

ORDINANCE 2021-03

AN ORDINANCE OF THE CITY OF MOUNT VERNON, TEXAS AMENDING THE ZONING OF PROPERTY LOCATED AT 416 N. KAUFMAN FROM GENERAL BUSINESS (GB) TO LOCAL RETAIL (LR); APPROVING A SITE PLAN; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, after giving ten (10) days written notice to the owners of land within two hundred (200) feet of the property, and after publishing notice to the public at least fifteen (15) days prior to the date of such hearing, the City Council of Mount Vernon (the "Council") held a public hearing on the proposed rezoning request;

WHEREAS, the Council has considered the property located at 416 N. Kaufman Street, Mount Vernon, Texas as described below and herein as to be re-zoned to Local Retail (LR);

WHEREAS, because of the size, location, and natural features of the property the City has a critical interest in the development of said property and is encouraging such development to the highest possible standards of quality consistent with the City's long-term development vision; and

WHEREAS, the property owner (or representative) appeared before the Council and affirmed that the property owner is seeking this zoning request; and

WHEREAS, all legal requirements of state statutes and City ordinances of the City of Mount Vernon, as well as all legal requirements and legal notices and prerequisites having been complied with, including but not limited to chapter 551 of the Government Code and Chapter 211 of the Local Government Code; and

WHEREAS, the Council at a public hearing called at a called meeting of the Council did consider the following factors in making a determination as to whether the requested change should be granted or denied: congestion in the streets, including safety of the motoring public and the pedestrians using the facilities in the area; to secure safety from fire, panic or other dangers; the promotion of health and the general welfare, to provide for adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population, facilitating the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

WHEREAS, the Council has determined that said zoning change request is consistent with the development goals, standards, and desired uses at the City; and

WHEREAS, the Council is of the opinion that it is in the best interests of the City and its citizens that this Ordinance should be approved and adopted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mount Vernon, Texas:

SECTION 1: That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2: That the sites, identified as now or formerly 00113-00000-00050-000000, AB 493 J Talbott, located at 416 N Kaufman Street, as more specifically described on attached Exhibit "A", be re-zoned to Local Retail (LR).

SECTION 3: This Zoning District shall be subject to all regulations contained in the Code of Ordinances of the City of Mount Vernon, Texas, except where amended herein.

SECTION 4: The City Secretary shall amend, or cause to have amended, the Official Zoning Map of the City of Mount Vernon to reflect the zoning of the property described and depicted on attached **Exhibit "A"**.

SECTION 5: It is hereby declared to be the intention of the Council that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Council without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

SECTION 6: That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

SECTION 7: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor offense and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each separate offense. A separate offense shall be deemed committed upon each day, or part of a day, during which a violation occurs or continues.

SECTION 8: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 10TH DAY OF MAY, 2021.

ATTEST:

BRAD HYMAN – MAYOR

KATHY LOVIER – CITY SECRETARY

All that certain lot, tract, or parcel of land situated in the Joseph Talbott Survey, Abstract No. 493, Franklin County, Texas, and the City of Mt. Vernon, Franklin County, Texas, and being all of that certain 3.584 acre tract of land, called Tract Two, conveyed from Pearson Properties to Howard Pearson, by Warranty Deed, as recorded in Volume 88, Page 305, Official Public Records, Franklin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner at the Southwest corner of said 3.584 acre tract, said point lying in the East line of Business State Highway No 37 - North Kaufman Street, (Variable Width R.O.W.), and in a curve to the left, with a radius of 2,839.52 feet, a delta angle of 08 Degrees 30 Minutes 05 Seconds, the chord of which bears North 15 Degrees 14 Minutes 44 Seconds West, for a chord distance of 420.93 feet, from said point, a 1/2 inch iron pipe found, bears North 77 Degrees 34 Minutes 51 Seconds East, a distance of 3.50 feet;

THENCE, along the West line of said 3.584 acre tract, the East line of said Business State Highway No. 37 - North Kaufman Street, and along the arc of said curve, for an arc length of 421.32 feet to a point at the end of said curve;

THENCE, North 21 Degrees 21 Minutes 34 Seconds West, continuing along the West line of said 3.584 acre tract, and the East line of said Business State Highway No. 37 - North Kaufman Street, a distance of 113.35 feet to a point for corner at the Northwest corner of said 3.584 acre tract, the Southwest corner of a 2.426 acre tract of land, called Tract One, conveyed to Howard Pearson, by deed recorded in Volume 88, Page 305, Official Public Records, Franklin County, Texas, and the Southwest corner of a 2.43 acre tract of land, called Tract 1, surveyed out this 23rd. day of December, 2014, from said point, a 3/4 inch iron pipe found at the Northwest corner of said 2.426 acre tract, and the Northwest corner of said 2.43 acre tract, bears North 21 Degrees 21 Minutes 34 Seconds West, a distance of 277.33 feet, and a 1 inch iron pipe found, bears South 79 Degrees 02 Minutes 57 Seconds West, a distance of 1.28 feet;

THENCE, North 79 Degrees 02 Minutes 57 Seconds East, along the North line of said 3.584 acre tract, the South line of said 2.426 acre tract, and the South line of said 2.43 acre tract, a distance of 208.42 feet to a 1/2 inch iron rod set marked (CBG INC) at an angle point in the North line of said 3.584 acre tract, an angle point in the South line of said 2.426 acre tract, and an angle point in the South line of said 2.43 acre tract;

THENCE, South 69 Degrees 38 Minutes 56 Seconds East, continuing along the North line of said 3.584 acre tract, the South line of said 2.426 acre tract, and the South line of said 2.43 acre tract, a distance of 195.80 feet to a point for corner at the Northeast corner of said 3.584 acre tract, the Southeast corner of said 2.426 acre tract, the Southeast corner of said 2.43 acre tract, and an angle point in a West line of the remainder of a 160.44 acre tract of land conveyed to David Jackson, by deed recorded in Volume 175, Page 498, Official Public Records, Franklin County, Texas, from said point, a 1/2 inch iron pipe found at the Northeast corner of said 2.426 acre tract, the Northeast corner of said 2.43 acre tract, and an ell corner of the remainder of said 160.44 acre tract, bears North 06 Degrees 17 Minutes 57 Seconds West, a distance of 298.19 feet, and a 40D nail found, bears South 66 Degrees 41 Minutes 49 Seconds West, a distance of 0.62 feet;

THENCE, South 01 Degrees 19 Minutes 40 Seconds East, along the East line of said 3.584 acre tract, and a West line of the remainder of said 160.44 acre tract, a distance of 429.08 feet to a 12 inch wood fence post found at the Southeast corner of said 3.584 acre tract, and an angle point in a West line of the remainder of said 160.44 acre tract;

THENCE, South 77 Degrees 34 Minutes 51 Seconds West, along the South line of said 3.584 acre tract, a distance of 252.08 feet to the **POINT OF BEGINNING** and **CONTAINING** 156,093 square feet or 3.58 acres of land, more or less.