted a petition requesting that the zoning use designation for the Property be changed from General Business District (“C-3”) to Mobile Home Dwelling District (“MH”) to accommodate the development of an RV park on the Property;

WHEREAS, the Planning & Zoning Commission held a public hearing regarding the request on May 11, 2021, after giving due notice regarding same, considered the request, and made a recommendation to the City Commission that the request be approved;

WHEREAS, the City Commission held a public hearing on June 1, 2021, after giving due notice regarding same according to the procedures imposed by state law and approved the request but inadvertently did not adopt an ordinance reflecting said zoning change; and

WHEREAS, the City Commission finds that the zoning change approved on June 1, 2021 and formally adopted by this ordinance is in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City, and is made in accordance with the City’s Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

1. That the zoning use designation of property described as a 5.81 acre tract of land in the Northeast Quarter of the Lunatic Asylum Lands, Section Number 7, Original Grantee W. F. Lee Abstract Number 1197, City of Breckenridge, Stephens County, Texas, as more particularly described in the attached **Exhibit “A”** is hereby changed from General Business District (“C-3”) to Mobile Home Dwelling District (“MH”).
2. That the official zoning map of the City of Breckenridge is hereby amended to reflect the zoning use designation change described above, and that the map so amended is hereby adopted.

3. This ordinance shall take effect immediately upon its adoption by the City Commission; however, it is the City Commission's intention that the zoning change take effect as of June 1, 2021.

PASSED, APPROVED, AND ADOPTED on this the 3rd day of May 2022.

ATTEST:

Bob Sims, Mayor

Jessica Sutter, City Secretary

S E A L

EXHIBIT "A"

OWEN SURVEYING CO.
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MICHAEL DAVIS,
PRESIDENT
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ERIC BRENNAN, RPLS #5560
Firm Number 10069000
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METES AND BOUNDS DESCRIPTION
Parcel Two - 5.81 Acre Tract

All that certain 5.81 acre tract or parcel of land situated in northeast quarter of the Lunatic Asylum Lands Section Number 7, original grantee W. F. Lee Abstract Number 1197, City of Breckenridge, County of Stephens, State of Texas, said tract being the remainder of a called 6.00 acre tract as described in deed to Billy Cook, filed 04 September 2009, and recorded in volume 1961 page 250 of the Official Public Records of Stephens County, and being more particularly described as follows;

BEGINNING for the southwest corner of the tract being described herein at a set 1/2 rebar on the east line of Farm to Market Road Number 3099, said rebar being the remainder of said Cook tract, and said rebar being the southeast corner of a called 0.195 acre tract as described in deed from Bob Cook to the State of Texas, filed 27 April 1994, and recorded in volume 1155 page 58 of the Deed Records of said Stephens County, same being the northwest corner of a called 17.2 acre tract as described in deed to Sloan Thompson, filed 30 December 1960, and recorded in volume 312 page 14 of said official public records, said rebar also having NAD83 NCTZ grid coordinates of N-6958471.2, E-1831566.56;

THENCE: North 04 degrees 03 minutes 16 seconds East, with the east line of said road, a distance of 237.37 feet to a set 1/2 inch rebar for an angle point in the east line of said road;

THENCE: North 11 degrees 18 minutes 25 seconds East, with the east line of said road, a distance of 113.9 feet to a set 1/2 inch rebar for the northwest corner of this tract and the remainder northwest corner of said Cook tract 6.00 acre tract, same being the southwest corner of a called 2.94 acre tract as described in deed to Wimberley, Inc., filed 04 February 2013, and recorded in volume 2040 page 416 of said official public records;


THENCE: North 89 degrees 51 minutes 54 seconds East, with the north line of said Cook 6 acre tract, and with the south line of said Wimberley tract, and with a barbed wire fence and passing at 295.38 feet a T-Post near the southeast corner of said Wimberley tract, and continuing on said course and passing at 698.19 feet a pipe fence corner post, and continuing on said course leaving said fence, a total distance of 701.79 feet to a set 1/2 inch rebar for the northeast corner of said Cook 6 acre tract;

THENCE: South 00 degrees 09 minutes 31 seconds West, with the east line of said Cook 6 acre Tract, a distance of 349.34 feet to a pipe fence corner post for the southeast corner of said Cook 6 acre tract, and said post being on the north line of said Thompson tract;

THENCE: South 89 degrees 56 minutes 21 seconds West, with the south line of said Cook 6 acre tract and with the north line of said Thompson tract, and with a barbed wire fence, a distance of 739.94 feet to the POINT OF BEGINNING and containing 5.81 acres of land.

NAD83 Grid Bearings and Distances reflect surface measurements.




Eric Brennan, Texas Registered
Professional Land Surveyor
Number 5560
Dated 28 May 2020