

ORDINANCE 2023-28

AN ORDINANCE OF THE CITY OF MOUNT VERNON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY REZONING THE PROPERTY SHOWN ON EXHIBIT "A" FROM INTENSIVE INDUSTRIAL (II) 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 10th DAY OF JULY, 2023.

MAYOR

ATTEST:

KATHY LOVIER – CITY SECRETARY

Exhibit "A" to Ordinance 2022-11
The Legal Description and Map of the Property



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED
(Mt. Vernon, TX)

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF FRANKLIN §

FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC., a Texas corporation (the "Grantor"), for good and valuable consideration in hand paid by Grantee herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, does hereby grant, bargain, warrant, sell, and convey unto LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., an Oklahoma corporation (the "Grantee"), having a mailing address of 10601 North Pennsylvania Ave., Oklahoma City, OK 73120, and a tax mailing address of c/o Grant Thornton, Attn: Gerry Amarosa, P.O. Box 5256, Oak Brook, I L 60522, that certain tract of land situated in Franklin County, Texas as more particularly described below, together with all improvements thereon, and all rights and interests appurtenant thereto (collectively, the "Property"), and warrants title to the same.

See Exhibit A attached hereto

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns, forever, Grantor hereby covenanting that the Property is free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, except and without warranty to (i) mineral rights previously reserved or conveyed of record; (ii) taxes for the year 2023 and subsequent years, a lien not yet due and payable and (iii) those matters set forth on Exhibit B attached hereto, and that Grantor will warrant and defend the title to the Property unto Grantee and Grantee's successors and assigns forever against the lawful claims and demands of all persons.

[Signature and Acknowledgement to Follow]

IN WITNESS WHEREOF, Grantor has executed this General Warranty Deed to be effective as of the 24 day of February, 2023.

GRANTOR:

FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC.,
A Texas Corporation

By: [Signature]
Name: Jeff Byrnes
Title: Treasurer

ACKNOWLEDGMENT

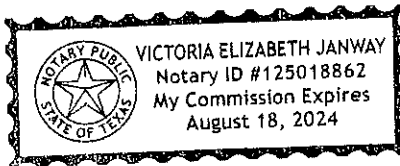
STATE OF Texas)
)
COUNTY OF Franklin)

SS:

This instrument was acknowledged before me this 24 day of February, 2023, by Jeff Byrnes as Treasurer of FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC., a Texas corporation.

Victoria Janway
Notary Public; Commission No. 125018862

My Commission Expires:
August 18, 2024
(SEAL)



IN WITNESS WHEREOF, Grantor has executed this General Warranty Deed to be effective as of the 24 day of February, 2023.

GRANTOR:

FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC.,
A Texas Corporation

By: Frankie Cooper
Name: FRANKIE COOPER
Title: ASST TREASURER

ACKNOWLEDGMENT

STATE OF Texas
COUNTY OF Franklin

)
) SS:
)

This instrument was acknowledged before me this 24 day of February 2023, by Frankie Cooper as Asst. Treasurer of FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC., a Texas corporation.

Victoria Janway
Notary Public; Commission No. 125018862

My Commission Expires:
August 18, 2024
(SEAL)

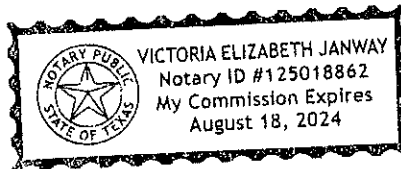


EXHIBIT A

Legal Description

Being 2.897 acres of land, situated in the B. Matthews Survey, A-612, Franklin County, Texas, and being a portion of a 48.289 acre tract which was conveyed to Franklin County Industrial Foundation, Inc. by an instrument recorded in Volume 198, Page 433, Franklin County Deed Records (FCDR), said 2.897 acres of land being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2" iron rod with a plastic cap stamped 1890 found at the southwest corner of a 2.151 acre tract which was conveyed to Roserock Investments, L.P. by an instrument recorded in Volume 144, Page 469, FCDR, the same also being in the north right-of-way line of Interstate Highway 30;
THENCE S 78°44'40"W, along said north right-of-way line, the same being the south boundary line of the above mentioned 48.289 acre tract, a distance of 103.68 feet to a 1/2" iron rod with a plastic cap found at an angle point;
THENCE S 70°54'47"W, continuing along said north right-of-way line, and said south boundary line, a distance of 270.82 feet to a 1/2" iron rod with a plastic cap stamped "KSA ENG" set for corner, a 1/2" iron rod with a plastic cap stamped 1890 found bears S 70°54'47" W, 169.29 feet;
THENCE N 01°18'44"W, a distance of 402.11 feet to a 1/2" iron rod with plastic cap stamped "KSA ENG" set for corner at the point of intersection with the south boundary line of a 30.000 acre tract which was conveyed to Love's Travel Stops & County Stores, Inc., by an instrument recorded in Volume 420, Page 285, FCDR, a 60d nail found at the southwest corner of said 30.000 acre tract bears S 87°23'13" W, 606.36 feet;
THENCE N 87°23'13"E, along the south boundary line of said 30.000 acre tract a distance of 360.09 feet to a 1/2" iron rod with a plastic cap stamped 1890 found at the most southerly southeast corner of said 30.000 acre tract, the same being in the west boundary line of the aforementioned 2.151 acre tract, a 1/2" iron rod found at the northwest corner of said 2.151 acre tract bears N 01°18'14" W, 212.68 feet;
THENCE S 01°18'44"E, along said west boundary line, a distance of 309.71 feet to the PLACE OF BEGINNING, and containing 2.897 acres of land, more or less.

EXHIBIT B

Without Warranty Items

1. Right of Way Easement dated March 11, 1997, executed by Franklin County Industrial Foundation to Southwestern Electric Power Company recorded in Vol. 250, Page 590, Deed Records, Franklin County.

WARRANTY DEED

THE STATE OF TEXAS)
)
 COUNTY OF FRANKLIN) **KNOW ALL MEN BY THESE PRESENTS:**

That **FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC.**, acting by and through its duly authorized officers,

of the County of Franklin, State of Texas, for and in consideration of the sum of Ten and other Dollars and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which is hereby acknowledged,

have **GRANTED, SOLD AND CONVEYED**, and by these presents do **GRANT, SELL AND CONVEY** unto

LKS TEXAS REAL ESTATE LIMITED PARTNERSHIP
 c/o Byron Burke, Property Tax Consultant
 3336 East 32nd Place
 Tulsa Oklahoma 74135

all of the following described real property in Franklin County, Texas, to-wit:

All that certain lot, tract or parcel of land containing 3.287 acres of land, more or less, a part of the B.W. Matthews Survey, Abstract Number 612, Franklin County, Texas, and being more fully described in Surveyor's Field Notes which are attached hereto as Exhibit A.

This conveyance is made and accepted subject to the following matters, to the extent the same are in effect at this time:

(1) Any reservations of interests in the mineral estate made by predecessors in title to the Grantor. By this conveyance Grantor conveys to Grantee all its interest in oil, gas and other minerals, and the entire surface estate to the property, and warrants that Grantor has made no conveyances of interests in the mineral estate and that all such interests ever acquired by Grantor are now conveyed to the Grantee.

(2) Easements, or claims of easements, which are not recorded in the public records, including specifically the unrecorded guy wire easements as shown on survey dated February 15, 1995, prepared by Lynn Swanner, RPLS, No. 3806, as shown on plat attached hereto as Exhibit B.

Ad valorem taxes for the year 1996 having been prorated, the obligation of paying ad valorem taxes for the current year and subsequent years is hereby assumed by the Grantee.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto said grantee, its successors and assigns forever; and FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC. does hereby bind itself, its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED effective as of the 15th day of February, 1996.

ATTEST:

FRANKLIN COUNTY INDUSTRIAL
FOUNDATION, INC.

Charles E. Conway
Corporate Secretary

Wayne Foster
By WAYNE FOSTER, President

THE STATE OF TEXAS §
§
COUNTY OF FRANKLIN §

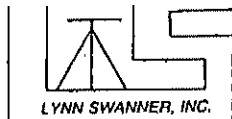
This instrument was acknowledged before me on the 15 day of February, 1996, by WAYNE FOSTER as President of FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC., a Texas corporation, on behalf of said corporation.



Dana R. Barton
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
B.F. Hicks
P.O. Box 985
Mt. Vernon, Texas 75457

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**EXHIBIT A****FIELD NOTES FOR 3.287 ACRES
MATTHEWS SURVEY - FRANKLIN COUNTY, TEXAS**

All that certain tract or parcel of land situated in the B.W. Matthews Survey, Abst. No. 612, Franklin County, Texas; being all of that certain 1.021 acre tract described in Deed to the Franklin County Ind. Foundation, dated 1996, recorded in Vol. , Page , Deed Records of Franklin County, Texas, being a part of that certain 48.289 acre tract described in Deed to the Franklin County Ind. Foundation, dated 1987, recorded in Vol. 198, Page 433, Deed Records of Franklin County, Texas; and being more particularly described as follows:

BEGINNING at a 3/4" iron pipe found on the NE corner of said 1.021 acre tract and being on the SE corner of 1/2 acre tract described in Deed to Turner Automotive, Inc., recorded in Vol. 174, Page 369 of said Deed Records;

THENCE in a Southerly direction with the West right-of-way line of Spur Hwy. 423: S 16° 11' 00" E - 11.0' and a curve to the right having a chord bearing S 11° 59' 37" E - 197.03', an arc length of 199.07' and a radius of 400.00' to a concrete monument found on the SE corner of said 1.021 acre tract;

THENCE in a Westerly direction with the North right-of-way line of Interstate Hwy. 30 as follows: S 89° 02' 56" W - 316.60', S 89° 21' 04" W - 105.49' and S 79° 56' 00" W - 130.97' to a 5/8" iron pipe found for corner;

THENCE North - 339.63' to a 5/8" iron pipe found for corner;

THENCE East - 272.75' to a 5/8" iron pipe found for corner on the West boundary line of a 0.202 acre tract described in Deed to Turner Automotive, Inc. recorded in Vol. 211, Page 417 of said Deed Records;

THENCE S 12° 30' 20" E - 112.25' to a 5/8" iron pipe found on the SW corner of said 0.202 acre tract and the NW corner of said 1.021 acre tract;

THENCE N 89° 24' 00" E with the North boundary line of said 1.021 acre tract, at 61.9' passing the SE corner of said 0.202 acre tract and the SW corner of said 1/2 acre tract and at a total distance of 209.95' to the place of beginning containing 3.287 acres.

I, Lynn Swanner, Registered Professional Land Surveyor, do hereby certify that this survey represents a true and correct survey made under my supervision of the described property. I further certify that this survey correctly shows the location of all buildings, structures and other completed improvements situated on the above premises; and that except as shown, there are no visible easements or rights of way of which the undersigned has been advised, no party walls, no encroachments on adjoining premises, streets or alleys, by any of said buildings, structures or other improvements, and no encroachments on said premises by buildings, structures or

One State of Texas,

County of FRANKLIN

} Know All Men by These Presents:

063548

THAT WALTER HELM, not joined by my wife, as property is not part of my homestead,

of the County of HOPKINS State of TEXAS for and in consideration

of the sum of TEN AND OTHER DOLLARS-----
DOLLARS

to him in hand paid by LKS TEXAS REAL ESTATE LIMITED PARTNERSHIP

as follows:

CASH IN HAND PAID, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED,

has Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said LKS TEXAS REAL ESTATE LIMITED PARTNERSHIP

whose mailing address is 350 N. St. Paul, Dallas, Texas 75201
of the County of Dallas State of Texas all that certain
lot, tract or parcel of land situated in Franklin County, Texas, and being a part of
the JAMES CAUDLE SURVEY A-102 and the BARTON MATTHEWS SURVEY A-612, and being 1.416
acres, more or less and being more fully described on the Attached Exhibit A...

This conveyance is made subject to the following:
All reservations, leases, or conveyances of the mineral estate made by predecessors in title, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect.

Grantee assumes ad valorem taxes for the year 1996 and subsequent years.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said LKS TEXAS REAL ESTATE LIMITED PARTNERSHIP, its successors

~~heirs~~ and assigns forever and I do hereby bind myself, my

heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said LKS TEXAS REAL ESTATE LIMITED PARTNERSHIP, its successors

~~heirs~~ and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS my hand at Mt. Vernon, Texas

this 15th day of February

, 19 96

Walter Helm
WALTER HELM

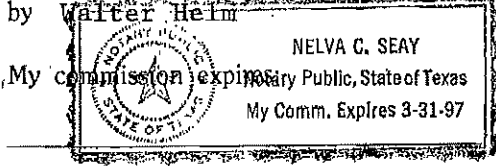
Witness at request of Grantor:

656
VOL. 244 PAGE _____

(Acknowledgment)

STATE OF TEXAS
COUNTY OF FRANKLIN

This instrument was acknowledged before me on the 16th day of February, 1996,
by Walter Heim



Nelva C. Seay
Notary Public, State of Texas
Notary's printed name:

(Acknowledgment)

STATE OF TEXAS
COUNTY OF

This instrument was acknowledged before me on the _____ day of _____, 19____,
by _____

My commission expires: _____

Notary Public, State of Texas
Notary's printed name:

(Corporate Acknowledgment)

STATE OF TEXAS
COUNTY OF

This instrument was acknowledged before me on the _____ day of _____, 19____,
by _____ of _____
a _____ corporation, on behalf of said corporation.

My commission expires: _____

Notary Public, State of Texas
Notary's printed name:

"EXHIBIT A"

All that certain tract or parcel of land situated in the James Caudle Survey, Abst. No. 102 and the Barton Matthews Survey, Abst. No. 612, Franklin County, Texas; being all of that certain 1.421 acre tract described in Deed to Walter Helm, dated 1994, recorded in Vol. 239, Page 357, Deed Records of Franklin County, Texas; and being more particularly described as follows:

BEGINNING at a railroad spike found on the SW corner of said 1.421 acre tract and on the SE corner of a 0.507 acre tract described in Deed to Robbie Turner, recorded in Vol. 236, Page 297 of said Deed Records;

THENCE N 0° 17' 26" E with the East boundary line of said 0.507 acre tract - 113.80' to a 1/2" iron pipe found on the NE corner of said 0.507 acre tract and on the SE corner of a 2.073 acre tract described in Deed to Tarrant Oil Company, recorded in Vol. 197, Page 56 of said Deed Records;

THENCE N 0° 37' 04" W with the East boundary line of said 2.073 acre tract - 372.77' to a 1/2" iron pipe found on the NW corner of said 1.421 acre tract and on the NE corner of said 2.073 acre tract;

THENCE N 89° 48' 07" E with a fence along the North boundary line of said 1.421 acre tract - 148.16' to a 1/2" iron pipe found on the NE corner of said 1.421 acre tract and on the NW corner of a 4.0114 acre tract described in Deed to Wun Pingwu, recorded in Vol. 232, Page 427 of said Deed Records;

THENCE S 4° 58' 22" W with the East boundary line of said 1.421 acre tract and the West boundary line of said 4.0114 acre tract - 510.31' to a 5/8" iron pipe set on the SE corner of said 1.421 acre tract and on the SW corner of said 4.0114 acre tract;

THENCE in a Westerly direction with the North right-of-way line of Interstate Hwy. 30 and a curve to the left having a chord bearing N 78° 00' 48" W - 102.72', an arc length of 102.73' and a radius of 1960.08' to the place of beginning containing 1.416 acres.



STATE OF TEXAS
COUNTY OF FRANKLIN

I hereby certify that this instrument was FILED on the day and at the time stamped hereon by me and was duly RECORDED in the Volume 244 and Page 658 of the Deed RECORDS of Franklin County, Texas.

Walter Helm

FILED FOR RECORD
at 3:45 o'clock P M

FEB 16 1996

TAMMIE DICKSON, County Clerk, Franklin County, Texas

TAMMIE DICKSON, County Clerk
Franklin County, Texas
By ME Deputy

Manica Forrest
Deputy 244 PAGE 658
VOL. 244 PAGE

STATE OF TEXAS

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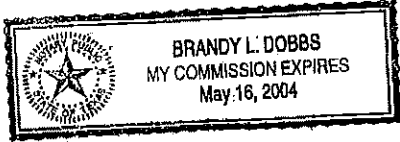
COUNTY OF FRANKLIN

*

*

BEFORE ME, the undersigned Notary Public, on this day personally appeared **WAYNE FOSTER, President of Franklin County Industrial Foundation**, who acknowledged and executed the foregoing instrument for all purposes and consideration therein expressed.

Given under my hand and seal of office on this the 25th day of March, 2003.



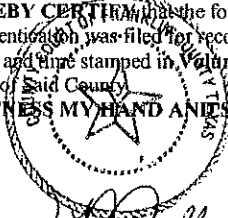
Brandy L. Dobbs
Notary Public, State of Texas

FCA-03-0594

THE STATE OF TEXAS
COUNTY OF FRANKLIN

I HEREBY CERTIFY that the foregoing instrument of writing with its Certificate of Authentication was filed for record in my office and was duly recorded by me on the date and time stamped in Volume 80, Page 341 of the REAL PROPERTY records of Said County.

WITNESS MY HAND AND SEAL of Said Court at Mt. Vernon, Texas.



Bety Crane, Franklin County Clerk

By: Jan A. Wells, Deputy



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

(Mt. Vernon, TX)

THE STATE OF TEXAS
COUNTY OF FRANKLIN

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC., a Texas corporation (the "Grantor"), for good and valuable consideration in hand paid by Grantee herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, does hereby grant, bargain, warrant, sell, and convey unto LOVE'S TRAVEL STOPS & COUNTRY STORES, INC., an Oklahoma corporation (the "Grantee"), having a mailing address of 10601 North Pennsylvania Ave., Oklahoma City, OK 73120, and a tax mailing address of c/o Ryan, LLC Bank of America Center, 15 West 6th Street, Suite 2400, Tulsa, OK 74119, that certain tract of land situated in Franklin County, Texas as more particularly described below, together with all improvements thereon, and all rights and interests appurtenant thereto (collectively, the "Property"), and warrants title to the same.

See Exhibit A attached hereto

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns, forever, Grantor hereby covenanting that the Property is free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, except and without warranty to (i) mineral rights previously reserved or conveyed of record; (ii) taxes for the year 2021 and subsequent years, a lien not yet due and payable and (iii) those matters set forth on Exhibit B attached hereto, and that Grantor will warrant and defend the title to the Property unto Grantee and Grantee's successors and assigns forever against the lawful claims and demands of all persons.

Recording Requested By:
FNTG-NCS Colorado
N0033039/4210006060

[Signature and Acknowledgement to Follow]

EXHIBIT A

Legal Description

BEING 30.000 ACRE TRACT OF LAND SITUATED IN THE B. MATTHEWS SURVEY, ABSTRACT NO. 612, THE G. KEITH SURVEY, ABSTRACT NO. 261 AND THE J. LEWIS SURVEY, ABSTRACT NO. 283 IN THE CITY OF MOUNT VERNON, FRANKLIN COUNTY, TEXAS, AND BEING A PART OF THE 48.289 ACRE TRACT OF LAND DESCRIBED IN DEED TO FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC., AS RECORDED IN VOLUME 198 AT PAGE 433 OF THE DEED RECORDS OF FRANKLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTH RIGHT OF WAY LINE OF NORTH SERVICE ROAD FOR INTERSTATE HIGHWAY 30 (VARIABLE WIDTH RIGHT OF WAY) FOR THE SOUTHWEST CORNER OF A 2.151 ACRE TRACT OF LAND DESCRIBED IN DEED FROM FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC. TO ROSEROCK INVESTMENTS, L.P., AN OKLAHOMA LIMITED PARTNERSHIP, AS RECORDED IN VOLUME 144 AT PAGE 469 OF THE DEED RECORDS OF FRANKLIN COUNTY, TEXAS;

THENCE NORTH 01° 18' 14" WEST DEPARTING THE NORTH RIGHT OF WAY LINE OF SAID NORTH SERVICE ROAD FOR INTERSTATE HIGHWAY 30 AND ALONG THE WEST LINE OF SAID 2.151 ACRE ROSEROCK INVESTMENTS, L.P., TRACT FOR A DISTANCE OF 309.71 FEET TO A 5/8" IRON ROD SET FOR THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE SOUTH 87° 23' 13" WEST AND DEPARTING THE WEST LINE OF SAID 2.151 ACRE ROSEROCK INVESTMENTS, L.P., TRACT FOR A DISTANCE OF 966.45 FEET TO A TO A PK NAIL SET IN ASPHALT FOR CORNER IN THE CENTER OF GADLIN STREET AN UNDEDICATED PRESCRIPTIVE ROADWAY, SAID POINT ALSO BEING IN THE WEST LINE OF SAID 48.289 ACRE FRANKLIN COUNTY INDUSTRIAL FOUNDATION INC. TRACT;

THENCE FOLLOWING ALONG WEST LINE OF SAID 48.289 ACRE FRANKLIN COUNTY INDUSTRIAL FOUNDATION INC. TRACT AND THE CENTERLINE OF SAID GADLIN STREET, THE FOLLOWING COURSES & DISTANCES NUMBERED 1 THROUGH 3:

1. NORTH 20° 58' 43" EAST FOR A DISTANCE OF 1,546.28 FEET TO A POINT FOR CORNER;
2. NORTH 27° 32' 06" EAST FOR A DISTANCE OF 111.85 FEET TO A POINT FOR CORNER;
3. NORTH 29° 16' 40" EAST FOR A DISTANCE OF 193.83 FEET TO A POINT FOR CORNER;

THENCE SOUTH 88° 32' 57" EAST ALONG THE NORTH LINE OF SAID 48.289 ACRE FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC. TRACT FOR A DISTANCE OF 121.39 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID 48,289 ACRE FRANKLIN INDUSTRIAL FOUNDATION INC. TRACT AND THE WEST RIGHT-OF-WAY LINE OF SPUR 423 (A 60' RIGHT-OF-WAY) AT THIS POINT,

THENCE FOLLOWING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SPUR 423 AND THE EAST LINE OF SAID 48.289 ACRE FRANKLIN INDUSTRIAL FOUNDATION INC. TRACT THE FOLLOWING COURSES & DISTANCES NUMBERED 4 THROUGH 7:

4. SOUTH 35° 00' 32" EAST FOR A DISTANCE OF 449.17 FEET TO A POINT FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 676.59 FEET WITH A CENTRAL ANGLE OF 17° 31' 00" AND A CHORD BEARING SOUTH 26° 15' 02" EAST AT A DISTANCE OF 206.04 FEET;

5. SOUTHEASTERLY AND FOLLOWING ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 206.85 FEET TO A POINT FOR CORNER;

6. SOUTH 17° 29' 32" EAST FOR A DISTANCE OF 214.90 FEET TO A POINT FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2905.21 FEET WITH A CENTRAL ANGLE OF 08° 29' 11" AND A CHORD BEARING SOUTH 21° 44' 07" EAST AT A DISTANCE OF 429.92 FEET;

7. SOUTHEASTERLY AND FOLLOWING ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 430.31 FEET TO A POINT FOR CORNER, SAID POINT BEING THE NORTHEAST CORNER OF THAT CERTAIN 1.757 ACRE TRACT OF LAND DESCRIBED IN DEED TO LUCKY 7 CAR WASH AS RECORDED IN VOLUME 182, PAGE 89 OF THE DEED RECORDS OF FRANKLIN COUNTY, TEXAS;

THENCE SOUTH 87° 10' 04" WEST AND DEPARTING THE WEST RIGHT-OF-WAY LINE OF SAID SPUR 423 AND FOLLOWING ALONG THE NORTH LINE OF SAID 1.757 ACRE LUCKY 7 CAR WASH TRACT FOR A DISTANCE OF 310.00 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID 1.757 ACRE LUCKY 7 CAR WASH TRACT;

THENCE SOUTH 02° 49' 46" EAST AND FOLLOWING ALONG THE WEST LINE OF SAID 1.757 ACRE LUCKY 7 CAR WASH TRACT AND ALONG THE WEST LINE OF A 0.577 ACRE TRACT OF LAND DESCRIBED IN DEED FROM DIAMOND TRUCK WASH, LLC, AN ARKANSAS LIMITED LIABILITY COMPANY TO ROSEROCK INVESTMENTS, L.P., AN OKLAHOMA LIMITED PARTNERSHIP, AS RECORDED IN VOLUME 144 AT PAGE 82 OF THE DEED RECORDS OF FRANKLIN COUNTY, TEXAS FOR A DISTANCE OF 274.59 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 0.577 ACRE ROSEROCK INVESTMENTS, L.P. TRACT, SAID POINT ALSO BEING IN THE NORTH LINE OF AFORESAID 2.151 ACRE ROSEROCK INVESTMENTS, L.P. TRACT;

THENCE SOUTH 87° 30' 39" WEST AND FOLLOWING ALONG THE NORTH LINE OF AFORESAID 2.151 ACRE ROSEROCK INVESTMENTS, L.P. TRACT FOR A DISTANCE OF 133.46 FEET TO A POINT FOR THE NORTHWEST CORNER OF AFORESAID 2.151 ACRE ROSEROCK INVESTMENTS, L.P. TRACT;

THENCE SOUTH 01° 18' 14" EAST ALONG THE WEST LINE OF AFORESAID 2.151 ACRE ROSEROCK INVESTMENTS, L.P. TRACT FOR A DISTANCE OF 212.68 FEET TO THE POINT OF BEGINNING AND CONTAINING 30.000 ACRES (1,306,800 SQUARE FEET) OF LAND, MORE OR LESS.

EXHIBIT B

Without Warranty Items

1. Right of Way Deed dated March 1, 1950, executed by Sam P. Long and Mrs. Sam P. Long to State of Texas, recorded in Vol. 68, Page 541, Franklin County, Texas.
2. Right of Way Easement dated March 11, 1997, executed by Franklin County Industrial Foundation to Southwestern Electric Power Company, recorded in Vol. 250, Page 590, Deed Records, Franklin County, Texas.
3. ~~Those matters as shown on the Survey by David Petree as shown on the Preliminary Survey dated September 16, 2021, by David Petree, R.P.L.S. No. 1890.~~
4. Any Zoning, Platting, and Use Restrictions under authority of municipal government of the City of Mt. Vernon, TX
5. Declaration of Covenants and Restrictions dated August 18, 2005, recorded in Vol. 144, Page 469, Official Public Records, Franklin County, Texas.
6. Partial Release of Restrictive Covenants dated 11/17 2021, recorded concurrently 2021.
herewith

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

GENERAL WARRANTY DEED

(Mt. Vernon, TX)

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF FRANKLIN §

FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC., a Texas corporation (the "Grantor"), for good and valuable consideration in hand paid by Grantee herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, does hereby grant, bargain, warrant, sell, and convey unto **LOVE'S TRAVEL STOPS & COUNTRY STORES, INC.**, an Oklahoma corporation (the "Grantee"), having a mailing address of 10601 North Pennsylvania Ave., Oklahoma City, OK 73120, and a tax mailing address of c/o Ryan, LLC Bank of America Center, 15 West 6th Street, Suite 2400, Tulsa, OK 74119, that certain tract of land situated in Franklin County, Texas as more particularly described below, together with all improvements thereon, and all rights and interests appurtenant thereto (collectively, the "Property"), and warrants title to the same.

See Exhibit A attached hereto

TO HAVE AND TO HOLD the Property unto Grantee and Grantee's successors and assigns, forever, Grantor hereby covenanting that the Property is free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature, except and without warranty to (i) mineral rights previously reserved or conveyed of record; (ii) taxes for the year 2021 and subsequent years, a lien not yet due and payable and (iii) those matters set forth on Exhibit B attached hereto, and that Grantor will warrant and defend the title to the Property unto Grantee and Grantee's successors and assigns forever against the lawful claims and demands of all persons.

Recording Requested By:
FNTG-NCS Colorado
N0033039/4210006060

[Signature and Acknowledgement to Follow]

16 IN WITNESS WHEREOF, Grantor has executed this General Warranty Deed to be effective as of the 16 day of November, 2021.

GRANTOR:

FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC.,
A Texas Corporation

By: Robert Floyd McFarland
Name: ROBERT FLOYD McFARLAND
Title: PRESIDENT
By: Robert A. McFarland

ACKNOWLEDGMENT

STATE OF Texas)
)
COUNTY OF Franklin)

SS:

This instrument was acknowledged before me this 16 day of November, 2021, by Robert Floyd McFarland as President of FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC., a Texas corporation.

Victoria Janway
Notary Public; Commission No. 125018862

My Commission Expires:
August 18, 2024
(SEAL)

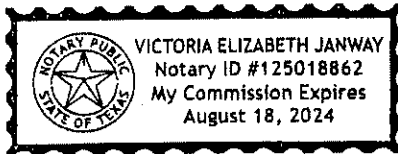


EXHIBIT A

Legal Description

BEING 30.000 ACRE TRACT OF LAND SITUATED IN THE B. MATTHEWS SURVEY, ABSTRACT NO. 612, THE G. KEITH SURVEY, ABSTRACT NO. 261 AND THE J. LEWIS SURVEY, ABSTRACT NO. 283 IN THE CITY OF MOUNT VERNON, FRANKLIN COUNTY, TEXAS, AND BEING A PART OF THE 48.289 ACRE TRACT OF LAND DESCRIBED IN DEED TO FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC., AS RECORDED IN VOLUME 198 AT PAGE 433 OF THE DEED RECORDS OF FRANKLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTH RIGHT OF WAY LINE OF NORTH SERVICE ROAD FOR INTERSTATE HIGHWAY 30 (VARIABLE WIDTH RIGHT OF WAY) FOR THE SOUTHWEST CORNER OF A 2.151 ACRE TRACT OF LAND DESCRIBED IN DEED FROM FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC. TO ROSEROCK INVESTMENTS, L.P., AN OKLAHOMA LIMITED PARTNERSHIP, AS RECORDED IN VOLUME 144 AT PAGE 469 OF THE DEED RECORDS OF FRANKLIN COUNTY, TEXAS;

THENCE NORTH 01° 18' 14" WEST DEPARTING THE NORTH RIGHT OF WAY LINE OF SAID NORTH SERVICE ROAD FOR INTERSTATE HIGHWAY 30 AND ALONG THE WEST LINE OF SAID 2.151 ACRE ROSEROCK INVESTMENTS, L.P., TRACT FOR A DISTANCE OF 309.71 FEET TO A 5/8" IRON ROD SET FOR THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE SOUTH 87° 23' 13" WEST AND DEPARTING THE WEST LINE OF SAID 2.151 ACRE ROSEROCK INVESTMENTS, L.P., TRACT FOR A DISTANCE OF 966.45 FEET TO A TO A PK NAIL SET IN ASPHALT FOR CORNER IN THE CENTER OF GADLIN STREET AN UNDEDICATED PRESCRIPTIVE ROADWAY, SAID POINT ALSO BEING IN THE WEST LINE OF SAID 48.289 ACRE FRANKLIN COUNTY INDUSTRIAL FOUNDATION INC. TRACT;

THENCE FOLLOWING ALONG WEST LINE OF SAID 48.289 ACRE FRANKLIN COUNTY INDUSTRIAL FOUNDATION INC. TRACT AND THE CENTERLINE OF SAID GADLIN STREET, THE FOLLOWING COURSES & DISTANCES NUMBERED 1 THROUGH 3:

1. NORTH 20° 58' 43" EAST FOR A DISTANCE OF 1,546.28 FEET TO A POINT FOR CORNER;
2. NORTH 27° 32' 06" EAST FOR A DISTANCE OF 111.85 FEET TO A POINT FOR CORNER;
3. NORTH 29° 16' 40" EAST FOR A DISTANCE OF 193.83 FEET TO A POINT FOR CORNER;

THENCE SOUTH 88° 32' 57" EAST ALONG THE NORTH LINE OF SAID 48.289 ACRE FRANKLIN COUNTY INDUSTRIAL FOUNDATION, INC. TRACT FOR A DISTANCE OF 121.39 FEET TO A POINT FOR CORNER IN THE EAST LINE OF SAID 48.289 ACRE FRANKLIN INDUSTRIAL FOUNDATION INC. TRACT AND THE WEST RIGHT-OF-WAY LINE OF SPUR 423 (A 60' RIGHT-OF-WAY) AT THIS POINT,

THENCE FOLLOWING ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SPUR 423 AND THE EAST LINE OF SAID 48.289 ACRE FRANKLIN INDUSTRIAL FOUNDATION INC. TRACT THE FOLLOWING COURSES & DISTANCES NUMBERED 4 THROUGH 7:

4. SOUTH 35° 00' 32" EAST FOR A DISTANCE OF 449.17 FEET TO A POINT FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 676.59 FEET WITH A CENTRAL ANGLE OF 17° 31' 00" AND A CHORD BEARING SOUTH 26° 15' 02" EAST AT A DISTANCE OF 206.04 FEET;

5. SOUTHEASTERLY AND FOLLOWING ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 206.85 FEET TO A POINT FOR CORNER;

6. SOUTH 17° 29' 32" EAST FOR A DISTANCE OF 214.90 FEET TO A POINT FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2905.21 FEET WITH A CENTRAL ANGLE OF 08° 29' 11" AND A CHORD BEARING SOUTH 21° 44' 07" EAST AT A DISTANCE OF 429.92 FEET;

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herewith



ZONING APPLICATION CHECKLIST

The application and all attachments must be in City Hall 30 business days before the council meeting or it will be on the next months agenda. The submittal information shall be provided to the City Council. It is important that the property owner attend the meeting. (This fee is non-refundable)

SUBMITTAL REQUIREMENTS

- Application Form
Completed and signed by property owner
- Application Fee - \$250.00
Check should be made payable to the City of Mount Vernon
- Location Map
Indicate the subject parcel and adjacent streets
- Site plan drawn to scale, based on the deed or survey, showing all existing and proposed structures dimensioned from the structure to the property line and required setbacks.
- A copy of the deed or survey of the property.
- Applicant must describe in detail the zoning being requested.

Current Love's site has plans to raze existing site (i.e. convenience store, diesel fuel canopy, tire shop) and rebuild while also expanding truck parking to the east. The existing site sits on property that is zoned as Local Retail. Adjacent property to the east was purchased to expand truck parking and is zoned as Industrial Intensive. It has been recommended by the city to rezone this property to Local Retail for consistency and in preparation for any future additions Love's may have such as RV parking.

City of Mount Vernon

109 N. Kaufman * P.O. Box 597 * Mount Vernon, TX 75457 * 903 537 2252 * FAX 903 537 2634

www.comvtx.com



ZONING APPLICATION

Property Owner: Love's Travel Stop & Country Stores
Mailing Address: 10601 N Pennsylvania Ave, Oklahoma City, OK 73120
Telephone #: 405-302-6633
Location of Property: 215 East St, I-30 N, Mt Vernon, TX
Use of Property: Service station - convenience store
Currently Zoned: Local Retail - Intensive Industrial
Requesting Zoned: Local Retail

Property Owner: I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City may not approve my application or may set conditions on approval.

Jack J. [Signature]

Property Owner Signature

5-23-23

Date

City of Mount Vernon

109 N. Kaufman * P.O. Box 597 * Mount Vernon, TX 75457 * 903 537 2252 * FAX 903 537 2634
www.comvtx.com



June 23, 2023

Re: Re-Zoning Request

Dear Property Owner:

A public hearing will be conducted at 6:00 p.m. on July 10th, 2023 in City Hall at 109 N Kaufman St., Mount Vernon, Texas.

The purpose of this hearing is to hear evidence for or against a request made by Love's Travel Stop & Country Store to rezone from Intensive Industrial (II) to Local Retail (LR) at his property located at 215 East I-30 N, Mt. Vernon, Texas.

You or your representative are invited and will be afforded an opportunity to present oral or written testimony for or against the proposed change.

Respectfully,

Kathy Lovier
City Secretary

City of Mount Vernon

109 N. Kaufman * P.O. Box 597 * Mount Vernon, TX 75457 * 903 537 2252 * FAX 903 537 2634

www.comvtx.com