

CITY OF SANGER, TEXAS

ORDINANCE 04-05-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, REGARDING AMENDING THE ZONING MAP FOR APPROXIMATELY 0.251 ACRES OF LAND DESCRIBED AS A1241A TIERWESTER, TR 50; FROM (I-1) INDUSTRIAL 1 TO (B-2) BUSINESS 2; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE IN ACCORDANCE WITH SECTION 1.109 OF THE CODE OF ORDINANCE FOR VIOLATIONS; AND PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Sanger (the “City”) is a home rule municipality regulated by state law and Charter; and

WHEREAS, the City Council finds it necessary for the public health, safety, and welfare that development occur in a controlled and orderly manner; and

WHEREAS, the Planning and Zoning Commission on March 13, 2023, duly covered and conducted public hearing for the purpose of assessing a request for amendment to the Zoning Map, recommending approval for the hereinafter described property; and

WHEREAS, all requests for amendment to the Zoning Map were duly filed with the City of Sanger, Texas, concerning the hereinafter described property; and

WHEREAS, the following provision of proper legal notice requirements, including written notice to owners within 200 feet of the subject property, were made in the time and manner prescribed by law; and

WHEREAS, the City Council finds that the passage of this Ordinance is in the best interest of the citizens of Sanger.

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

SECTION 1. That an amendment to the Zoning Map from (I-1) Industrial 1 to (B-2) Business 2 is hereby granted for the property generally located on the east side of N Stemmons approximately 218 feet north of the intersection of FM 455 and N Stemmons Frwy, generally known as 902 N Stemmons Frwy, described in **Exhibit A**.

SECTION 2. 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 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

SECTION 4. Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in The Code of Ordinances, Section 1.109 General Penalty for Violations of Code.

SECTION 5. This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED by the City Council of the City of Sanger, Texas, on this 3th day of April, 2023.

APPROVED:

Thomas E. Muir, Mayor

ATTEST:

Kelly Edwards, City Secretary

APPROVED TO FORM:

Hugh Coleman, City Attorney

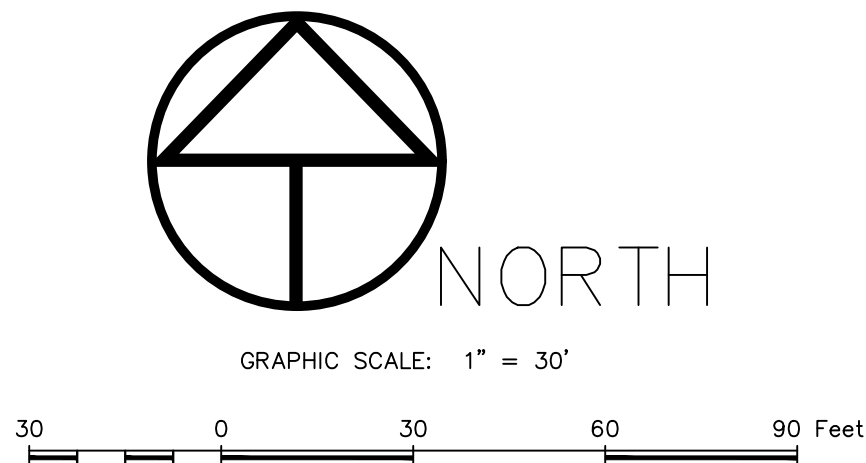
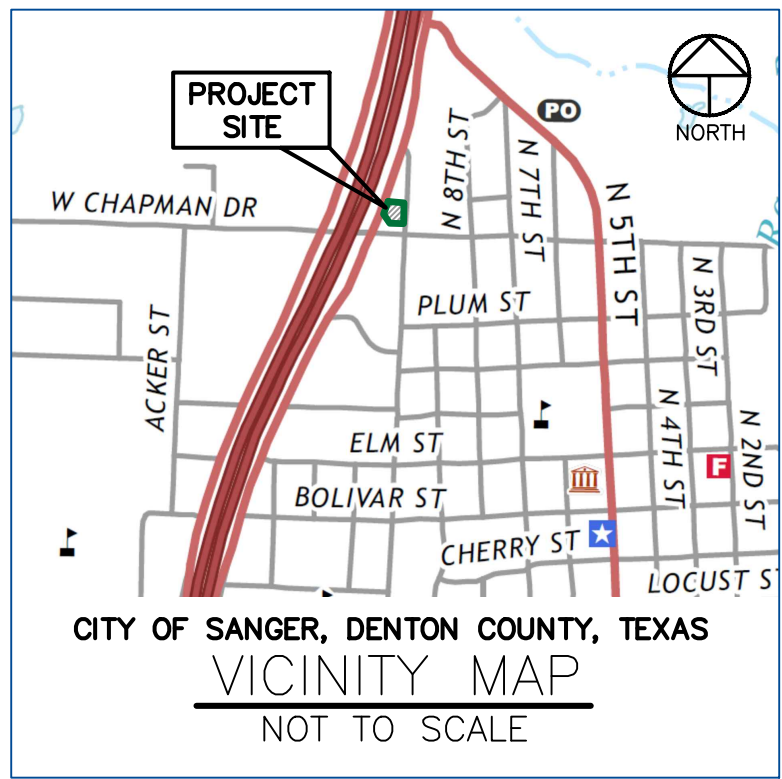


Exhibit A

TEMPORARY BENCHMARK#1 ELEVATION — 684.56'

BEING A "Y"-CUT SET IN CONCRETE CURB ALONG THE EAST RIGHT-OF-WAY LINE OF 10TH STREET NEAR THE NORTHEAST CORNER OF SUBJECT TRACT, APPROXIMATELY 36 FEET NORTHWEST FROM AN EXISTING GAS METER LOCATED ON THE EAST RIGHT-OF-WAY LINE OF SAID 10TH STREET AND APPROXIMATELY 26 FEET NORTHWEST FROM AN EXISTING POWER POLE LOCATED ON THE EAST RIGHT-OF-WAY LINE OF SAID 10TH STREET.

TEMPORARY BENCHMARK#2 ELEVATION — 685.74'

BEING A "X"-CUT SET IN CONCRETE CURB ALONG THE EAST RIGHT-OF-WAY LINE OF 10TH STREET NEAR THE EAST LINE OF SUBJECT TRACT, APPROXIMATELY 30 FEET NORTHWEST FROM AN EXISTING WATER METER LOCATED ON THE EAST RIGHT-OF-WAY LINE OF SAID 10TH STREET AND APPROXIMATELY 52 FEET NORTH FROM AN EXISTING POWER POLE LOCATED ON THE EAST RIGHT-OF-WAY LINE OF SAID 10TH STREET.

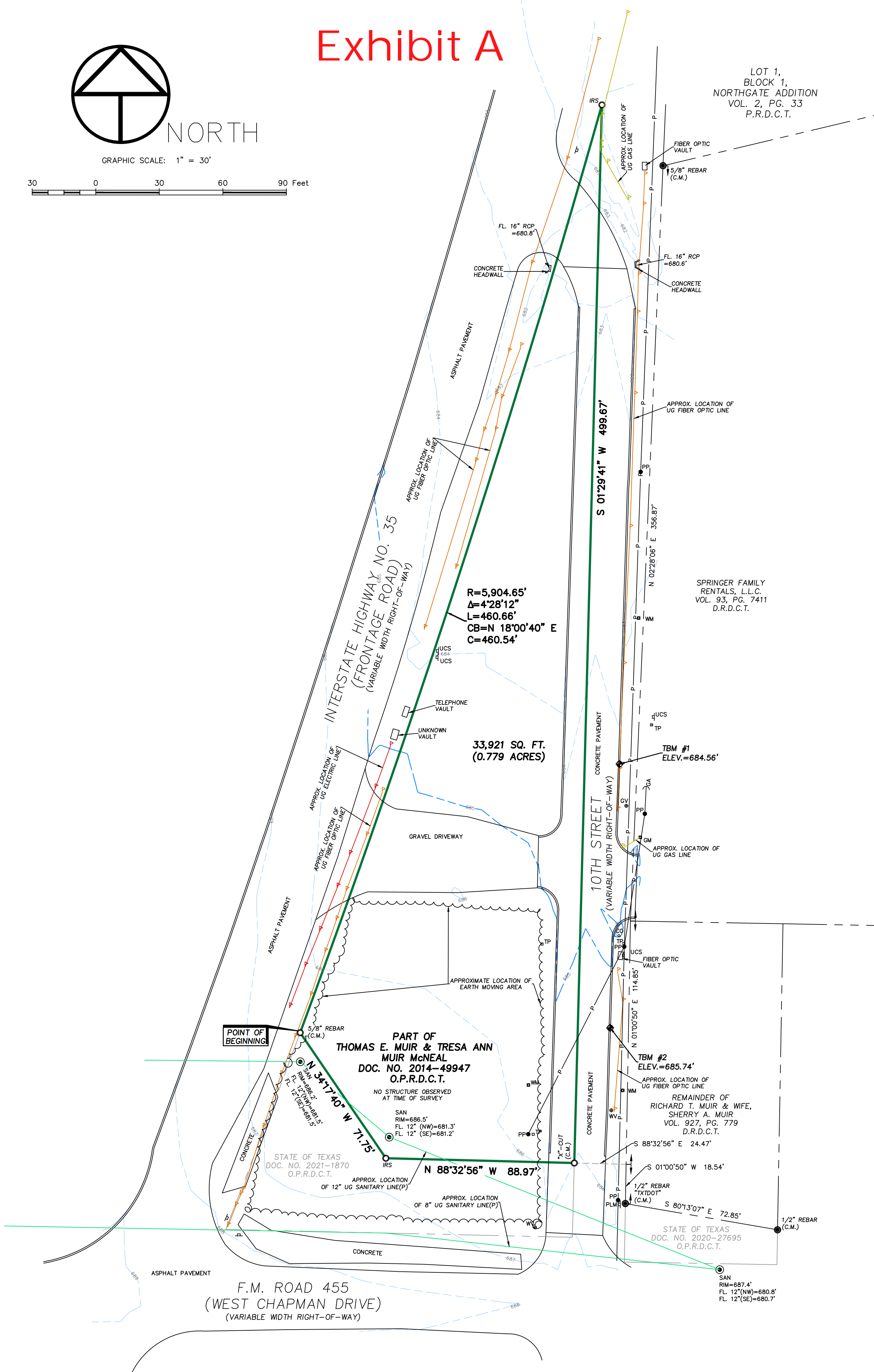
TITLE COMMITMENT NOTES:

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE. THEREFORE, EASEMENTS, AGREEMENTS, OR OTHER DOCUMENTS, EITHER RECORDED, OR UNRECORDED, MAY EXIST THAT AFFECT THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THIS SURVEY.

LEGEND

* SOME OF THESE ELEMENTS MAY NOT BE USED ON THIS SURVEY			
BO	BOLLARD	H	HIGHBANK
EM	ELECTRIC METER	S	SIGN
HC	HANDICAP	dPLM	PIPELINE MARKER
GM	GAS METER	dUCS	UNDERGROUND CABLE SIGN
GV	GAS VALVE	dCTL	CATHODIC TEST LEAD
GH	FIRE HYDRANT	dMW	MONITORING WELL
DC	FIRE DEPARTMENT CONNECTION	P	PIN FLAG/PAINT MARK
WM	WATER METER	TC	TOP OF CURB
WV	WATER VALVE	G	GUTTER
ICV	IRRIGATION CONTROL VALVE	TG	TOP OF GRATE
GI	GRATE INLET	FL	FLOW LINE
GI	GRATE INLET	HB	HIGHBANK
CO	MANHOLE	SAN	SANITARY SEWER
CO	CLEANOUT	STM	STORM SEWER
TP	TELEPHONE PEDESTAL	CMP	CORRUGATED METAL PIPE
CP	CABLE PEDESTAL	CPP	CORRUGATED PLASTIC PIPE
EB	ELECTRIC BOX	RCP	REINFORCED CONCRETE PIPE
TSB	TRAFFIC SIGNAL BOX	TEL	TELEPHONE
LP	LIGHT POLE	SWBT	SOUTHWESTERN BELL TELEPHONE CO.
TLP	TRAFFIC LIGHT POLE	WTR	WATER
GL	GROUND/SPOT LIGHT	UG	UNDERGROUND
PP	POWER POLE	FND	FOUND
PP/T	POWER POLE W/TRANSFORMER	IP	IRON PIPE
PP/LT	POWER POLE W/LIGHT	IR	IRON ROD
PP/CT	POWER POLE W/CONDUIT	NO	NUMBER
MP	METER POLE	PG	PAGE
SP	SERVICE POLE	R.O.W.	RIGHT-OF-WAY
GAC	GUY ANCHOR	SQ. FT.	SQUARE FEET
P	OVERHEAD POWER LINE	VOL	VOLUME
B	BARBED WIRE FENCE	F.C.	FILM CODE
W	WROUGHT IRON FENCE	BL	BUILDING LINE
W	WOOD FENCE	U.E.	UTILITY EASEMENT
C	CHAINLINK FENCE	T	TREE/SHRUB
GP	GATE POST	C.M.	CONTROLLING MONUMENT
(P)	PER PLANS	D.R.D.C.T.	DEED RECORDS, DENTON COUNTY, TEXAS
APPROX	APPROXIMATE	P.R.D.C.T.	PLAT RECORDS, DENTON COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS		
IRS	1/2-INCH CAPPED REBAR STAMPED "WINDROSE" SET		

BE ADVISED: DIVIDING LAND INITIALLY THROUGH A DEED WILL NOT SERVE TO PLAT, REPLAT OR AMEND THE PLAT. A SURVEY IS NOT A PLAT. BEFORE ANY PERMITS CAN ISSUE OR CONSTRUCTION BE INITIATED, A REPLAT, FINAL PLAT OR AMENDED PLAT MUST FIRST BE APPROVED BY THE APPROPRIATE GOVERNMENTAL AUTHORITY AND FILED FOR RECORD IN THE APPROPRIATE COUNTY. THERE IS NO REPRESENTATION THAT THE DIVISION OF THIS PARCEL WILL BE APPROVED BY THE CITY OR COUNTY SURVEYOR HAS DIVIDED THIS PARCEL, AS INSTRUCTED; HOWEVER, CLIENT ACKNOWLEDGES THAT THE REPLAT, FINAL PLAT OR AMENDED PLAT APPLICATION IS A COSTLY AND TIME CONSUMING PROCESS AND WILL BE THE SOLE RESPONSIBILITY OF THE CLIENT. CLIENT RELEASES WINDROSE LAND SERVICES, LLC FROM ALL LIABILITY IN THIS MATTER.



PROPERTY DESCRIPTION:

BEING A 0.779 ACRE TRACT OF LAND SITUATED IN THE HENRY TIERWESTER SURVEY, ABSTRACT NUMBER 1241, IN THE CITY OF SANGER, DENTON COUNTY, TEXAS, BEING A PORTION OF THAT SAME TRACT OF LAND DESCRIBED TO THOMAS E. MUIR & TRESA ANN MUIR McNEAL BY DISTRIBUTION DEED TO TRUST BENEFICIARIES RECORDED IN DOCUMENT NUMBER 2014-49947 OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS (O.P.R.D.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, (BEARINGS AND DISTANCES ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202) NORTH AMERICAN DATUM 83 (NAD83)(US FOOT) WITH A COMBINED SCALE FACTOR OF 1.00015063):

BEGINNING AT A 5/8-INCH REBAR FOUND FOR THE NORTHERNMOST CORNER OF THAT SAME TRACT OF LAND DESCRIBED TO THE STATE OF TEXAS BY DEED RECORDED IN DOCUMENT NUMBER 2021-1870 (O.P.R.D.C.T.), SAID POINT LYING ON THE WEST LINE OF SAID MUIR TRACT AND ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35 FRONTAGE ROAD (VARIABLE WIDTH RIGHT-OF-WAY) AND BEING THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 5,904.65 FEET, A CENTRAL ANGLE OF 04 DEGREES 28 MINUTES 12 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 18 DEGREES 00 MINUTES 40 SECONDS EAST, 460.54 FEET;

THENCE, IN A NORTHERLY DIRECTION, WITH THE CURVING EAST RIGHT-OF-WAY OF SAID INTERSTATE HIGHWAY NO. 35 FRONTAGE ROAD, AND THE CURVING WEST LINE OF SAID MUIR TRACT, ALONG SAID CURVE TO THE LEFT, AN ARC LENGTH OF 460.66 FEET, TO A 1/2-INCH REBAR CAPPED "WINDROSE" SET FOR THE NORTH CORNER OF SAID MUIR TRACT;

THENCE SOUTH 01 DEGREES 29 MINUTES 41 SECONDS WEST, DEPARTING THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY NO. 35 FRONTAGE ROAD, WITH THE EAST LINE OF SAID MUIR TRACT AND ALONG THE APPROXIMATE CENTERLINE OF 10TH STREET (VARIABLE WIDTH RIGHT-OF-WAY), A DISTANCE OF 499.67 FEET TO A "X"-CUT FOUND FOR THE NORTHEAST CORNER OF SAID STATE OF TEXAS TRACT, AND LYING ON THE NORTH RIGHT-OF-WAY LINE OF F.M. 455 (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 88 DEGREES 32 MINUTES 56 SECONDS WEST, DEPARTING THE APPROXIMATE CENTER LINE OF SAID 10TH STREET, WITH THE NORTH LINE OF SAID STATE OF TEXAS TRACT, AND THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 455, A DISTANCE OF 88.97 FEET TO A 1/2-INCH REBAR CAPPED "WINDROSE" SET FOR CORNER;

THENCE NORTH 34 DEGREES 17 MINUTES 40 SECONDS WEST, WITH THE NORTHEAST LINE OF SAID STATE OF TEXAS TRACT, AND CONTINUING WITH THE NORTH RIGHT-OF-WAY LINE OF F.M. 455, A DISTANCE OF 71.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 33,921 SQUARE FEET OR 0.779 ACRES OF LAND, MORE OR LESS.

SURVEYOR'S NOTES:

- BEARINGS AND DISTANCES ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202) NORTH AMERICAN DATUM OF 1983 (NAD 83)(US FOOT) WITH A COMBINED SCALE FACTOR OF 1.00015063.
- SUBJECT PROPERTY IS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR DENTON COUNTY, TEXAS AND INCORPORATED AREAS, MAP NO. 48121C0210G, COMMUNITY-PANEL NO. 480786, REVISED DATE: APRIL 18, 2011. ALL OF THE SUBJECT PROPERTY IS SHOWN TO BE LOCATED IN ZONE "X" UNSHADED ON SAID MAP. THE LOCATION OF THE SAID FLOODZONES IS BASED ON SAID MAP, IS APPROXIMATE AND IS NOT LOCATED ON THE GROUND. RELEVANT ZONES ARE DEFINED ON SAID MAP AS FOLLOWS:

ZONE "X" UNSHADED — OTHER AREAS: AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.

- ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) (US FOOT) USING THE ALLTERRA CENTRAL RTK COOPERATIVE NETWORK. OBSERVATIONS WERE MADE ON FEBRUARY 3, 2023.
- THIS BOUNDARY SURVEY HAS BEEN PREPARED AND PERFORMED IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYING PRACTICES ACT AND GENERAL RULES OF PROCEDURES AND PRACTICES, ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS & LAND SURVEYORS.
- THIS SURVEY IS BASED ON DEEDS, EASEMENTS AND/OR RECORDED PLATS AND OTHER RECORDS FURNISHED BY THE CLIENT AND/OR THE CLIENT'S REPRESENTATIVE AS WELL AS SIGNIFICANT VISIBLE MONUMENTS FOUND ON THE SUBJECT PROPERTY AND ADJACENT PROPERTIES, FIELD MEASUREMENTS AND EVIDENCE OF BOUNDARIES FOUND ON THE GROUND. HOWEVER, THIS SURVEY SHALL NOT REPRESENT WARRANTY OF TITLE OR GUARANTEE OWNERSHIP. THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY.
- EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT TRACT: EASEMENTS; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AGREEMENTS; LEASE AGREEMENTS; AND OWNERSHIP TITLE EVIDENCE.
- ANY DECLARATION MADE HEREON OR HEREIN IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- THE WORD "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED ON HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
- THIS SURVEY DOES NOT PROVIDE A DETERMINATION OR OPINION CONCERNING THE LOCATION OR EXISTENCE OF WETLANDS, FAULTLINES, TOXIC OR HAZARDOUS WASTE AREAS, SUBSIDENCE, SUBSURFACE AND ENVIRONMENTAL CONDITIONS OR GEOLOGICAL ISSUES. NO STATEMENT IS MADE CONCERNING THE SUITABILITY OF THE SUBJECT TRACT FOR ANY INTENDED USE, PURPOSE OR DEVELOPMENT.
- THE PARCELS CONTAINED IN THE LEGAL DESCRIPTION SHOWN HEREON ARE CONTIGUOUS WITHOUT ANY GAPS, GORES OR OVERLAPS.
- SQUARE FOOTAGE TOTALS SHOWN HEREON OR REFERENCED HEREIN ARE BASED ON MATHEMATICAL CLOSURES AND DO NOT NECESSARILY REPRESENT THE POSITIONAL ACCURACY OF THE BOUNDARY MONUMENTS.
- THE PROPERTY SHOWN HEREON DESCRIBES THE SAME REAL ESTATE AS THE RECORD DESCRIPTION.
- MONUMENTS ARE FOUND UNLESS SPECIFICALLY DESIGNATED AS SET.
- ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO: UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, PARKING, EASEMENTS, SERVITUDES, AND ENCROACHMENTS ARE BASED SOLELY ON ABOVE-GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.
- THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON THE SUBJECT PROPERTY.
- THERE WAS OBSERVED EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS AT THE TIME OF SURVEY.
- THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL AT THE TIME OF SURVEY.
- THE SURVEYOR DID NOT OBSERVE EVIDENCE OF WETLANDS AREAS DELINEATED ON THE GROUND AT THE TIME OF SURVEY.

NOTES REGARDING UTILITIES:

UTILITY LOCATIONS ARE PER OBSERVED EVIDENCE AND THE BELOW SOURCES
DIGITESS — TICKET #2352668179

(P) — CITY OF SANGER UTILITY RELOCATION FM 455 PROPOSED WATER LINE "C" AND SEWER LINE "A" (PROVIDED BY THE CITY OF SANGER)

SOURCE INFORMATION FROM PLANS AND MARKINGS WILL BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY.

SURVEYOR'S CERTIFICATE

THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND TO THE BEST OF MY KNOWLEDGE, THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS OF WAY THAT I HAVE BEEN ADVISED OF EXCEPT AS SHOWN HEREON. THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7, 6, 761, 8, 116, 13, 14, 16, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 3, 2023.

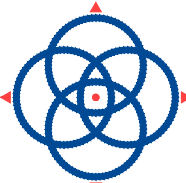
DATE OF PLAT OR MAP: FEBRUARY 7, 2023

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT
DATED 2/8/2023

MARK N. PEEPLES
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6443
STATE OF TEXAS

REVISIONS		
DATE	REASON	BY



WINDROSE
LAND SURVEYING | PLATTING

1955 LAKEWAY DRIVE, SUITE 220 | LEWISVILLE, TX 75057 | 214.217.2544
FIRM REGISTRATION NO. 10194331 | WINDROSESERVICES.COM

ALTA/NSPS LAND TITLE SURVEY &
CATEGORY 6, CONDITION II TOPOGRAPHIC SURVEY &
UTILITIES SURVEY OF
0.779 ACRES
SITUATED IN THE
HENRY TIERWESTER SURVEY, ABSTRACT NO. 1241
CITY OF SANGER, DENTON COUNTY, TEXAS

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FILED BY: JB CHECKED BY: MNP JOB NO. D58479
DRAWN BY: TD DATE: 02/07/2023 SHEET NO. 1 OF 1