ORDINANCE NO. 1986

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 J.V. BROOKS SURVEY, ABSTRACT NO. 95 AND THE A.M. DOWNING SURVEY, ABSTRACT NO. 415, BEING TEXAS STAR ADDITION, BLOCK C, LOTS 1 AND 2, FROM HEAVY INDUSTRIAL ZONING DISTRICT (I-2) AND TEXAS HIGHWAY 10 MULTI-USE ZONING DISTRICT (TX-10) TO SINGLE FAMILY DETACHED DWELLING DISTRICT (R-1); 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. #13-01-ZC to rezone said property from its current Heavy Industrial zoning district (I-2) and Texas Highway 10 Multi-Use zoning district (TX-10) to Single Family Detached Dwelling District (R-1); and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on January 15, 2013, in conjunction with Zoning Case No. #13-01-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 February 26, 2013, 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

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 Heavy Industrial zoning district and Texas Highway 10 Multi-Use zoning district to Single Family Detached Dwelling District:

A TRACT OF LAND OUT OF THE J.V. BROOKS SURVEY, ABSTRACT NO. 95 AND THE A.M. DOWNING SURVEY, ABSTRACT NO. 415, BEING BLOCK C, LOTS 1 AND 2, TEXAS STAR ADDITION, said property being specifially 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.
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 4.
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 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 Euless City Council on February 26, 2013, by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

_____
Mary Lib Saleh, Mayor

ATTEST:

_____
Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

_____
Wayne K. Olson, City Attorney

EXHIBIT "A"

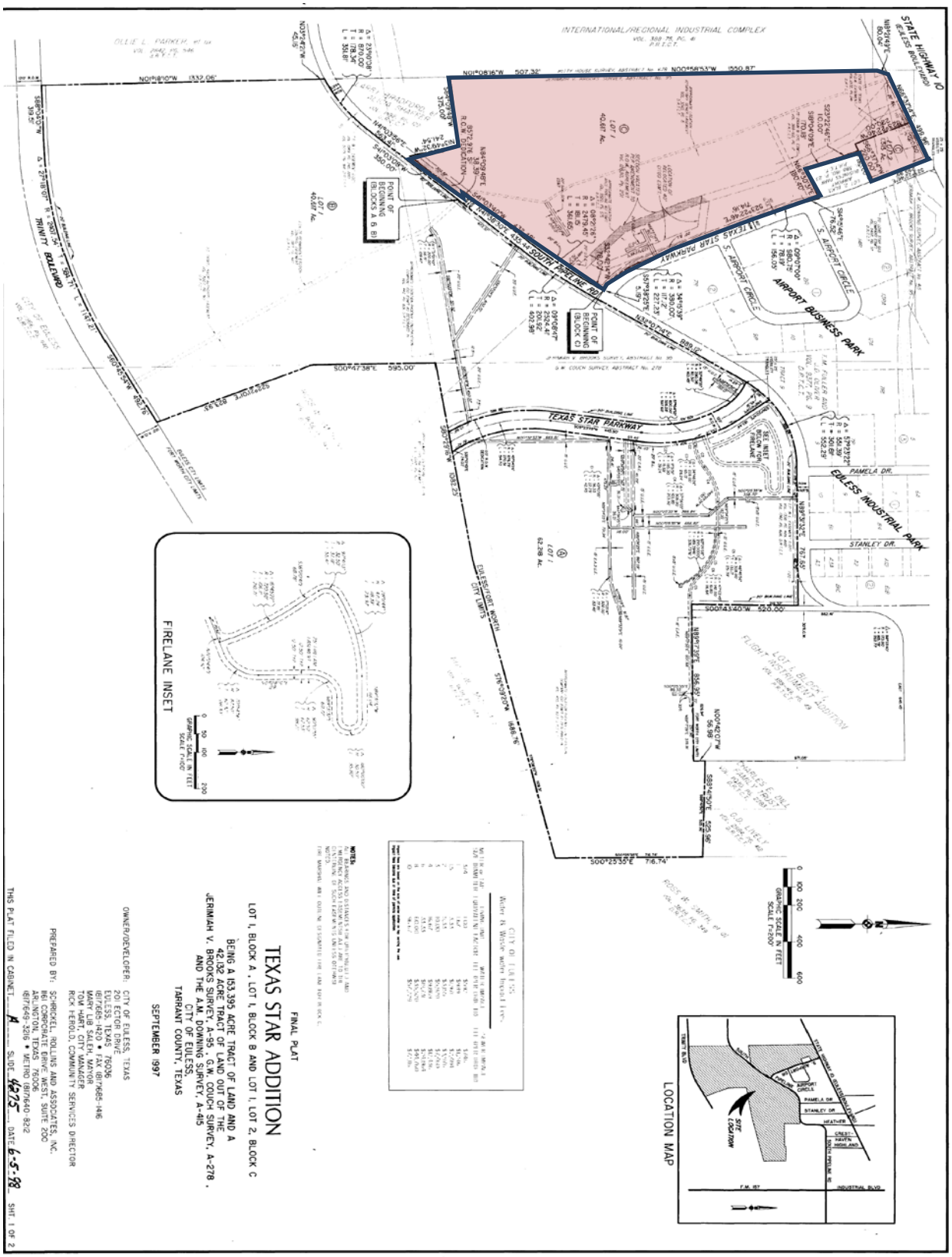
FINAL PLAT
TEXAS STAR ADDITION
LOT 1, BLOCK A, LOT 1, BLOCK B AND LOT 1, LOT 2, BLOCK C
BEING A 153.395 ACRE TRACT OF LAND AND A
42.132 ACRE TRACT OF LAND OUT OF THE
JERIMIAH V. BROOKS SURVEY, A-95, G.W. COUCH SURVEY, A-278,
AND THE A.M. DOWNING SURVEY, A-415
CITY OF EULESS,
TARRANT COUNTY, TEXAS
SEPTEMBER 1997
OWNER/DEVELOPER: CITY OF EULESS, TEXAS
201 ECTOR DRIVE
EULESS, TEXAS 76036
(817)685-1420 • FAX (817)685-1496
MARY LIB SALEH, MAYOR
TOM HART, CITY MANAGER
RICK HEROLD, COMMUNITY SERVICES DIRECTOR
PREPARED BY: SCHRICKEL, ROLLINS AND ASSOCIATES, INC.
1161 CORPORATE DRIVE WEST, SUITE 200
ARLINGTON, TEXAS 76006
(817)649-3216 • METRO (817)640-8212
THIS PLAT FILED IN CABINET A SLIDE 4275 DATE 6-5-98 SHT. 1 OF 2
FIRELANE INSET
LOCATION MAP
SITE LOCATION
INTERNATIONAL/REGIONAL INDUSTRIAL COMPLEX
STATE HIGHWAY 10 (EULESS BOULEVARD)
TRINITY BOULEVARD
TEXAS STAR PARKWAY
AIRPORT BUSINESS PARK
S. AIRPORT CIRCLE
EULESS INDUSTRIAL PARK
PAMELA DR.
STANLEY DR.
POINT OF BEGINNING BLOCKS A & B
POINT OF BEGINNING BLOCK C
LOT 1 40.687 Ac.
LOT 1 62.218 Ac.
EULESS/FORT WORTH CITY LIMITS
GRAPHIC SCALE IN FEET SCALE 1"=200'

EXHIBIT “B”

Being all that certain tract or parcel of land situated in the J.V. Brooks Survey, Abstract No. 95, and the A. M. Downing Survey, Abstract No. 415, Tarrant County Texas, and being that tract of land described as Block C, Lots 1 and 2, Texas Star Addition being recorded in Cabinet A, Slide 4275 Plat Records, Tarrant County Texas being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch capped iron rod stamped “Moak Surv. Inc.” found for corner at the intersection of the north-westerly right-of-way line of South Pipeline Road (R.O.W. varies) and the westerly R.O.W. line of South Airport Drive (60’ R.O.W.);

THENCE S32°42’14”W, along said northwesterly right-of-way line, a distance of 78.00 feet to a ½-inch capped iron rod stamped “Moak Surv. Inc.” being the point of curvature of a curve to the right having a radius of 2,479.45 feet and whose long chord bears S36°52’57”W, a distance of 361.33 feet;

THENCE along said northwesterly right-of-way and curve in a southwesterly direction through a central angle of 08°21’26”, an arc distance of 361.65 feet to a ½-inch capped iron rod stamped “Moak Surv. Inc.” found for the point of tangency of said curve;

THENCE S41°03’40”W, along said northwesterly right-of-way line, a distance of 432.48 feet to a ½-inch capped iron rod stamped “Moak Surv. Inc.” found for corner on the north line of a 0.597 acre tract of land described in Volumen 12241, Page 1335 of the Deed records of Tarrant County, Texas;

THENCE N84°09’48”E, along said north line of said 0.597 acre tract, a distance of 38.39 feet to the centerline of South Pipeline Road;

THENCE S41°03’08”W Along the centerline of said South Pipeline Road, a distance of 350.00 feet to a corner;

THENCE N13°49’32”W, leaving said right-of-way line, a distance of 241.54 feet to 1/2-inch iron rod set for corner;

THENCE S84°09’48”W, along the north line of the aforementioned tract of land, a distance of 375.00 feet to a 5/8-inch iron rod found for corner in the west line of the J.V. Brooks Survey, Abstract No. 95;

THENCE N01°08’16”W, along said survey line, a distance of 507.32 feet to a ½-inch iron rod found for an angle point;

THENCE N00°58’53”W, continuing along said survey line, a distance of 1,550.87 feet to a ½-inch capped iron rod stamped “Moak Surv. Inc.” found for corner and being the northeast corner of the Kitty House Survey, Abstract no. 678;

THENCE N18°21’49”E, a distance of 80.04 feet to a ½-inch capped iron rod stamped “Moak Surv. Inc.” found for corner and being in the southerly right-of-way line of State Highway No. 10;

THENCE N66°27’14”E, along said right-of-way line, a distance of 499.96 feet to a ¾-inch iron rod found for corner in the westerly right-of-way line of South Airport Drive (60’ R.O.W.);

THENCE S23°22’46”E, along said right-of-way line, a distance of 299.99 feet to a 5/8-inch iron rod found for corner, being the northeast corner of Lot 2, Block 3, Airport Business Park, as recorded in Volume 388-180, Page 23, Plat Records of Tarrant County, Texas;

THENCE S66°37’14”W leaving said right-of-way line, along the north line of said Lot 2, a distance of 180.00 feet to a 5/8-inch iron rod found for corner, being the northwest corner of said Lot 2;

THENCE S23°22’46”E, along the west line of said Lot 2, a distance of 110.00 feet to an “X” cut in concrete found for corner;

THENCE S18°04’09”E, continuing along the west line of said Lot 2, a distance of 170.18 feet to a ¾-inch iron rod found for corner, being the southwest corner of said Lot 2;

THENCE S14°15’46”E, along said right-of-way line, a distance of 76.52 feet to ½-inch capped iron rod stamped “Moak Surv. Inc.” found for the point of curvature of a curve to the left having a radius of 980.75 feet and whose long chord beard S18°49’16”E, a distance of 155.89 feet;

THENCE along said right-of-way and curve in a southeasterly direction, through a central angle of 09°07’00”, an arc distance of 156.05 feet to a ½-inch iron rod found for the point of tangency of said curve;

THENCE S23°22’46”E, continuing along said right-of-way line, a distance of 714.16 feet to a ½-inch capped iron rod stamped “Moak Suv. Inc.” found for the point of curvature of a curve to the left having a radius of 380.00 feet and whose long chord bears S40°30’36”E, a distance of 223.86 feet;

THENCE continuing along said right-of-way and curve in a southeasterly direction through a central angle of 34°15’39”, an arc distance of 227.23 feet to a ½-inch capped iron rod stamped “Moak Suv. Inc.” found for the point of tangency of said curve;

THENCE S57°38’25”E, continuing along said right-of-way line, a distance of 5.19 feet to the PLACE OF BEGINNING and containing 1,835,282 square feet or 42.132 acres of land, more or less.