

**ORDINANCE NO. 1980**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EULESS, CHAPTER 84, "UNIFIED DEVELOPMENT CODE"; AMENDING THE CITY OF EULESS ZONING DISTRICT MAP ON PROPERTY SITUATED IN THE ANDREW J. HUITT SURVEY, ABSTRACT NO. 709, BEING A PORTION OF COMMERCIAL TRACT A, BLOCK 1, OAK CREST ESTATES ADDITION, FROM PLANNED DEVELOPMENT DISTRICT (PD) TO TEXAS HIGHWAY 10 MULTI-USE ZONING DISTRICT (TX-10); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code, the City of Euless has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential and other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

**WHEREAS**, the City of Euless described herein has been directed by the City Council to initiate zoning Case No. #12-03-ZC to rezone said property from its current Planned Development zoning district (PD) to Texas Highway 10 Multi-Use zoning district (TX-10); and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on November 20, 2012, in conjunction with Zoning Case No. #12-03-ZC, and has rendered a recommendation to the City Council with respect to this case; and

**WHEREAS**, the City Council conducted a public hearing on November 27, 2012, 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;

**WHEREAS**, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Texas Local Government Code.

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

## **SECTION 1.**

Chapter 84 of the Code of Ordinances of the City of Euless is amended by rezoning the following described property from the current zoning classification of PD Planned Development District to Texas 10 Multi-Use District:

A TRACT OF LAND OUT OF THE ANDREW J. HUITT SURVEY, ABSTRACT NO. 709, BEING A PORTION OF COMMERCIAL TRACT A, BLOCK 1, OAK CREST ESTATES ADDITION, said property being specifically shown in Exhibit "A" and being further described in Exhibit "B" attached hereto and incorporated herein for all purposes (the "Property").

The official zoning map of the City of Euless, Texas, being a part of the Euless Unified Development Code, shall be revised to reflect the rezoning approved herein.

## **SECTION 2. PURPOSE OF REGULATIONS**

The zoning districts and boundaries, and the regulations applicable thereto, as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses allowed and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

## **SECTION 3. 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 4.  
RESTRICTIONS ON USE**

The use of the Property herein described shall be subject to all the applicable regulations contained in the Euless Unified Development Code and all other applicable and pertinent ordinances of the City of Euless, Texas.

**SECTION 5.  
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," Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

**SECTION 6.  
SAVINGS CLAUSE**

All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the Euless Unified Development Code applicable to the Property that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.  
PUBLICATION**

The City Secretary is hereby directed to publish the caption, penalty clause and effective date clause of this Ordinance in the official newspaper as provided by Article II, Section 12 of the Euless City Charter.

**SECTION 8.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication, as provided by the Euless 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 the November 27, 2012, by a vote of \_\_\_\_ ayes, \_\_\_\_ nays, and \_\_\_\_ abstentions.

APPROVED:

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Mary Lib Saleh, Mayor

ATTEST:

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Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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Wayne K. Olson, City Attorney



## EXHIBIT "B"

BEING a tract of land situated in the Andrew J. Huitt Survey, Abstract No. 709, City of Euless, Tarrant County, Texas, and being a portion of Commercial Tract-A, Block 1 of Oak Crest Estates, an Addition to the City of Euless, Texas, according to the Plat thereof recorded in Volume 388-14, Page 29 of the Plat Records of Tarrant County, Texas, same also being a portion of a called 10.125 acre tract of land, conveyed to Euless 183 Joint Venture, as evidenced in a General Warranty Deed recorded in Volume 7983, Page 1717 of the Deed Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch "DAA" capped iron rod found for the northeast corner of said Commercial Tract-A and the northeast corner of said 10.125 acre tract, same being the intersection of the south right of way line of West Euless Boulevard (State Highway No. 10), a variable width right of way, with the west right of way line of Dickey Drive (a 60' wide right of way);

THENCE South 01°06'00" East, along the east line of said Commercial Tract-A, the east line of said 10.125 acre tract and the west right of way line of said Dickey Drive, a distance of 5.60 feet to 1/2-inch "DAA" capped iron rod found for the point of curvature of a curve to the left;

THENCE continuing along the east line of said Commercial Tract-A, the east line of said 10.125 acre tract and the west right of way line of said Dickey Drive, and along the arc of said curve to the left, through a central angle of 36°15'19", having a radius of 472.90 feet, a chord bearing of South 19°13'40" East, a chord distance of 294.27 feet and an arc length of 299.24 feet to a 5/8-inch iron rod found for the most northerly, southeast corner of said 10.125 acre tract, same being the northeast corner of a tract of land, conveyed to Don A. Albanesi, as evidenced in a Special Warranty Deed recorded in Volume 9986, Page 2223 of the Deed Records of Tarrant County, Texas;

THENCE South 88°54'00" West, departing the east line of said Commercial Tract-A, the west right of way line of said Dickey Drive, along a south line of said 10.125 acre tract and the north line of said Don A. Albanesi tract, a distance of 105.26 feet to a 1/2-inch iron rod found for the northwest corner of said Don A. Albanesi tract;

THENCE South 01°12'08" East, along an east line of said 10.125 acre tract, the west line of said Don A. Albanesi tract and the west line of a tract of land, conveyed to Don A. Albanesi, as evidenced in a Special Warranty Deed recorded in Volume 9986, Page 2227 of the Deed Records of Tarrant County, Texas, a distance of 130.61 feet to a 3/4-inch iron rod found for the most a southeast corner of said 10.125 acre tract, same being on the north line of a called 1.160 acre tract, conveyed to GREWA, LLC, as evidenced in a Special Warranty Deed recorded in Instrument No. D208208738 of the Official Public Records of Tarrant County, Texas;

THENCE in a westerly direction, along the south line of said 10.125 acre tract and the north line of said 1.160 acre tract, the following:

South 88°54'00" West, a distance of 189.43 feet to a corner, from which, a found 1/2-inch "DAA" capped iron rod bears North 05°42' West, 0.21 feet;

North 01°06'00" West, a distance of 20.30 feet to a 1/2-inch iron rod found for a corner;

South 88°54'00" West, a distance of 32.00 feet to a 1/2-inch iron rod found for a corner;

South 01°06'00" East, a distance of 20.30 feet to a corner, from which a found 1/2-inch "DAA" capped iron rod bears South 73°58' East, 0.34 feet;

South 88°54'00" West, a distance of 124.43 feet to the northwest corner of said 1.160 acre tract, from which, a T-post bears North 33°24' East, 0.83 feet;

THENCE South 01°06'00" East, along an east line of said 10.125 acre tract and the west line of said 1.160 acre tract, a distance of 60.39 feet to the most southerly, southeast corner of said 10.125 acre tract, same being the southwest corner of said 1.160 acre tract, same also being the northeast corner of Lot 8R, Block 1 of Oak Creek Estates, an Addition to the City of Euless, Texas, according to the Plat thereof recorded in Volume 388-18, Page 19 of the Plat Records of Tarrant County, Texas, from which a found 1/2-inch "DAA" capped iron rod bears North 64°57' West, 0.28 feet;

THENCE South 88°54'00" West, along the south line of said Commercial Tract-A, the south line of said 10.125 acre tract and the north line of Lots 8R, 9R and 10R, Block 1 of said Oak Creek Estates, a distance of 241.69 feet to a 5/8-inch "KHA" capped iron rod set for a corner;

THENCE North 00°53'51" East, departing the south line of said Commercial Tract-A, the south line of said 10.125 acre tract and the north line of said Lot 10R, a distance of 496.92 feet to a 5/8-inch "KHA" capped iron rod set for a corner on the north line of said Commercial Tract-A and the south right of way line of aforesaid West Euless Boulevard (State Highway No. 10);

THENCE South 89°06'09" East, along the north line of said Commercial Tract-A, the north line of said 10.125 acre tract and the south right of way line of said West Euless Boulevard (State Highway No. 10), a distance of 583.98 feet to the POINT OF BEGINNING and containing 6.250 acres of land, more or less.

Bearings based upon the south line of Commercial Tract-A, Block 1 of Oak Crest Estates, an Addition to the City of Euless, Texas, according to the Plat thereof recorded in Volume 388-14, Page 29 of the Plat Records of Tarrant County, Texas, said bearing being South 88°54'00" West.