

**CITY OF SANGER, TEXAS**

**ORDINANCE 09-27-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, REGARDING AMENDING THE ZONING MAP FOR APPROXIMATELY 99.986 ACRES OF TRACT DESCRIBED AS A0029A R. BEBEE, TR 123 AND 124 FROM AGRICULTURAL (A) TO INDUSTRIAL (I); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR 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 request 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 Planning and Zoning Commission on July 11, 2022, duly covered and conducted public hearing for the purpose of assessing a request for amendment to the Zoning Map hereinafter described property; and

**WHEREAS**, the Planning and Zoning Commission determined that the request should be denied, and reported and recommended such action to Council; and

**WHEREAS**, the Planning and Zoning Commission properly notified the applicant of its decision; and

**WHEREAS**, a 3/4<sup>th</sup> majority of the City Council finds that applicant’s request should be granted and 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 Agricultural (A) to Industrial 1 (I-1) is hereby granted for the property generally located on the east side of I-35 approximately 1897 feet north of 5<sup>th</sup> St and at the end of Sable Ave, 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 6th day of September, 2022.

**APPROVED:**

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**Thomas E. Muir, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kelly Edwards, City Secretary**

**APPROVED TO FORM:**

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**Hugh Coleman, City Attorney**

## Exhibit A

### LEGAL DESCRIPTION -TRACT A

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE REUBEN BEBEE SURVEY, ABSTRACT NUMBER 29 DENTON COUNTY, TEXAS, AND BEING A PART OF A CALLED 82.72 ACRE TRACT DESCRIBED IN A DEED TO DONALD E. SABLE LIVING TRUST, RECORDED UNDER COUNTY CLERK'S FILE NUMBER 00-R0030005, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND BEING A PART OF A CALLED 38.886 ACRE TRACT DESCRIBED IN A DEED TO POSITIVE ACTION TOOL CO., INC., RECORDED IN VOLUME 1123, PAGE 460 DEED RECORDS, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID 82.72 ACRE TRACT AND THE SOUTHEAST CORNER OF A CALLED 5.000 ACRE TRACT DESCRIBED IN A DEED TO RED-MIX, INC., RECORDED UNDER COUNTY CLERK'S INSTRUMENT FILE NUMBER 93-R0048556, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, SAID PIN ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF A.T. & S.F. RAILROAD:

THENCE SOUTH 03 DEGREES 27 MINUTES 09 SECONDS EAST WITH THE WEST RIGHT-OF-WAY OF SAID RAILROAD, A DISTANCE OF 2553.55 FEET TO A 1/2 INCH IRON PIN FOUND AT THE SOUTHEAST CORNER OF SAID 38.886 ACRE TRACT AND THE NORTHEAST CORNER OF A CALLED 108.49 ACRE TRACT DESCRIBED IN A DEED TO EAGLE FARMS, INC., RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2014-87642, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, SAID PIN ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SAID RAILROAD;

THENCE NORTH 88 DEGREES 44 MINUTES 58 SECONDS WEST WITH THE SOUTH LINE OF SAID 38.886 ACRE TRACT AND THE NORTH LINE OF SAID 108.49 ACRE TRACT, A DISTANCE OF 1636.43 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET ON THE SOUTH LINE OF SAID 38.886 ACRE TRACT AND THE SOUTHEAST CORNER OF A CALLED 3.449 ACRE TRACT 3 DESCRIBED IN A DEED TO WILLIAM D. WRIGHT TRUST, RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2007-104540, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE NORTH 21 DEGREES 29 MINUTES 13 SECONDS WEST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 47.40 FEET TO A 1/2 INCH IRON PIN FOUND AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 07 DEGREES 47 MINUTES 53 SECONDS EAST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 45.44 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 08 DEGREES 32 MINUTES 58 SECONDS WEST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 43.76 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 28 DEGREES 29 MINUTES 38 SECONDS WEST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 19.08 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 19 DEGREES 30 MINUTES 18 SECONDS WEST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 23.32 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 15 DEGREES 53 MINUTES 16 SECONDS EAST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 14.90 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 04 DEGREES 53 MINUTES 14 SECONDS EAST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 29.60 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 08 DEGREES 54 MINUTES 07 SECONDS EAST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 29.59 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 04 DEGREES 33 MINUTES 44 SECONDS WEST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 48.70 FEET TO A 1/2 INCH IRON PIN FOUND AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 03 DEGREES 49 MINUTES 57 SECONDS WEST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 65.44 FEET TO A 1/2 INCH IRON PIN FOUND AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 04 DEGREES 01 MINUTES 40 SECONDS EAST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 51.38 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 01 DEGREES 40 MINUTES 28 SECONDS EAST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 46.52 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 09 DEGREES 02 MINUTES 51 SECONDS EAST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 64.00 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 02 DEGREES 25 MINUTES 54 SECONDS EAST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 13.56 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE WEST LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 09 DEGREES 05 MINUTES 12 SECONDS EAST WITH THE WEST LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 24.58 FEET TO A 1/2 INCH IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID 3.449 ACRE TRACT;

THENCE NORTH 88 DEGREES 51 MINUTES 17 SECONDS WEST WITH THE NORTH LINE OF SAID 3.449 ACRE TRACT, A DISTANCE OF 66.20 FEET TO A 1/2 INCH IRON PIN FOUND ON THE NORTH LINE OF SAID 3.449 ACRE TRACT;

THENCE NORTH 01 SECONDS 15 MINUTES 18 SECONDS EAST, A DISTANCE OF 60.00 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET ON THE SOUTH LINE OF A CALLED 2.000 ACRE TRACT 1 DESCRIBED IN A DEED TO WILLIAM D. WRIGHT TRUST, RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2007-104540, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 88 DEGREES 44 MINUTES 42 SECONDS EAST WITH THE SOUTH LINE OF SAID 2,000 ACRE TRACT, A DISTANCE OF 75.00 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT THE SOUTHERN MOST SOUTHEAST CORNER OF SAID 2,000 ACRE TRACT;

THENCE NORTH 09 DEGREES 29 MINUTES 46 SECONDS EAST WITH THE EAST LINE OF SAID 2,000 ACRE TRACT, A DISTANCE OF 21.71 FEET TO A 1/2 INCH IRON PIN FOUND AT AN ANGLE POINT ON THE EAST LINE OF SAID 2,000 ACRE TRACT;

THENCE NORTH 12 DEGREES 46 MINUTES 09 SECONDS WEST WITH THE EAST LINE OF SAID 2,000 ACRE TRACT, A DISTANCE OF 91.20 FEET TO A 1/2 INCH IRON PIN FOUND AT ANGLE POINT ON THE EAST LINE OF SAID 2,000 ACRE TRACT,

THENCE NORTH 25 DEGREES 28 MINUTES 38 SECONDS WEST WITH THE EAST LINE OF SAID 2,000 ACRE TRACT, A DISTANCE OF 135.28 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE EAST LINE OF SAID 2,000 ACRE TRACT;

THENCE NORTH 12 DEGREES 15 MINUTES 19 SECONDS WEST WITH THE EAST LINE OF SAID 2,000 ACRE TRACT, A DISTANCE OF 129.98 FEET TO 1/2 INCH IRON PIN FOUND AT AN ANGLE POINT ON THE EAST LINE OF SAID 2,000 ACRE TRACT;

THENCE NORTH 03 DEGREES 05 MINUTES 47 SECONDS EAST WITH THE EAST LINE OF SAID 2,000 ACRE TRACT, A DISTANCE OF 33.64 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT AN ANGLE POINT ON THE EAST LINE OF SAID 2,000 ACRE TRACT;

THENCE NORTH 12 DEGREES 08 MINUTES 08 SECONDS EAST WITH THE EAST LINE OF SAID 2,000 ACRE TRACT, A DISTANCE OF 37.27 FEET TO A 1/2 INCH IRON PIN FOUND AT AN ANGLE POINT ON THE EAST LINE OF SAID 2,000 ACRE TRACT;

THENCE NORTH 04 DEGREES 22 MINUTES 08 SECONDS WEST WITH THE EAST LINE OF SAID 2,000 ACRE TRACT, A DISTANCE OF 43.75 FEET TO A 1/2 INCH IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID 2,000 ACRE TRACT;

THENCE NORTH 88 DEGREES 34 MINUTES 26 SECONDS WEST WITH THE NORTH LINE OF SAID 2,000 ACRE TRACT, A DISTANCE OF 141.88 FEET TO A 1/2 INCH IRON PIN FOUND AT THE NORTHWEST CORNER OF SAID 2,000 ACRE TRACT AND ON THE EAST LINE OF LOT 1, BLOCK 1, SABLE BUSINESS PARK, PHASE I, RECORDED IN CABINET P, PAGE 102, PLAT RECORDS, DENTON COUNTY, TEXAS;

THENCE NORTH 00 DEGREES 32 MINUTES 29 SECONDS EAST WITH THE EAST LINE OF SAID LOT 1, SABLE BUSINESS PARK, A DISTANCE OF 16.62 FEET TO A 1/2 INCH IRON PIN FOUND AT THE NORTH CORNER OF SAID LOT 1, SABLE BUSINESS PARK AND THE EAST LINE OF INTERSTATE HIGHWAY 35 SERVICE ROAD AND BEING THE BEGINNING OF A CURVE TO THE LEFT;

THENCE WITH SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 85 DEGREES 23 MINUTES 10 SECONDS, A RADIUS OF 346.60 FEET, AN ARC LENGTH OF 516.53 FEET, AND A CHORD BEARING NORTH 00 DEGREES 30 MINUTES 50 SECONDS WEST, A DISTANCE OF 470.04 FEET TO A 1/2 INCH IRON PIN FOUND ON THE EAST LINE OF INTERSTATE HIGHWAY 35 SERVICE ROAD AND THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, SANGER FACILITIES L.T.D., RECORDED IN CABINET Q, PAGE 35, PLAT RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 88 DEGREES 40 MINUTES 30 SECONDS EAST WITH THE SOUTH LINE OF SAID LOT 1, SANGER FACILITIES, A DISTANCE OF 220.95 FEET TO A 1/2 INCH IRON PIN FOUND AT THE SOUTHEAST CORNER OF SAID LOT 1, SANGER FACILITIES;

THENCE NORTH 10 DEGREES 26 MINUTES 49 SECONDS EAST WITH THE EAST LINE OF SAID LOT 1, SANGER FACILITIES, A DISTANCE OF 393.46 FEET TO A 1/2 INCH IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID LOT 1, SANGER FACILITIES;

THENCE NORTH 88 DEGREES 40 MINUTES 32 SECONDS WEST WITH THE NORTH LINE OF SAID LOT 1, SANGER FACILITIES, A DISTANCE OF 497.19 FEET TO A 1/2 INCH IRON PIN FOUND AT THE NORTHWEST CORNER OF SAID LOT 1, SANGER FACILITIES AND THE EAST LINE OF INTERSTATE HIGHWAY 35 SERVICE ROAD;

THENCE NORTH 09 DEGREES 52 MINUTES 57 SECONDS WEST WITH THE EAST LINE OF INTERSTATE HIGHWAY 35 SERVICE ROAD, A DISTANCE OF 16.80 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET ON THE EAST LINE OF INTERSTATE HIGHWAY 35 SERVICE ROAD;

THENCE NORTH 01 DEGREES 18 MINUTES 28 SECONDS EAST WITH THE EAST LINE OF INTERSTATE HIGHWAY 35 SERVICE ROAD, A DISTANCE OF 540.78 FEET TO A 1/2 INCH IRON PIN WITH A YELLOW PLASTIC CAP STAMPED "METROPLEX 10023300" SET AT THE NORTHWEST CORNER OF SAID 82.72 ACRE TRACT AND THE SOUTHWEST CORNER OF A CALLED 3.000 ACRE TRACT DESCRIBED IN A DEED TO OHIO GARDEN RV, INC., RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2005-109476, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, SAID PIN ALSO BEING ON THE EAST LINE OF INTERSTATE HIGHWAY 35 SERVICE ROAD;

THENCE SOUTH 88 DEGREES 52 MINUTES 44 SECONDS EAST WITH THE NORTH LINE OF SAID 82.72 ACRE TRACT AND THE SOUTH LINE OF SAID 3.00 ACRE TRACT, A DISTANCE OF 422.23 FEET TO A 1/2 INCH IRON PIN FOUND ON THE NORTH LINE OF SAID 82.72 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 3.000 ACRE TRACT, SAID PIN ALSO BEING AT THE SOUTHWEST CORNER OF A CALLED 47.879 ACRE TRACT DESCRIBED IN A DEED TO EAGLE FARMS, INC., RECORDED IN VOLUME 972, PAGE 1, DEED RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 88 DEGREES 54 MINUTES 32 SECONDS EAST WITH THE NORTH LINE OF SAID 82.72 ACRE TRACT, A DISTANCE OF 1300.81 FEET TO THE POINT OF BEGINNING AND CONTAINING IN ALL 99.986 ACRES OF LAND