ORDINANCE NO. 2136

AN ORDINANCE AMENDING CHAPTER 84 OF THE CODE OF ORDINANCES, THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EULESS, TEXAS; AMENDING THE CITY OF EULESS ZONING DISTRICT MAP ON PROPERTY RECORDED AS WESTWOOD VILLAGE BLOCK 5, LOT 6; 109 EAST FULLER DRIVE FROM SINGLE FAMILY DETACHED DWELLING DISTRICT (R-1) TO NEIGHBORHOOD BUSINESS DISTRICT (C-1); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on September 6, 2016, in conjunction with Zoning Case No. 16-02-ZC, and has rendered a recommendation to the City Council with respect to this case; and

WHEREAS, the City Council has conducted a public hearing on September 27, 2016, 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.

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

SECTION 1.

The official zoning district map of the City of Euless, Texas, being a part of Chapter 84 of the Code of Ordinances, be amended to read so that the zoning district classification of Westwood Village Block 5, Lot 6; 109 East Fuller Drive as described on the attached **Exhibit A**, is changed from Single Family Detached Dwelling District (R-1) into Neighborhood Business District (C-1).

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

SECTION 4.

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 5.

PUBLICATION CLAUSE. The caption, penalty clause, and effective date clause of this ordinance shall be published in a newspaper of general circulation in the City of Euless, in compliance with the provisions of Article II, Section 12 of the Euless City Charter.

SECTION 6.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, 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 September 27, 2016 by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

_____
Linda Martin, Mayor

ATTEST:

_____
Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

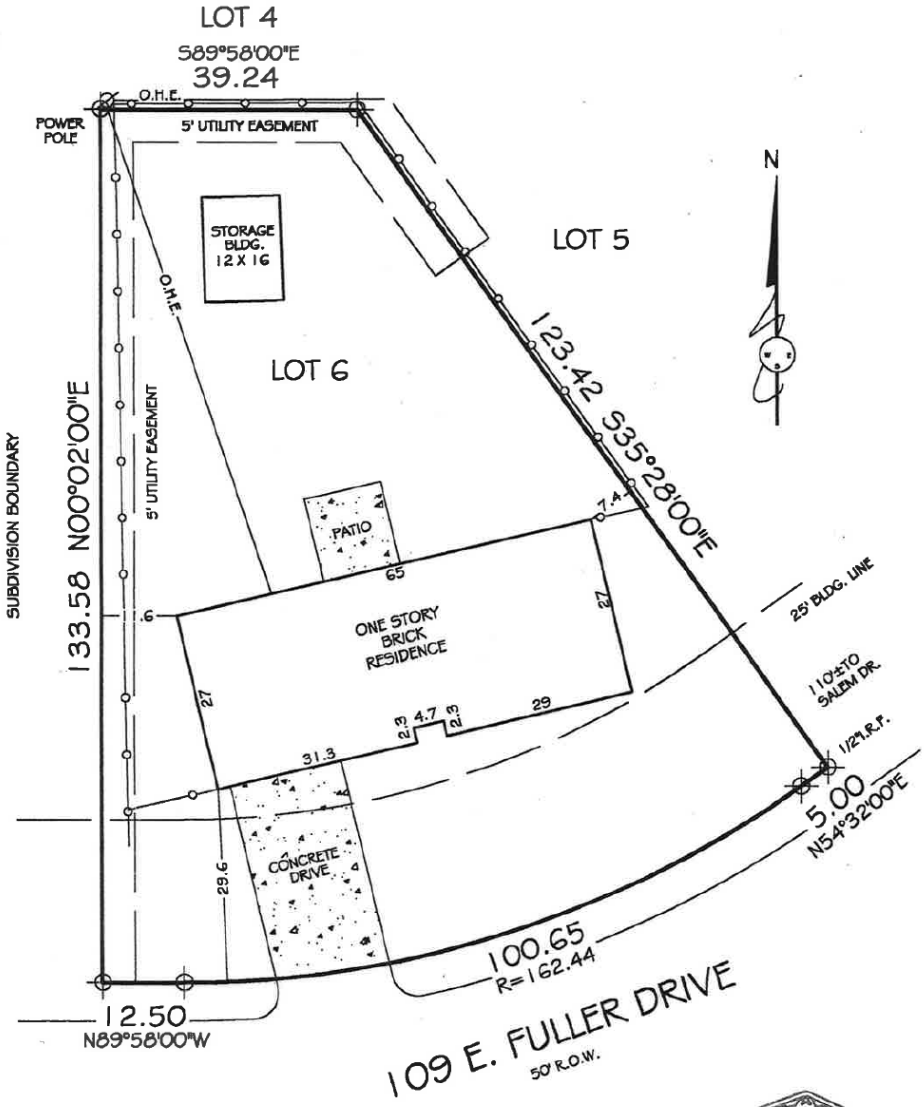
_____
Wayne Olson, City Attorney

Exhibit A

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE PROPERTY LOCATED AT 109 E. FULLER DRIVE IN THE CITY OF EULESS, TEXAS.

DESCRIBED AS FOLLOWS:
Being Lot 6, Block 5 of WESTWOOD VILLAGE, SECTION 2, an Addition to the City of EULESS, TARRANT County, Texas, acording to the Plat thereof recorded in Volume 388-25, Page 46, Plat Records, TARRANT County, Texas.



TO: AMERICAN TITLE CO. & IGNACIO DIAZ AND SILVESTRA ALVARADO

I, CRUZ L. DOMINGUEZ, CERTIFY THAT THIS PLAT, SHOWN HEREON, IS A TRUE, CORRECT, AND ACCURATE REPRESENTATION OF THE PROPERTY AND IMPROVMENTS, AS DETERMINED BY AN ON-THE-GROUND SURVEY; THE BEARINGS, DIMENSIONS, ESMTS. AND SETBACKS, ARE AS SHOWN ON RECORDED PLAT, SCHEDULE A & B, AND/OR DETERMINED BY SURVEY. THERE ARE NO ENCROACHMENTS OR PROTRUSIONS, EXCEPT AS SHOWN. THIS SURVEY PLAT IS VALID ONLY WITH ORIGINAL SIGNATURE & DATE SIGNED WITH BLACK INK.

STATE OF TEXAS REGISTERED CRUZ L. DOMINGUEZ 1636 PROFESSIONAL LAND SURVEYOR

12-26-01

Cruz L. Dominguez
VEACH LAND SURVEYING CO.

THIS PROPERTY APPEARS TO LIE WITHIN ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP FOR THE TARRANT COUNTY, TEXAS, COMMUNITY PANEL NO. 48439C0330 H, DATED AUG. 2, 1995	SCALE: 1"=20' DATE: 12/26/2001 G.F. NO. 2001 BD 656606-L NAME: I. DIAZ JOB NO.: 125601	(972) 253-8207 (972) 790-5581 FAX (972) 254-4268 944 W. AIRPORT FWY. IRVING, TX. 75062