

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 13.20 ACRES OF LAND, ADDRESSED AS 2220 W FM 917, AND BEING SITUATED IN THE JOSEPH WEST SURVEY, ABSTRACT NO. 855, JOHNSON COUNTY, TEXAS, FROM A, AGRICULTURAL TO GR, GENERAL RETAIL, MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, an application for a zoning change was filed by John Hill, Applicant, on September 6, 2022, under Case Number 22-125; and

WHEREAS, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson; and

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council finds that this ordinance may be considered and approved in only one meeting because the provisions of this ordinance concern an individual zoning case that does not propose a change to the language to the Code of Ordinances of the City of Burleson.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:

Section 1.

The Official Zoning Map is hereby amended insofar as it relates to certain land described as 13.20 acres of land, addressed as 2220 W FM 917, and being situated in the Joseph West survey, Abstract No. 855, Johnson County, Texas, more particularly described in Exhibit "A" and illustrated in Exhibit "B", all exhibits being attached hereto and incorporated herein by reference for all

purposes, by changing the zoning of said property from Agricultural (A) to General Retail zoning district (GR).

Section 2.

The findings and recitals set forth above in the preamble of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 3.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, 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. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

Section 5.

It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for that purpose.

Section 7.

Any person, firm, association of persons, company, corporation, or their agents, its servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be

amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

Section 8.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED:

First and Final Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

Exhibit A- Legal Description

Survey Showing 13.20 Acre Tract Joseph West Survey, Abstract No.855 Johnson County, Texas

Legal Description 13.20 Acre Tract

Being a tract or parcel of land situated in the Joseph West Survey, Abstract No.855, Johnson County, Texas, and being part of a tract conveyed to K. Kennedy by deed recorded in Volume 1684, Page 615, Deed Records, Johnson County, Texas, all of a 1.62 acre tract conveyed to D. Herren by deed recorded in Volume 3555, Page 127, Deed Records, Johnson County, Texas, all of a 2.0 acre tract conveyed to D. Gleckler by deed recorded in Volume 3561, Page 988, Deed Records, Johnson County, Texas and all a tract conveyed to D. Gleckler by deed recorded in Volume 1770, Page 508, Deed Records, Johnson County, Texas and being more particularly described as follows:

Beginning at a fence post found for corner in the west line of Chisholm Trail Parkway (State Highway No.121), being North 89°50'27" West, 187.34 feet from the northeast corner of said Kennedy tract and in the south line of a tract conveyed to J. Ross by deed recorded in Volume 1941, Page 226, Deed Records, Johnson County, Texas;

Thence South 11°09'45" East with the west line of said Chisholm Trail Parkway a distance of 265.73 feet to a txdot monument found for corner in the west line of said Chisholm Trail Parkway, being a angle point of this tract;

Thence South 00°40'45" East with the west line of said Chisholm Trail Parkway a distance of 536.41 feet to a txdot monument found for corner in the west line of said Chisholm Trail Parkway, being a angle point of this tract;

Thence South 11°09'45" East with the west line of said Chisholm Trail Parkway a distance of 265.73 feet to a txdot monument found for corner in the west line of said Chisholm Trail Parkway, being a angle point of this tract;

Thence South 17°28'24" East with the west line of said Chisholm Trail Parkway a distance of 463.95 feet to a txdot monument found for corner in the west line of said Chisholm Trail Parkway, being a angle point of this tract;

Thence South 00°24'56" East with the west line of said Chisholm Trail Parkway a distance of 91.99 feet to a txdot monument found for corner in the west line of said Chisholm Trail Parkway, being a angle point of this tract;

Thence South 40°32'28" West with the west line of said Chisholm Trail Parkway a distance of 32.27 feet to a txdot monument found for corner at the intersection of the the west line of said Chisholm Trail Parkway with the north line of Farm to Market Highway No.917, being a angle point of this tract and the southeast corner;

Thence North 89°15'17" West with the north line of said Farm to Market Highway No.917 a distance of 135.08 to a txdot monument found for corner in the north line of Farm to Market Highway No.917, being a angle point of this tract;

Thence South 86°40'51" West with the north line of said Farm to Market Highway No.917 a distance of 280.98 to a txdot monument found for corner in the north line of Farm to Market Highway No.917, being a angle point of this tract;

Thence North 89°25'01" West with the north line of said Farm to Market Highway No.917 a distance of 76.54 to a txdot monument found for corner in the north line of Farm to Market Highway No.917, being a angle point of this tract;

Thence North 38°49'30" West with the northeast line of said Farm to Market Highway No.917 a distance of 38.02 to a fence post found for corner at the intersection of the north line of Farm to Market Highway No.917 with the east line of County Road No.910Z, being a angle point of this tract and the southwest corner;

Thence North 00°19'18" East with the east line of said County Road No.910Z a distance of 813.83 to a fence post found for corner in the east line of said County Road No.910Z, being a angle point of this tract;

Thence North 00°36'26" West with the east line of said County Road No.910Z a distance of 527.40 to a fence post found for corner in the east line of said County Road No.910Z and the south line of said Ross tract, being a the northwest corner of this tract;

Thence South 89°50'27" East with the common line between said Ross tract and said Kennedy tract a distance of 340.17 feet to the **POINT OF BEGINNING** and containing 13.20 acres of land, more or less as surveyed on the ground on August 31, 2021 by Tucker Surveyors.

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