

**TOWN OF BARTONVILLE, TEXAS
ORDINANCE NO. XXX-23**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING ORDINANCE NO. 361-05, THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF BARTONVILLE, AS AMENDED, BY CHANGING THE ZONING DESIGNATION OF FOUR TRACTS OF LAND, TOTALING APPROXIMATELY 101.467 ACRES, IN THE DANIEL COOK SURVEY, ABSTRACT NUMBER 230, AND A.M. FELTUS SURVEY, ABSTRACT NUMBER 1594, GENERALLY LOCATED NORTHEAST OF E. JETER ROAD AND SOUTH OF THE HAT CREEK SUBDIVISION, IN THE TOWN, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF AGRICULTURAL (AG) TO A ZONING DESIGNATION OF RESIDENTIAL ESTATES 5 (RE-5), AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the Town has the authority to adopt a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures, and land for business, industrial, residential or other purposes, and to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare; and

WHEREAS, the owner of four tracts of land, totaling 101.467 acres, in the Daniel Cook Survey, Abstract Number 230, and A.M. Feltus Survey, Abstract Number 1594, generally located northeast of E. Jeter Road and south of the Hat Creek Subdivision, in Bartonville, Texas, has initiated an application on the hereinafter described property to re-zone same; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the Town of Bartonville on the 1st day of November, 2023, and by the Town Council of the Town of Bartonville on the 21st day of November, 2023, with respect to the zoning change described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the Town Council of the Town of Bartonville, Texas does hereby deem it advisable and in the public interest to amend Ordinance 361-05, Zoning Regulations for the Town of Bartonville, as amended, and the Official Zoning Map of the Town, as described herein.

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
ORDINANCE 361-05 AMENDED**

Ordinance 361-05, Zoning Regulations for the Town of Bartonville, as amended, and the Official Zoning Map of the Town of Bartonville is hereby amended so as to change the zoning classification of four tracts of land, totaling approximately 101.467 acres, in the Daniel Cook Survey, Abstract Number 230, and A.M. Feltus Survey, Abstract Number 1594, generally located northeast of E. Jeter Road and south of the Hat Creek Subdivision, in the Town of Bartonville, as more particularly described in Exhibit "A" attached hereto, and incorporated herein for all purposes, from a zoning designation of Agricultural (AG) to a Zoning Designation of Residential Estates 5 (RE 5).

**SECTION 3.
OFFICIAL ZONING MAP AMENDED**

The Town Secretary is hereby directed to amend the official zoning map to reflect the changes in classification approved herein.

**SECTION 4.
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 5.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.
SAVINGS**

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning classifications or changes in zoning classifications, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 8.
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 9.
PUNISHMENT**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Bartonville, Texas, as heretofore amended, and upon conviction shall be punished by a fine not

to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 10.
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication, as the law provides.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 21st day of November 2023.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary

DRAFT

Exhibit A

DRAFT

ZONING LEGAL DESCRIPTION
101.467 ACRES/4,419,898 SQ. FT.

BEING a 101.467 acre tract of land situated in the Daniel Cook Survey, Abstract No. 230 and the A. M. Feltus Survey, Abstract No. 1594, Denton County, Texas and being a part of a called 183.23 acre tract of land as described indeed to Ponca City Inn, Inc, as recorded in County Clerk's Instrument No. 2021-115695, Official Records Denton County, Texas, (ORDCT) said tract being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" iron rod (leaning) in concrete found for the northeast corner of said 183.23 acre tract and being the southeast corner of Hat Creek Estates (Lot 1) as recorded in Instrument No. 2017-260 ORDCT and being in the west line of a called 99.8173 acre tract as described in deed to Education Leads to Success Foundation, recorded in Instrument No. 2020-151501 ORDCT;

THENCE South 00°30'01" East, with the common line of said 183.23 acre tract and said 99.8173 acre tract, a distance of 926.45 feet to a point for corner;

THENCE over and across said 183.23 acre tract, the following courses and distances as follows:

South 89°42'58" West, a distance of 1,430.64 feet to the beginning of a curve to the left, having a radius of 570.00 feet and a chord bearing and distance of South 67°05'22" West - 438.59 feet;

Southwesterly along said curve to the left, through a central angle of 45°15'12" an arc distance of 450.20 feet to a point for corner and the end of said curve;

South 44°27'46" West, a distance of 613.16 feet to a point for corner;

South 00°29'28" East, a distance of 1,045.07 feet to a point for corner in south line of said 183.23 acre tract and the north right-of-way line of Jeter Road East;

THENCE South 89°30'32" West, with the south line of said 183.23 acre tract and the north line of said Jeter Road East, a distance of 951.35 feet to a 1/2" capped iron rod stamped "KAZ" found the beginning of a curve to the right having a radius of 100.69 feet and a chord bearing and distance of North 45°43'32" West - 141.81 feet;

THENCE northwesterly with said curve to the right through a central angle of 89°31'51" an arc distance of 157.34 feet to a 1/2" capped iron rod stamped "KAZ" found for the end of said curve;

THENCE North 00°51'38" West, with the west line of said 183.23 acre tract and the east right-of-way line of said Jeter Road East, a distance of 314.27 feet to a 1/2" iron rod found for corner;

THENCE North 24°14'34" West, with the west line of said 183.23 acre tract and the east right-of-way line of said Jeter Road East, a distance of 69.09 feet to a 5/8" iron rod found for corner;

THENCE North 00°56'31" West, with the west line of said 183.23 acre tract, passing at a distance of 66.94 feet the southeast corner of a called 26.010 acre tract as described in a deed to Locke Living Trust, recorded in Instrument No. 2000-29231 ORDCT, in all a total distance of 1,096.87 feet to a 5/8" iron rod found for the most westerly northwest corner of said 183.23 acre tract and in the south line of Deer Hollow (Lot 4, Block B) as recorded in Instrument No. 2023-18 ORDCT;

THENCE North 89°35'32" East, with the most southerly north line of said 183.23 acre tract and the south line of said Deer Hollow, a distance of 661.66 feet to a 5/8" iron rod found for an interior ell corner of said 183.23 acre tract;

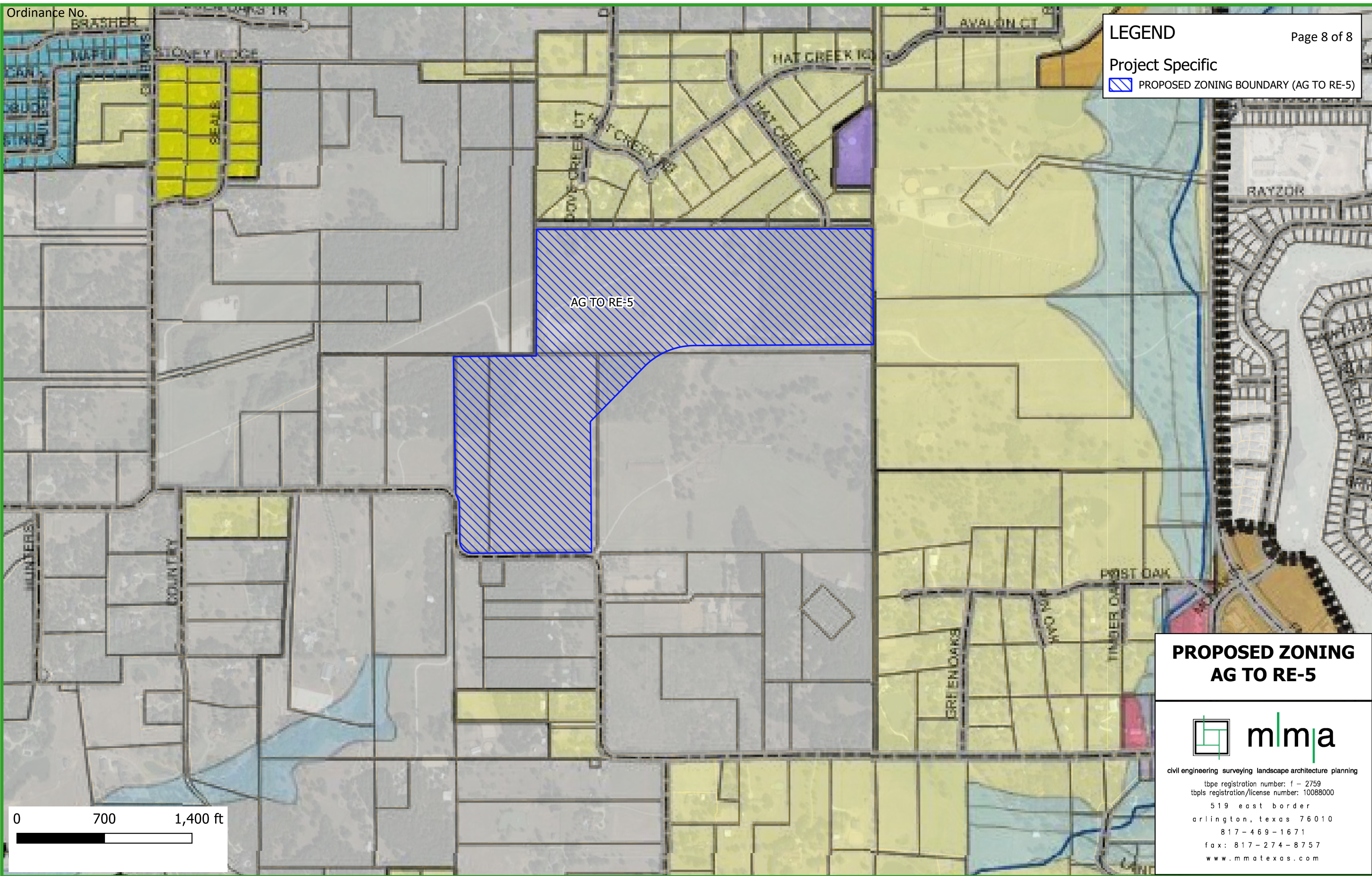
THENCE North 00°10'35" East, with the common line of said 183.23 acre tract and said Deer Hollow, a distance of 1,013.37 feet to a point for the most northerly northwest corner of said 183.23 acre tract and being the southwest corner of said Hat Creek Estates;

THENCE North 89°54'52" East, with the common line of said 183.23 acre tract and said Hat Creek Estates, a distance of 2,686.26 feet to the **POINT OF BEGINNING** and containing 4,419,898 Square Feet or 101.467 Acres of Land, more or less.

LEGEND

Project Specific

PROPOSED ZONING BOUNDARY (AG TO RE-5)



AG TO RE-5

PROPOSED ZONING
AG TO RE-5



civil engineering surveying landscape architecture planning
 ttp registration number: f - 2759
 ttp registration/license number: 10088000
 519 east border
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