

ORDINANCE 2022-11

AN ORDINANCE OF THE CITY OF MOUNT VERNON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY REZONING THE PROPERTY SHOWN ON EXHIBIT "A" FROM RESIDENTIAL THREE (R3) TO LOCAL RETAIL (LR); 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 thirty (30) days written notice to the owners of land within two hundred (200) feet of the property shown on attached Exhibit "A" (the "Property"), and after publishing notice to the public at least thirty (30) days prior to the date of such hearing, the City Council of Mount Vernon, Texas (the "Council") held a public hearing on the proposed rezoning request; and

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, all legal requirements of state statutes and City ordinances of the City of Mount Vernon, Texas ("City"), 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 to the Property 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 in 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 City 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 Property is hereby rezoned to Local Retail (LR) for the current residential structure that exists on the Property as of the date of this Ordinance.

SECTION 3: The City Secretary shall amend, or cause to have amended, the Official Zoning Map of the City to reflect the change in zoning to the Property.

SECTION 4: 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 5: 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 6: 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 7: This Ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 11th DAY OF OCTOBER, 2022.

MAYOR

ATTEST:

KATHY LOVIER – CITY SECRETARY

Exhibit "A" to Ordinance 2022-11

The Legal Description and Map of the Property

All that certain lot, tract or parcel of land situated in the County of Franklin, State of Texas, being a part of the WM.H. RAVEY SURVEY, A-412, and described as follows:

**BEGINNING at the Southeast corner of a lot now owned by Ethel Blakey;
THENCE South 229 feet to a stake for corner;
THENCE West 166 feet to the East boundary line of Highway No. 37;
THENCE North with said Highway No 37, 229 feet to the Southwest corner of said Ethel Blakey tract;
THENCE East with the South boundary line of said Blakey tract, 166 feet to the PLACE OF BEGINNING.**

Being the same land in Warranty Deed from Cecil Underwood and Martha Lou Underwood to Mrs. Hattie Adams, dated August 15, 1946, recorded in Volume 64, Page 312, Deed Records of Franklin County, Texas.

Also being the same land described in Warranty Deed dated April 13, 1999 from Marie Adams Anders and Gary Dale Anders to Lester T. Adams, recorded in Volume 16, Page 414, Real Property Records, Franklin County, Texas.

Grantor previously conveyed a 1% interest to Grantee by Warranty Deed dated August 23, 2011, recorded in Volume 247, Page 413, Deed Records, Franklin County, Texas. It is the intent of the Grantor herein to convey the remaining 99% interest to bestow full ownership in the above property to Grantee.



