

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 “B-1” RESTRICTED COMMERCIAL ZONE, FOR 7.84 ACRES FRONTING HIGHWAY 67 EAST OF BULL ADAMS LANE (FORMERLY CR 303) OUT OF THE 102.6 ACRES, TRACT 219, ABST A 136, MILAM COUNTY SCHOOL LAND, GLEN ROSE, SOMERVELL COUNTY, TEXAS TRACT OF LAND, 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 to change the zoning classification of approximately 8 acres of said property adjacent to Highway 67 from “R-1” Single Family Residential to “B-1” Restricted Commercial;

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 7.84 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 $\frac{5}{8}$ inch iron rods set have a yellow cap stamped "Clear Fork RPLS 5649".

Beginning at the unmarked east 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 North 40 degrees 10 minutes 44 seconds West for a distance of 8.33 feet, said corner also being the southernmost corner of said 102.06 acre tract;

Thence with a southwest line of said 102.06 acre tract and with the northeast line of said 2.61 acre tract, North 40 degrees 10 minutes 44 seconds West for a distance of 466.91 feet to an unmarked corner from which a concrete monument found bears South 40 degrees 10 minutes 44 seconds East for a distance of 5.00 feet;

Thence North 69 degrees 33 minutes 05 seconds East for a distance of 418.68 feet to a $\frac{5}{8}$ inch iron rod set for corner;

Thence North 67 degrees 30 minutes 18 seconds East for a distance of 50.00 feet to a $\frac{5}{8}$ inch iron rod set for corner;

Thence North 69 degrees 50 minutes 37 seconds East for a distance of 350.31 feet to a $\frac{5}{8}$ inch iron rod set for corner;

Thence South 42 degrees 10 minutes 19 seconds East for a distance of 146.25 feet to a bolt with punch mark found marking the westernmost corner of 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 southwest line of said Ryno tract and a southeast line of said 102.06 acre tract, South 43 degrees 06 minutes 47 seconds East for a distance of 268.99 feet to a ½ inch iron rod found with aluminum cap marked “Vaughn Surveyor No. 1807” in the north line of U.S. Highway 67;

Thence with the north line of U.S. Highway 67 and the southeast line of said 102.06 acre tract, South 65 degrees 40 minutes 52 seconds West for a distance of 820.99 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 “B-1” Restricted Commercial 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