

ORDINANCE NO. 2021.05.____

AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, AMENDING THE ZONING ORDINANCE AND ZONING MAP TO CHANGE THE EXISTING ZONING CLASSIFICATION FROM “R-1” SINGLE FAMILY RESIDENTIAL ZONE TO “R-2m” SINGLE AND TWO TO FOUR FAMILY RESIDENTIAL DISTRICT AND MULTI-BUILDING RESIDENTIAL DISTRICT, FOR 94.22 ACRES OUT OF THE 102.6 ACRES, TRACT 219, ABST A 136, MILAM COUNTY SCHOOL LAND, GLEN ROSE, SOMERVELL COUNTY, TEXAS TRACT OF LAND, BOUNDED BY BULL ADAMS LANE ON ITS WEST AND SOUTH SIDES (FORMERLY CR 303) AND BY FM HIGHWAY 200 ON ITS EAST SIDE, PROVIDING SAVINGS/REPEALING, SEVERABILITY, AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND, ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose (City) is a Type A General Municipality; and

WHEREAS, Chapter 211 of the Texas Local Government Code grants the governing body of a municipality the authority to adopt zoning regulations for the municipality and to zone, or rezone as the case may be, property located within the municipality; and

WHEREAS, on February 3, 2021 the City received an application from James W & Kathy J Gosdin, owners of a 102.06 acre tract, bounded by Bull Adams Lane on its West and South sides (formerly cr 303) and by FM Highway 200 on its East side, to change the zoning classification of approximately 94 acres of said property from an “R-1” Single Family Residential District to an “R-2m” Single And Two To Four Family Residential District;

WHEREAS, due to the lack of a survey and the required metes and bounds description of the said property, the rezoning process was delayed;

WHEREAS, all the notices required by the City’s Ordinances and State Law have been mailed and published;

WHEREAS, on the City’s Future Land Use Map the Property is identified as a “R-1” Single Family Residential;

WHEREAS, after conducting a Public Hearing on May 20, 2021, the City’s Planning and Zoning Commission acted upon the rezoning request, voting to recommend that the City Council approve said request;

WHEREAS, after conducting a Public Hearing on May 25, 2021, the City Council determined for the good government, peace, and order of the City to approve the request to rezone the subject property;

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

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Metes and Bounds Description of the Subject Property.

A tract of land containing 94.22 acres in the Milam County School Land Survey, Abstract No. 136, Somervell County, Texas, being a portion of the 102.06 tract described in the deed to James W Gosdin and Kathy J. Gosdin recorded in Instrument No. 20201508 of the Official Public Records of Somervell County, Texas, and being more fully described as follows: All bearings recited herein are based on the Texas Coordinate System, North Central Zone, 1993 Datum and all 5/8 inch iron rods set have a yellow cap stamped "Clear Fork RPLS 5649".

Beginning at a 5/8 inch iron rod found with aluminum cap marked "Vaughn Surveyor No.1807" found marking the west corner of a called 5.38 acre tract described in a deed to Pocos Park I, LLC recorded in Instrument No. 20091171 of the Official Public Records of Somervell County, Texas, in the northeast line of County Road 303; Thence with the northeast line of County Road 303 and the southwest line of said 102.06 acre tract, North 42 degrees 28 minutes 57 seconds West for a distance of 1582.54 feet to a 5/8 inch iron rod found with aluminum cap marked "Vaughn Surveyor No.1807";

Thence with the east line of County Road 303 and a west line of said 102.06 acre tract, North 08 degrees 15 minutes 30 seconds East for a distance of 65.62 feet to a 5/8 inch iron rod found with aluminum cap marked "Vaughn Surveyor No.1807";

Thence with the southeast line of County Road 303 and the northwest line of said 102.06 acre tract, North 59 degrees 00 minutes 14 seconds East for a distance of 1385.97 feet to a 5/8 inch iron rod with aluminum cap marked "Vaughn Surveyor No.1807" found marking the westernmost corner of a tract deeded to Rainbow Baptist Church in Volume 44, Page 4, of the Deed Records of Somervell County, Texas;

Thence with the southwest line of said Rainbow Baptist Church Tract and a northeast line of said 102.06 acre tract, South 34 degrees 47 minutes 13 seconds East for a distance of 307.08 feet to a 5/8 inch iron rod found with aluminum cap marked "Vaughn Surveyor No.1807";

Thence with the southeast line of said Rainbow Baptist Church Tract and a northwest line of said 102.06 acre tract, North 57 degrees 38 minutes 09 seconds East for a distance of 738.00 feet to an unmarked point in the southwest line of F.M. Highway 56; Thence with the northeast line of said 102.06 acre tract and the southwest line of F.M. Highway 56, South 65 degrees 04 minutes 47 seconds East for a distance of 1193.29 feet to a 5/8 inch iron rod found with aluminum cap marked "Vaughn Surveyor No.1807";

Thence with the northeast line of said 102.06 acre tract and the southwest line of F.M. Highway 56, along a curve to the right having a radius of 1127.00 feet and an arc length of 428.05 feet, being subtended by a chord of South 54 degrees 11 minutes 57 seconds East for a distance of 425.48 feet to a 5/8 inch iron rod set for corner;

Thence with the northeast line of said 102.06 acre tract and the southwest line of F.M. Highway 56, South 43 degrees 19 minutes 06 seconds East for a distance of 128.30 feet to the unmarked north corner of a tract described in a deed to William A. Shipman Jr. recorded in Somervell County Clerk's File No. 44443 from which a 2 inch iron pipe with brass cap bears South 46 degrees 48 minutes 08 seconds West for a distance of 7.46 feet;

Thence with the northwest line of said Shipman tract, the southeast line of said 102.06 acre tract and the northwest line of a called 3.00 acre tract described in a deed to David E. Mimms et ux recorded in Volume 128, Page 572, of the Real Property Records of Somervell County, Texas, South 46 degrees 48 minutes 08 seconds West for a distance of 547.15 feet to a 2 inch iron pipe with brass cap found marking the westernmost corner of said Mimms tract and the northernmost corner of a tract described in a deed to WCA Properties, LLC recorded in Instrument No. 20200967 of the Official Public Records of Somervell County, Texas;

Thence with the southeast line of said 102.06 acre tract and the northwest line of said WCA Properties, LLC tract, South 46 degrees 46 minutes 44 seconds West for a distance of 395.16 feet to a 1/2 inch iron rod found marking the north common corner of said WCA Properties, LLC tract and a tract described in a deed to Donald G. & Karla Ryno recorded in Instrument No. 20171953 of the Official Public Records of Somervell County, Texas;

Thence with the southeast line of said 102.06 acre tract and the northwest line of said Ryno tract, South 65 degrees 24 minutes 53 seconds West for a distance of 210.32 feet to a bolt with punch mark found marking the westernmost corner of said Ryno tract;

Thence North 42 degrees 10 minutes 19 seconds West for a distance of 146.25 feet to 5/8 inch iron rod set for corner;

Thence South 69 degrees 50 minutes 37 seconds West for a distance of 350.31 feet to a 5/8 inch iron rod set for corner;

Thence South 67 degrees 30 minutes 18 seconds West for a distance of 50.00 feet to a 5/8 inch iron rod set for corner;

Thence South 69 degrees 33 minutes 05 seconds West for a distance of 418.68 feet to the unmarked north corner of a called 2.61 acre tract described in a deed to Ninnian E. Hulett recorded in Instrument No. 20120445 of the Official Public Records of Somervell County, Texas, from which a concrete monument found bears South 40 degrees 1 minutes 44 seconds East for a distance of 5.00 feet;

Thence with the southeast line of said 102.06 acre tract and with the northwest line of said 2.61 acre tract, South 60 degrees 53 minutes 52 seconds West for a distance of 263.24 feet to a 4 inch creosote post found marking the westernmost corner of said 2.61 acre tract in the east line of the aforementioned 5.38 acre tract;

Thence with the south line of said 102.06 acre tract and with the north line of said 5.38 acre tract, South 61 degrees 26 minutes 48 seconds West for a distance of 46.07 feet to a 5/8 inch iron rod found with aluminum cap marked "Vaughn Surveyor No.1807";

Thence with the south line of said 102.06 acre tract and with the north line of said 5.38 acre tract, North 41 degrees 52 minutes 43 seconds West for a distance of 52.43 feet to a 5/8 inch iron rod found with aluminum cap marked "Vaughn Surveyor No.1807";

Thence with the south line of said 102.06 acre tract and with the north line of said 5.38 acre tract, South 60 degrees 32 minutes 39 seconds West for a distance of 451.86 feet to the point of beginning.

SECTION 2. Zoning Reclassification Granted. Glen Rose's Zoning Ordinance is hereby amended to reflect that the Subject Property is hereby rezoned from an "R-1" Single-Family Residential Zone to "R-2m" Single And Two To Four Family Residential Zone. The Zoning Map of the City shall be amended to reflect this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, State, and federal laws, as they exist or maybe in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

SECTION 3. Savings/Repealing Clause. Glen Rose's Zoning Ordinance, Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it

is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 5. Proper Notice, Meeting, and Quorum. It is hereby officially found and determined that the meeting at which this Ordinance was adopted by a majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to §22.039 of the Texas Local Government Code.

SECTION 6. Effective Date. This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED this the 25th day of May, 2021.

APPROVED:

Julia Douglas, Mayor

ATTEST:

Stephanie Ritchie, City Secretary