

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-582, THE ZONING ORDINANCE AND MAP OF THE CITY OF BURLESON, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON APPROXIMATELY 2.9 ACRES OF LAND LOCATED IN THE H.G. CATLETT SURVEY ABST NO. 179, DEED RECORDS, JOHNSON COUNTY, TEXAS (D.R.J.C.T.), FROM AGRICULTURE (A) TO SINGLE-FAMILY ESTATE DISTRICT (SFE); 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 ("City"), 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, the City Council passed, approved, and adopted Ordinance B-582, being the Zoning Ordinance and Map of the City of Burleson, Texas, showing the locations and boundaries of certain districts, as amended, and codified in Appendix B of the City of Burleson Code of Ordinances (2005) (the "Zoning Ordinance and Map"); and

WHEREAS, an application for a zoning change was filed by **Carter Mahanay (property owner)** on **December 12, 2022**, under **Case Number 22-164**, on property described herein below filed application with the City petitioning an amendment of the Zoning Ordinance and Map so as to rezone and reclassify said property from its current zoning classification; and

WHEREAS, the Planning and Zoning Commission of Burleson, Texas, held a public hearing on said application after at least one sign was erected upon the property on which the change of classification is proposed in accordance with the Zoning Ordinance and Map, and after written notice of such public hearing before the Planning and Zoning Commission on the proposed rezoning had been sent to owners of real property lying within 300 feet of the property on which the change of classification is proposed, said notice having been given not less than ten (10) days before the date set for hearing to all such owners who rendered their said property for City taxes as the ownership appears on the last approved City Tax Roll, and such notice being served by depositing the same, properly addressed and postage paid, in the U.S. mail; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Burleson, Texas voted **7 to 0** to recommend to the City Council of Burleson, Texas, that the hereinafter described property be rezoned from its classification of **Agriculture (A)** to **Single-Family Estate District (SFE)**; and

WHEREAS, notice was given of a further public hearing to be held by the City Council of the City of Burleson, Texas, to consider the advisability of amending the Zoning Ordinance and Map as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place

of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the Fort Worth Star Telegram, Fort Worth, Texas, a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on all the matter of the proposed rezoning and the City Council of the City of Burleson, Texas, being informed as to the location and nature of the use proposed on said property, as well as the nature and usability of surrounding property, have found and determined that the property in question, as well as other property within the city limits of the City of Burleson, Texas, has changed in character since the enactment of its classification of **Agriculture (A)**; and, by reason of changed conditions, does consider and find that this amendatory Ordinance should be enacted since its provisions are in the public interest and will promote the health, safety and welfare of the community; and

WHEREAS, the City Council of the City of Burleson, Texas, may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the City of Burleson Code of Ordinances (2005); and

WHEREAS, the City Council of the City of Burleson, Texas, 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 of the City of Burleson Code of Ordinances.

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

Section 1

The Zoning Ordinance and Map is hereby amended insofar as it relates to certain land described as **2.9 acres of land located in the H.G. Catlett Survey, Abstract No. 179, deed records, Johnson County, Texas (D.R.J.C.T.)**, as shown on the attached Exhibit A incorporated herein by reference, by changing the zoning of said property from **Agriculture (A)** to **Single-Family Estate District (SFE)**.

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:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney

EXHIBIT "A"

BEING A 2.9 ACRE TRACT OF LAND SITUATED OUT OF THE H. G. CATLETT SURVEY, ABSTRACT No. 179, JOHNSON COUNTY, TEXAS AND BEING DESCRIBED IN DEED TO DERON M. MEEHAN RECORDED IN VOLUME 4246, PAGE 11, DEED RECORDS, JOHNSON COUNTY, TEXAS AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING AT A 5/8" IRON ROD FOUND IN THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD No. 1021 AND BEING THE MOST SOUTHERLY CORNER OF A INGRESS & EGRESS EASEMENT RECORDED IN VOLUME 4246, PAGE 11, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE NORTH 48 DEGREES 14 MINUTES 22 SECONDS WEST (PER DEED NORTH 48 DEGREES 23 MINUTES 00 SECONDS WEST) DEPARTING FROM THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD No. 1021, PASSING A 1/2" IRON ROD WITH A RECER-FOX CAP AT 16.33 FEET, IN TOTAL A DISTANCE OF 247.65 FEET (PER DEED A DISTANCE OF 247.30 FEET) TO A 1/2" IRON ROD FOUND FOR A POINT FOR THE MOST WESTERLY CORNER OF SAID INGRESS & EGRESS EASEMENT. SAID IRON ROD BEING IN THE NORTHEASTERLY COMMON LINE DEED TO BRIAN S. SMITHSON RECORDED IN INSTRUMENT No. 2020-7585, DEED RECORDS, JOHNSON COUNTY, TEXAS AND BEING THE MOST SOUTHERLY CORNER DEED TO GEORGE WILLIAMS ETUX NITA WILLIAMS RECORDED IN VOLUME 3502, PAGE 257, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE NORTH 45 DEGREES 54 MINUTES 51 SECONDS EAST (PER DEED NORTH 45 DEGREES 36 MINUTES 00 SECONDS EAST) ALONG THE COMMON LINE OF SAID INGRESS & EGRESS EASEMENT AND SAID WILLIAMS TRACT A DISTANCE OF 18.63 FEET (PER DEED A DISTANCE OF 18.00 FEET) TO AN "X" CUT IN CONCRETE AND BEING THE **POINT OF BEGINNING** AND THE MOST WESTERLY CORNER OF HEREIN DESCRIBED TRACT DESCRIBED IN DEED TO DERON M. MEEHAN RECORDED IN VOLUME 4246, PAGE 11, DEED RECORDS, JOHNSON COUNTY, TEXAS. SAID "X" CUT BEING THE MOST NORTHERLY CORNER OF SAID INGRESS & EGREES EASEMENT;

THENCE NORTH 45 DEGREES 54 MINUTES 51 SECONDS EAST (PER DEED NORTH 45 DEGREES 52 MINUTES 55 SECONDS EAST) ALONG THE COMMON LINE OF SAID MEEHAN TRACT AND SAID WILLIAMS TRACT A DISTANCE OF 559.22 FEET (PER DEED A DISTANCE OF 556.89 FEET) TO A 3" METAL FENCE POST FOR THE MOST NORTHERLY CORNER OF HEREIN DESCRIBED TRACT. SAID FENCE POST BEING THE MOST EASTERLY CORNER DEED TO SAID WILLIAMS TRACT AND BEING IN THE COMMON LINE DEED TO ROBERT N. BRANSOM RECORDED IN INSTRUMENT No. 2011-16721, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE SOUTH 45 DEGREES 12 MINUTES 53 SECONDS EAST (PER DEED SOUTH 46 DEGREES 09 MINUTES 59 SECONDS EAST) ALONG THE COMMON LINE OF SAID MEEHAN TRACT AND SAID BRANSOM TRACT A DISTANCE OF 206.73 FEET (PER DEED A DISTANCE OF 206.42 FEET) TO A 3" METAL FENCE POST FOR THE MOST EASTERLY CORNER OF HEREIN DESCRIBED TRACT. SAID

FENCE POST BEING THE MOST NORTHERLY CORNER DEED TO JULIA D. BULLARD RECORDED IN VOLUME 1545, PAGE 832, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE SOUTH 41 DEGREES 49 MINUTES 35 SECONDS WEST (PER DEED SOUTH 41 DEGREES 45 MINUTES 00 SECONDS WEST) ALONG THE COMMON LINE OF SAID MEEHAN TRACT AND SAID BULLARD TRACT A DISTANCE OF 547.73 FEET TO A 5/8" CAPPED IRON ROD SET FOR THE MOST SOUTHERLY CORNER OF HEREIN DESCRIBED TRACT. SAID CAPPED IRON ROD SET BEING THE MOST WESTERLY CORNER DEED TO SAID BULLARD TRACT AND BEING THE MOST EASTERLY CORNER OF SAID INGRESS & EGRESS EASEMENT;

THENCE NORTH 48 DEGREES 14 MINUTES 22 SECONDS WEST (PER DEED NORTH 48 DEGREES 23 MINUTES 00 SECONDS WEST) ALONG THE COMMON LINE OF SAID MEEHAN TRACT AND SAID INGRESS & EGREES EASEMENT A DISTANCE OF 246.32 FEET (PER DEED A DISTANCE OF 246.09 FEET) TO THE **POINT OF BEGINNING** AND CONTAINING A TOTAL OF 125,250.95 SQUARE FEET OR 2.9 ACRES MORE OR LESS.

BEING A 0.1 ACRE TRACT OF LAND SITUATED OUT OF THE H. G. CATLETT SURVEY, ABSTRACT No. 179, JOHNSON COUNTY, TEXAS AND BEING DESCRIBED IN DEED TO DERON M. MEEHAN RECORDED IN VOLUME 4246, PAGE 11, DEED RECORDS, JOHNSON COUNTY, TEXAS AND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 5/8" IRON ROD FOUND IN THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD No. 1021 AND BEING THE MOST SOUTHERLY CORNER OF A INGRESS & EGRESS EASEMENT RECORDED IN VOLUME 4246, PAGE 11, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE NORTH 48 DEGREES 14 MINUTES 22 SECONDS WEST (PER DEED NORTH 48 DEGREES 23 MINUTES 00 SECONDS WEST) DEPARTING FROM THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD No. 1021, PASSING A 1/2" IRON ROD WITH A RECER-FOX CAP AT 16.33 FEET, IN TOTAL A DISTANCE OF 247.65 FEET (PER DEED A DISTANCE OF 247.30 FEET) TO A 1/2" IRON ROD FOUND FOR A POINT FOR THE MOST WESTERLY CORNER OF SAID INGRESS & EGRESS EASEMENT. SAID IRON ROD BEING IN THE NORTHEASTERLY COMMON LINE DEED TO BRIAN S. SMITHSON RECORDED IN INSTRUMENT No. 2020-7585, DEED RECORDS, JOHNSON COUNTY, TEXAS AND BEING THE MOST SOUTHERLY CORNER DEED TO GEORGE WILLIAMS ETUX NITA WILLIAMS RECORDED IN VOLUME 3502, PAGE 257, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE NORTH 45 DEGREES 54 MINUTES 51 SECONDS EAST (PER DEED NORTH 45 DEGREES 36 MINUTES 00 SECONDS EAST) ALONG THE COMMON LINE OF SAID INGRESS & EGRESS EASEMENT AND SAID WILLIAMS TRACT A DISTANCE OF 18.63 FEET (PER DEED A DISTANCE OF 18.00 FEET) TO AN "X" CUT IN CONCRETE AND BEING THE MOST NORTHERLY CORNER OF HEREIN DESCRIBED TRACT. SAID "X" CUT BEING THE MOST WESTERLY CORNER DEED TO DERON M. MEEHAN RECORDED IN VOLUME 4246, PAGE 11, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE SOUTH 48 DEGREES 02 MINUTES 01 SECONDS EAST (PER DEED SOUTH 48 DEGREES 23 MINUTES 00 SECONDS EAST) ALONG THE COMMON LINE OF SAID INGRESS & EGREES EASEMENT AND SAID MEEHAN TRACT A DSITANCE OF 246.32 FEET (PER DEED A DISTANCE OF 246.09 FEET) TO A 5/8" CAPPED IRON ROD SET FOR THE MOST EASTERLY CORNER OF HEREIN DESCRIBED TRACT. SAID CAPPED IRON ROD SET BEING IN THE MOST NORTHWESTERLY COMMON LINE DEED TO JULIA D. BULLARD RECORDED IN VOLUME 1545, PAGE 832, DEED RECORDS, JOHNSON COUNTY, TEXAS;

THENCE SOUTH 41 DEGREES 49 MINUTES 35 SECONDS WEST (PER DEED SOUTH 41 DEGREES 45 MINUTES 00 SECONDS WEST) ALONG THE COMMON LINE OF SAID EASEMENT AND SAID BULLARD TRACT A DISATNCE OF 17.69 FEET (PER DEED A DISTANCE OF 18.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A TOTAL OF 4,479.95 SQUARE FEET OR 0.1 ACRES MORE OR LESS.