

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE OF THE CITY OF BURLESON, TEXAS, BY AMMENDIING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 226.363 ACRES TOTAL; DESCRIBED IN THE H.R. McCLURE SURVEY, ABSTRACT NO. 587, JOHNSON COUNTY, TEXAS, BEING TRACTS OF LAND CONVEYED IN DEEDS RECORDED IN INSTRUMENT NO. 2021-36960, INSTRUMENT NO. 2021-36997, AND THE DEED RECORDED IN VOLUME 2704, PAGE 481, D.R.J.C.T, CITY OF BURLESON ETJ, JOHNSON COUNTY, TEXAS FROM THE DEFAULTED “A” AGRICULTURE TO “SFE” SINGLE FAMILY ESTATE DWELLING DISTRICT, 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 the Mark Webb on March 21, 2022, under Case Number 22-071; 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.

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 MAP AND ZONING AMENDMENT

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, described by the metes and bounds attached as Exhibit A, by changing the zoning of said property from the A Agricultural district to the SFE, Single-family Estate dwelling district.

SECTION 2 CUMULATIVE CLAUSE

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 3 SEVERABILITY CLAUSE

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 4 PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, 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 5 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as provided bylaw.

PASSED AND APPROVED

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

Chris Fletcher, Mayor
City of Burleson

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY

E. Allen Taylor, Jr., City Attorney

EXHIBIT A

Metes and Bounds

A TRACT OF LAND SITUATED IN THE H.R. McCLURE SURVEY, ABSTRACT NO. 587, JOHNSON COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 26.852 ACRE TRACT OF LAND AND ALL OF THAT CERTAIN 26.756 ACRE TRACT OF LAND CONVEYED TO STK DEVELOPMENTS, LLC, IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-36960 DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), AND ALONG WITH ALL OF THAT CERTAIN 148.704 ACRE TRACT OF LAND AND ALL OF THAT CERTAIN 11.539 ACRE TRACT OF LAND CONVEYED TO STK DEVELOPMENTS, LLC, IN THAT DEED RECORDED IN INSTRUMENT NO. 2021-36997, D.R.J.C.T., TOGETHER WITH ALL OF THAT CERTAIN TRACT OF LAND CONVEYED TO JESSE J. CROPP AND GALA L. CROPP IN THAT DEED RECORDED IN VOLUME 2704, PAGE 481, D.R.J.C.T., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF FARM TO MARKET HIGHWAY NO. 917 (80' R-O-W) AT THE MOST WESTERLY CORNER OF SAID 26.852 ACRE TRACT;

THENCE N 61°03'15" E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND NORTHWESTERLY LINE OF SAID 26.852 ACRE TRACT, A DISTANCE OF 959.71 FEET TO A 1/2" IRON ROD SET WITH CAP STAMPED "RPLS 5544" AT THE MOST NORTHERLY CORNER OF SAID 26.852 ACRE TRACT AND THE MOST WESTERLY CORNER OF SAID 26.756 ACRE TRACT;

THENCE N 61°00'57" E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND NORTHWESTERLY LINE OF SAID 26.756 ACRE TRACT, A DISTANCE OF 55.31 FEET TO A 1/2" IRON ROD SET WITH CAP STAMPED "RPLS 5544" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 5769.65 FEET, WHOSE LONG CHORD BEARS N 60°05'43" E, 219.42 FEET;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND SAID NORTHWESTERLY LINE WITH SAID NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE 02°10'45", AN ARC LENGTH OF 219.43 FEET TO A 1/2" IRON ROD SET WITH CAP STAMPED "RPLS 5544" AT THE MOST NORTHEASTERLY CORNER OF SAID 26.756 ACRE TRACT;

THENCE S 29°12'55" E ALONG THE NORTH LINE OF SAID 26.756 ACRE TRACT, A DISTANCE OF 616.36 FEET TO A 1/2" IRON ROD FOUND;

THENCE N 58°59'36" E CONTINUING ALONG THE NORTH LINE OF SAID 26.756 ACRE TRACT, A DISTANCE OF 1247.75 FEET TO A 60D NAIL FOUND IN THE SOUTHWESTERLY LINE OF A TRACT OF LAND CONVEYED TO WILLIAM E. GOODSPEED, JR. IN THAT DEED RECORDED IN VOLUME 1854, PAGE 983, D.R.J.C.T., AT THE MOST NORTHEASTERLY CORNER OF SAID 26.756 ACRE TRACT;

THENCE S 28°01'30" E ALONG SAID SOUTHWESTERLY LINE AND THE NORTHEASTERLY LINE OF SAID 26.756 ACRE TRACT, A DISTANCE OF

527.17 FEET TO A 80D NAIL FOUND AT THE MOST SOUTHERLY CORNER OF SAID GOODSPEED TRACT;

THENCE ALONG THE SOUTHERLY LINE OF SAID GOODSPEED TRACT N 79°29'04" E, A DISTANCE OF 675.25 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "RPLS 5544" AT THE NORTHEASTERLY CORNER OF SAID 152.58 ACRE TRACT;

THENCE LEAVING SAID SOUTHERLY LINE S 08°05'17" E ALONG THE EASTERLY LINE OF SAID 148.704 ACRE TRACT, A DISTANCE OF 1350.94 FEET TO A 1/2 INCH IRON ROD FOUND AT THE NORTHWESTERLY CORNER OF A THAT TRACT OF LAND CONVEYED TO JESSE J. CROPP AND GALA L. CROPP IN VOLUME 2704, PAGE 481, D.R.J.C.T.;

THENCE N 80°52'29" E ALONG THE NORTH LINE OF SAID CROPP TRACT, A DISTANCE OF 2127.98 FEET PASSING A 3/8" IRON ROD FOUND FOR A TOTAL DISTANCE 2152.88 TO A PK NAIL SET IN COUNTY ROAD 810 (VARIABLE R-O-W);

THENCE ALONG SAID COUNTY ROAD 810, ALONG THE EASTERLY LINE OF SAID CROPP TRACT AND THE EASTERLY LINE OF SAID 12.5 ACRE TRACT S 30°24'26" E, A DISTANCE OF 532.83 FEET TO A PK NAIL SET AT THE SOUTHEASTERLY CORNER OF SAID 11.539 ACRE TRACT;

THENCE LEAVING SAID COUNTY ROAD 810 ALONG THE SOUTHERLY LINE OF SAID 11.539 ACRE TRACT S 82°21'21" W, AT A DISTANCE OF 24.77 FEET PASSING A 3/8 INCH IRON ROD FOUND, FOR A TOTAL DISTANCE 2357.27 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP STAMPED "RPLS 5544" AT THE SOUTHWESTERLY CORNER SAID 11.539 ACRE TRACT;

THENCE ALONG THE WESTERLY LINE OF SAID TRINITA LAND AND CATTLE COMPANY, LLC TRACT AND THE EASTERLY LINE OF SAID 148.704 ACRE TRACT S 05°21'07" E, A DISTANCE OF 822.15 FEET TO A 1/2 INCH IRON ROD FOUND IN THE NORTHWESTERLY LINE OF A TRACT OF LAND CONVEYED TO JANELLA B. SCOTT IN THAT DEED RECORDED IN VOLUME 2491, PAGE 332, D.R.J.C.T. AT THE MOST EASTERLY CORNER OF SAID 148.704 ACRE TRACT;

THENCE ALONG SAID NORTHWESTERLY LINE AND THE SOUTHEASTERLY LINE OF SAID 148.704 ACRE TRACT S 60°00'52" W, A DISTANCE OF 2039.98 FEET TO A 3/4 INCH IRON ROD FOUND IN THE NORTHEASTERLY LINE OF LOT 12, BLOCK 2, DEVONSHIRE VILLAGE, ACCORDING TO THAT PLAT RECORDED IN VOLUME 9, PAGE 232, PLAT RECORDS, JOHNSON COUNTY, TEXAS (P.R.J.C.T.), FOR THE MOST SOUTHERLY CORNER OF SAID 148.704 ACRE TRACT;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID 148.704 ACRE TRACT AND ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 2, AND ALONG THE NORTHEASTERLY LINE OF BLOCK 1, HUNTINGTON MANOR, ACCORDING TO THAT PLAT RECORDED IN VOLUME 9, PAGE 609, P.R.J.C.T., N 29°28'32" W, A DISTANCE OF 2518.50 FEET TO A 1/2" IRON ROD SET WITH

A CAP STAMPED

"RPLS 5544" AT THE MOST WESTERLY CORNER OF SAID 148.704 ACRE TRACT FROM WHICH A 1/2 INCH IRON ROD FOUND BEARS N 61°46'49" E, 4.15 FEET;

THENCE N 29°35'33" W ALONG THE SOUTHWESTERLY LINE OF SAID 26.852 ACRE TRACT, A DISTANCE OF 122.43 FEET TO A 5/8" IRON ROD FOUND;
THENCE N 32°01'35" W CONTINUING ALONG THE SOUTHWESTERLY LINE OF SAID 26.852 ACRE TRACT, A DISTANCE OF 291.87 FEET TO A 1/2" IRON ROD FOUND;

THENCE N 31°39'56" W CONTINUING ALONG THE SOUTHWESTERLY LINE OF SAID 26.852 ACRE TRACT, A DISTANCE OF 170.20 FEET TO A 3/8" IRON ROD FOUND;

THENCE N 29°36'24" W CONTINUING ALONG THE SOUTHWESTERLY LINE OF SAID 26.852 ACRE TRACT, A DISTANCE OF 644.41 FEET TO THE POINT OF BEGINNING, AND CONTAINING 226.363 ACRES OF LAND, MORE OR LESS.