

## ORDINANCE NO. 1967

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A SPECIFIC USE PERMIT ON MIDWAY CITY PARK ADDITION, BLOCK A, LOT 1, 300 MIDWAY DRIVE FOR RECREATIONAL USE AND AQUATICS CENTER; PROVIDING FOR A SEVERABILITY CLAUSE; PENALTY FOR VIOLATION, PUBLICATION IN THE OFFICIAL NEWSPAPER, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission has conducted a public hearing on September 4, 2012, in conjunction with Specific Use Permit Case No. 12-10-SUP, and has rendered a recommendation to the City Council with respect to this case;

**WHEREAS**, City Council has conducted a public hearing on September 11, 2012, has considered the recommendation of the Planning and Zoning Commission, and has determined that the proposed change is in the best interest of the general welfare of the City of Euless and that any foreseeable negative impacts of the proposed use have been mitigated through design restrictions or other set conditions;

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

### **SECTION 1. ALLOWED USES**

**THAT** a Recreational Use and Aquatics Center as specifically described on Exhibit "A" (attached hereto and made a part hereof) and on the Specific Use Permit Form (attached hereto and made a part hereof), shall be permitted on Midway City Park Addition, Block A, Lot 1, 300 Midway Drive.

### **SECTION 2.**

**SEVERABILITY CLAUSE.** It is hereby declared to be the intention of the City Council of the City of Euless that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any 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 phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase.

### **SECTION 3.**

**PENALTY FOR VIOLATION.** Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions,"

Section 1-12, "General Penalty," Eules Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

**SECTION 4.**

**PUBLICATION.** The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Eules, in compliance with the provisions of Article II, Section 12, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

**SECTION 5.**

**EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication as provided by the Eules City Charter and the laws of the State of Texas.

**PRESENTED AND PASSED ON FIRST AND FINAL READING** at a regular meeting of the Eules City Council on September 11, 2012, by a vote of \_\_\_\_ ayes, \_\_\_\_ nays, and \_\_\_\_ abstentions.

APPROVED:

\_\_\_\_\_  
Mary Lib Saleh, Mayor

ATTEST:

\_\_\_\_\_  
Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Wayne K. Olson, City Attorney

THE CITY OF  
**EULESS**

ORDINANCE NO. 1967  
SPECIFIC USE PERMIT CASE #12-10-SUP

**LAND USE:** Recreational Use and Aquatics Center

**LOCATION:**  
(property address): 300 Midway Drive

(legal description): Midway Park Addition  
J.P. Halford Survey, Abstract No. 711  
Block A, Lot 1

*This permit is valid only for the property and use listed above and then ONLY in accordance with the following documents and/or conditions:*

**CONDITIONS (INCLUDING DATES):**

Conditions will be inserted after City Council approval.

Considered by Planning and Zoning Commission:

DATE OF ACTION: September 4, 2012

approval  denial

X *Richard Louis M. Jones*  
Signature of P & Z Chairman

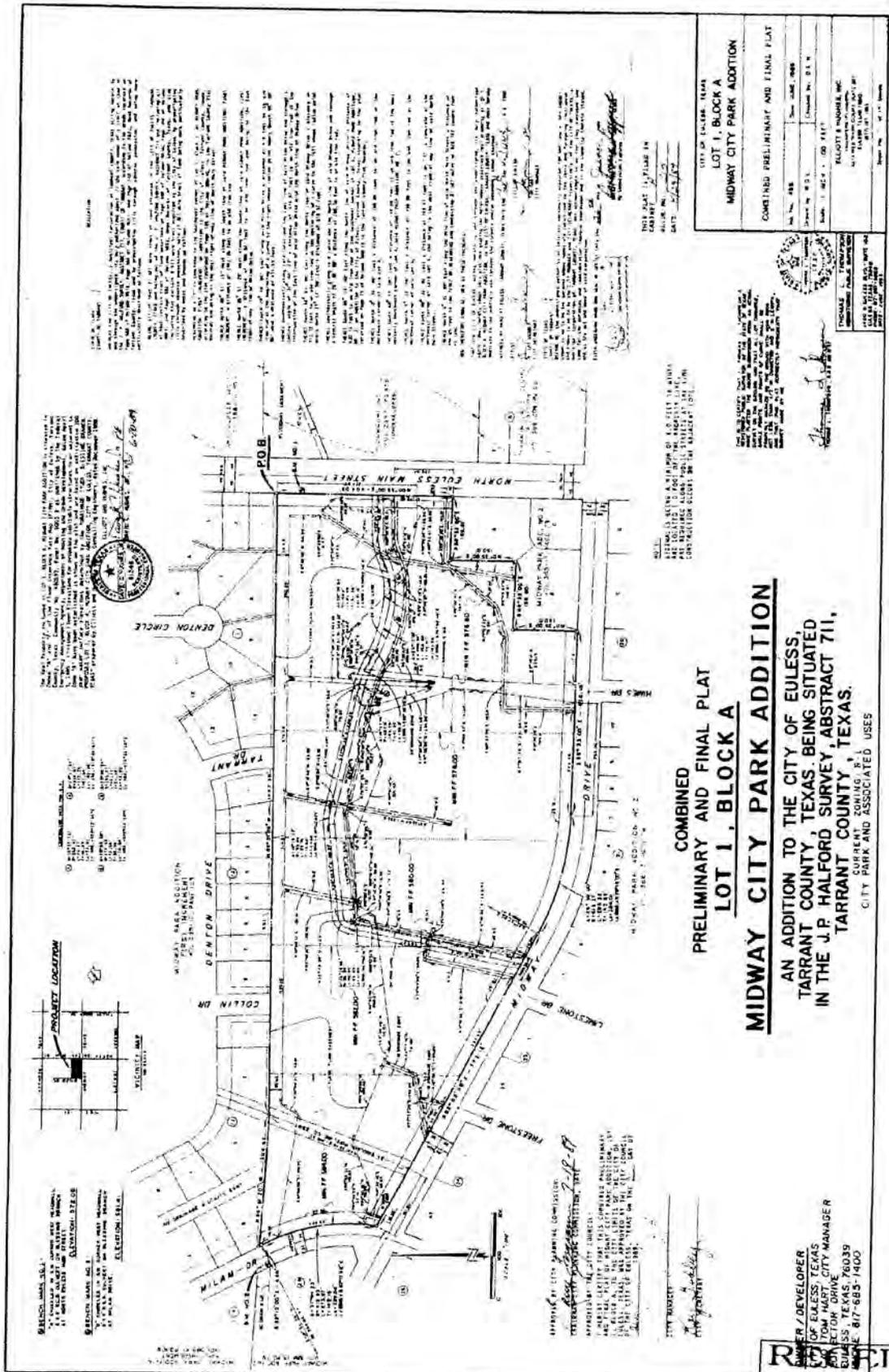
Considered by City Council:

DATE OF ACTION: September 11, 2012

approval  denial

X \_\_\_\_\_  
Signature of Mayor

Exhibit "A"



**COMBINED  
PRELIMINARY AND FINAL PLAT  
LOT 1, BLOCK A  
MIDWAY CITY PARK ADDITION**

AN ADDITION TO THE CITY OF EULESS,  
TARRANT COUNTY, TEXAS, BEING SITUATED  
IN THE J.P. HALFORD SURVEY ABSTRACT 711,  
TARRANT COUNTY, TEXAS.  
CITY PARK AND ASSOCIATED USES

CITY OF EULESS, TEXAS	
LOT 1, BLOCK A	
MIDWAY CITY PARK ADDITION	
COMBINED PRELIMINARY AND FINAL PLAT	
Book	Page
1967	1400
Book	Page
1967	1400
EULOTT & HORNBE, INC.	
1111 W. WASHINGTON ST., SUITE 100	
EULESS, TEXAS 76039	
DATE: 11/15/67	

OWNER / DEVELOPER  
CITY OF EULESS, TEXAS  
TOM HART, CITY MANAGER  
MIDWAY DRIVE  
EULESS, TEXAS 76039  
PHONE: 817-685-1400

*[Detailed handwritten notes and signatures, including a large signature at the bottom right of the text block.]*