ORDINANCE NO. 209

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF ANNETTA, BY CHANGING THE ZONING CLASSIFICATION CERTAIN PROPERTY THE TOWN. WITHIN APPROXIMATELY 20.891 ACRES OF LAND SITUATED IN THE B. STEPHENSON SURVEY, ABSTRACT NO. 1219, FROM RESIDENTIAL DISTRICT TO "P-D" PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

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

WHEREAS, a change in the zoning classification of the property listed below was requested by a person or entity having a proprietary interest in said property; and

WHEREAS, public hearings have been duly held by the Planning and Zoning Commission of the Town of Annetta, Texas and by the Town Council of the Town of Annetta, Texas, with respect to the zoning change described herein; 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 Town Ordinances and Chapter 211 of the Local Government Code; and

WHEREAS, the Town Council of the Town of Annetta, Texas, does hereby deem it advisable and in the public interest to amend the Zoning Ordinance, as amended, as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS, THAT:

SECTION 1.

The Zoning Ordinance of the Town of Annetta, as amended, is hereby amended by rezoning the following property from "R-1" Residential District to "P-D" Planned Development District:

20.891 acres of land situated in the B. Stephenson Survey, Abstract No. 1219, as more particularly described in the attached Exhibit "A" (the "Property").

SECTION 2.

The Development Plan attached hereto as Exhibit "B" is approved.

SECTION 3.

The purpose and intent of this district is to provide flexibility in the development and operation of a primary public school site. In accordance with the Town's Comprehensive Plan, the base zoning district is designated as "LR" Local Retail Zoning District. The permitted uses of the Property are limited to a primary public school, and all other uses customarily incidental to a primary public school site. The Property shall be subject to and developed in accordance with the Development Plan, attached hereto as Exhibit "B", and all other applicable ordinances of the Town. All development standards and regulations not specifically set forth herein shall be those required for development in the "LR" Local Retail Zoning District as set forth in the relevant sections of the Town's Zoning Ordinance except as otherwise amended herein; provided, however, nothing may prohibit the Property from being developed in accordance with the Development Plan. In the event of a conflict between the standards set forth in the Zoning Ordinance and the provisions and standards of the Development Plan, then the terms of this planned development district and Development Plan shall control.

SECTION 4.

The zoning changes and boundaries 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 5.

The Town Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 6.

The use of the property hereinabove described shall be subject to all the applicable regulations contained in the Zoning Ordinance of the Town of Annetta, as amended, and all other applicable and pertinent ordinances of the Town of Annetta, Texas.

SECTION 7.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the Town of Annetta, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 8.

All rights and remedies of the Town of Annetta, Texas, are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or land use 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 9.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 10.

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such invalid or unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 11.

The Town Secretary of the Town of Annetta, Texas, is hereby directed to publish this Ordinance in compliance with state law.

SECTION 12.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS 17^{TH} DAY OF SEPTEMBER, 2020.

TOWN OF ANNETTA

Bruce Pinckard, Mayor

ATTEST:

Jamee Long, Town Secretary

EXHIBIT A

Property Description

BEING 20.891 acres of land situated in the B. Stephenson Survey, Abstract No. 1219, Town of Annetta and Town of Annetta ETJ, Parker County, Texas, and being all of those certain tracts of land as conveyed to Aledo Independent School District (Aledo I.S.D.), according to the deed filed in County Clerk's (C.C.) #201817304 and #201817306, Deed Records of Parker County, Texas (D.R.P.C.T.); and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with cap stamped "TNP", set in the east Right-of-Way (R-O-W) line of W. F.M. 5 (variable width), at the most westerly northwest corner of said Aledo I.S.D. tract (#201817304), also being in the south line of a tract of land described in deed to Charles P. Carter, according to the deed recorded in C.C. #201505308, D.R.P.C.T., from which a 1/2 inch iron rod with cap stamped "Harlan Tx2074", found at the southwest corner of said Carter tract, bears N 89°38'21" W. a distance of 10.00 feet;

THENCE along the most westerly north line of said Aledo I.S.D. tract (#201817304), and along the south line of said Carter tract generally along and near a wire fence, the following courses and distance;

S 89°38'21" E, a distance of 85.67 feet to a 1/2 inch iron rod found with cap stamped "Harlan Tx2074";

S 84°07'17" E, a distance of 51.41 feet to a 5/8 inch iron rod found at a reentrant corner of said Aledo I.S.D. tract (#201817304), also being the southeast corner of said Carter tract;

THENCE N 03°32'03" W, continuing along the most westerly north line of said Aledo I.S.D. tract (#201817304), along the east line of said Carter tract, a distance of 13.22 feet to a 1/2 inch iron rod found at the southwest corner of a tract of land described in deed to Annetta Community Storage, LLC, according to the deed recorded in C.C. #201605351, D.R.P.C.T., also being a reentrant corner of said Aledo I.S.D. tract (#201817304);

THENCE S 77°00'22" E, continuing along the most westerly north line of said Aledo I.S.D. tract (#201817304), along the south line of said Annetta Community Storage tract, a distance of 556.22 feet to a 1 inch iron rod found near a fence line at the southeast corner of said Annetta Community Storage tract, also being a reentrant corner of said Aledo I.S.D. tract (#201817304);

THENCE N 16°27'39" E, along the most northerly west line of said Aledo I.S.D. tract (#201817304), along the east line of said Annetta Community Storage tract, and generally along and near a partially downed wire fence, a distance of 524.87 feet to a railroad X-tie found at the northeast corner of said Annetta Community Storage tract, also being the most northerly south corner of a tract of land described in deed to Hendrix Annetto, L.L.C., according to the deed recorded in C.C. #201708597, D.R.P.C.T., from which a 1/2 inch iron for found in the north line of said Annetta Community Storage tract, also being in the most northerly south line of said Hendrix Annetto tract, bears N 79°35'37" W, a distance of 202.27 feet;

THENCE N 37°08'39" E, along a southeasterly line of said Hendrix Annetto tract, and continuing along the most northerly west line of said Aledo I.S.D. tract (#201817304), a distance of 79.18 feet to a 5/8 inch iron rod set with cap stamped "TNP";

THENCE N 26°59'07" E, continuing along a southeasterly line of said Hendrix Annetto tract, and continuing along the most northerly west line of said Aledo I.S.D. tract (#201817304), a distance of 24.20 feet to a 1/2 inch iron rod with cap stamped "Corlett", found near an 8" fence post at the most north corner of said Aledo I.S.D. tract (#201817304), also being a reentrant corner of said Hendrix Annetto tract;

THENCE S 45°10'36" E, generally along and near a wire fence, along the northeasterly line of said Aledo I.S.D. tract (#201817304), and along a southwesterly line of said Hendrix Annetto tract, a distance of 976.66 feet to a 5/8 inch iron rod with cap stamped "TNP", set at the southeast corner of said Aledo I.S.D. tract (#201817304), also being the northeast corner of the remainder of a tract of land described in deed to Barbara Moore Family Partnership, LTD, according to the deed recorded in Volume 1849, Page 106, P.R.P.C.T.

THENCE S 64°10'57" W, generally along and near a wire fence, along the south line of said Aledo I.S.D. tract (#201817304), and along the north line of the remainder of said Barbara Moore Family Partnership, LTD tract, a distance of 904.68 feet to a 5/8 inch iron rod set with cap stamped "TNP";

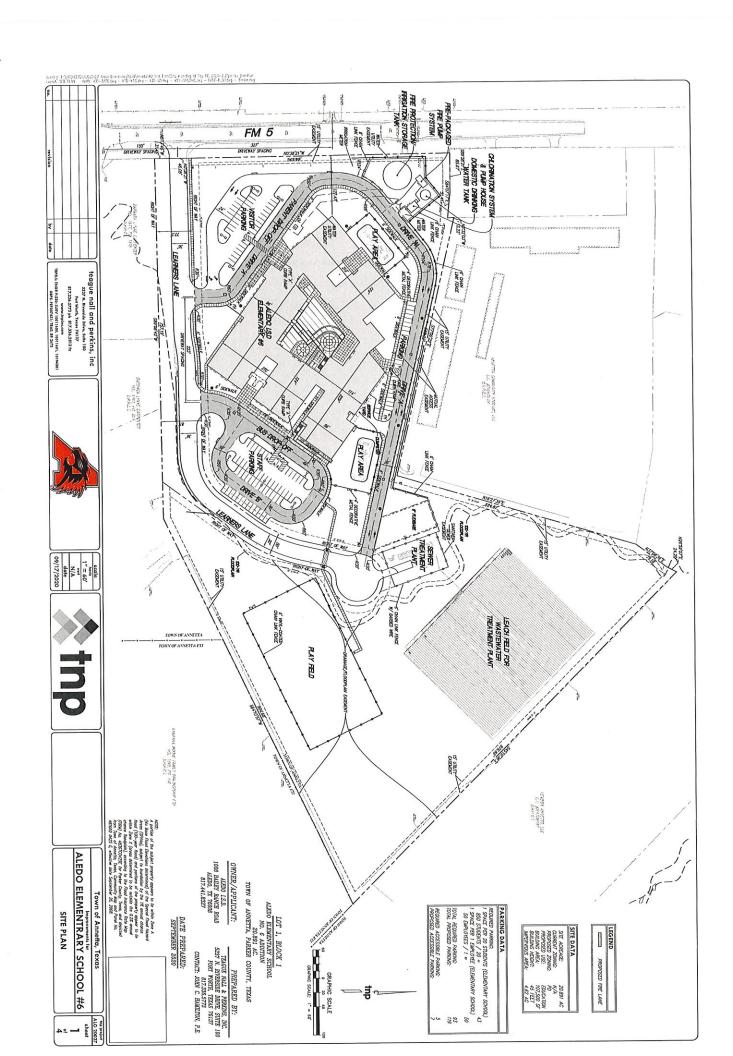
THENCE S 89°08'42" W, continuing along said line, passing over and across the southwest corner of said Aledo I.S.D. tract (#201817304), also being the southeast corner of said Aledo I.S.D. tract (#201817306), also passing along the north line of the remainder of said Barbara Moore Family Partnership, LTD tract, also passing along the north line of the remainder of tracts of land described in deed to Barbara Lynne Carpenter, according to the deeds recorded in Volume 1677, Page 1418 and Volume 1743, Page 655, P.R.P.C.T., and continuing along the south line of said Aledo I.S.D. tract (#201817306), in all, a distance of 757.19 feet to a 5/8 inch iron rod with cap stamped "TNP", set near a wire fence line at the southwest corner of said Aledo I.S.D. tract (#201817306), also being the northwest corner of the remainder of said Barbara Lynne Carpenter tract (Vol. 1677, Pg. 1418, D.R.P.C.T.), also being in the east R-O-W line of said W. F.M. 5;

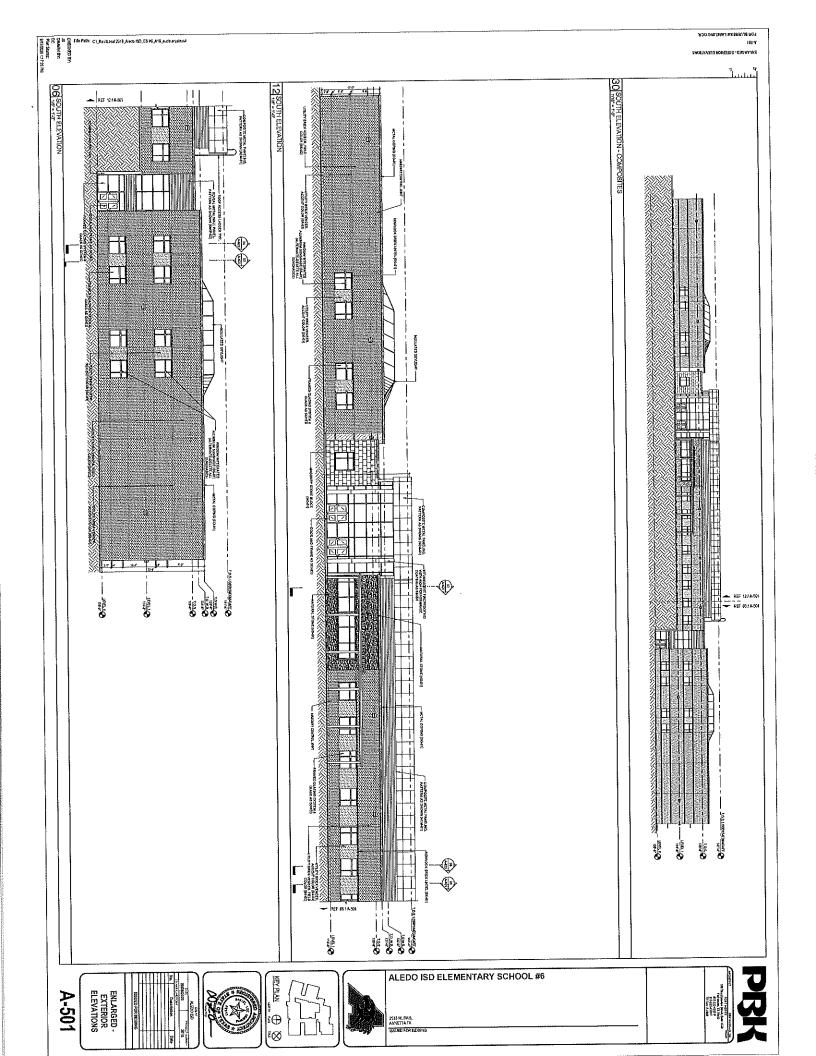
THENCE N 00°13'45" W, along and near a wire fence line in the west line of said Aledo I.S.D. tract (#201817306), and along the east R-O-W line of said W. F.M. 5, a distance of 31.45 feet to a 1/2 inch iron rod found;

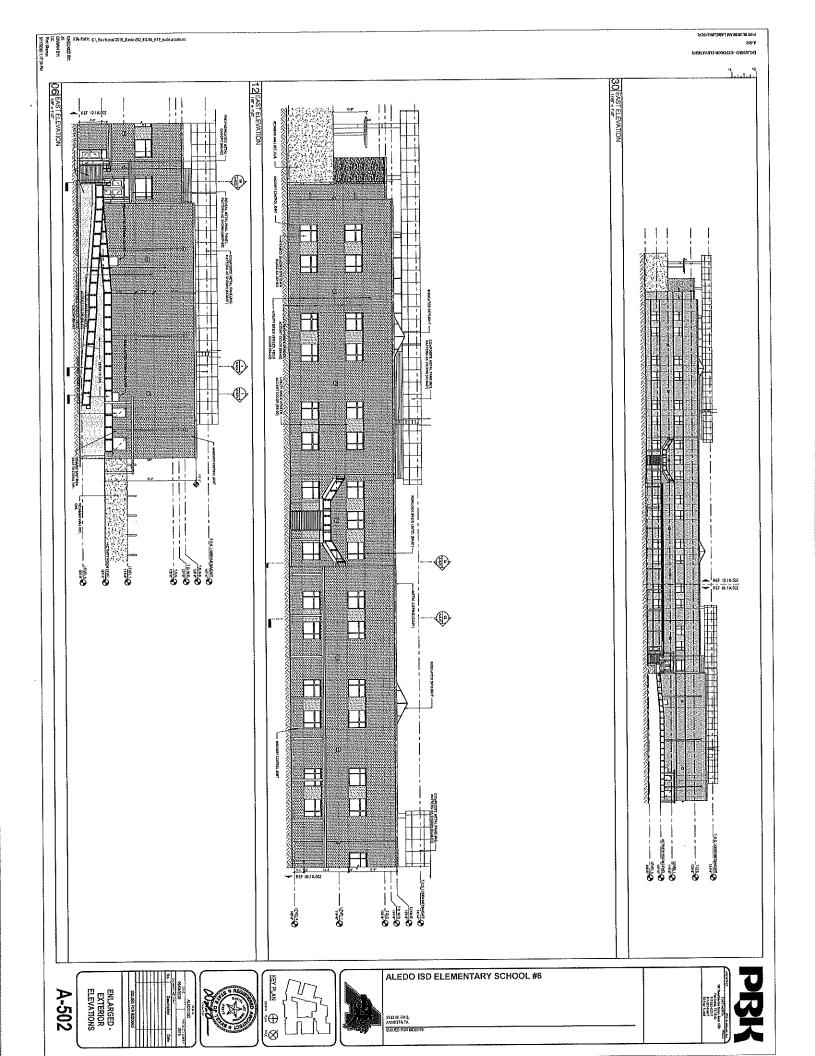
THENCE N 00°38'21" W, continuing along and near a wire fence line, passing along the west line of said Aledo I.S.D. tract (#201817306), also passing along the west line of said Aledo I.S.D. tract (#201817304), and along the east R-O-W line of said W. F.M. 5, in all, a distance of 591.98 feet to the **POINT OF BEGINNING** and containing 910,003 square feet or 20.891 acres of land.

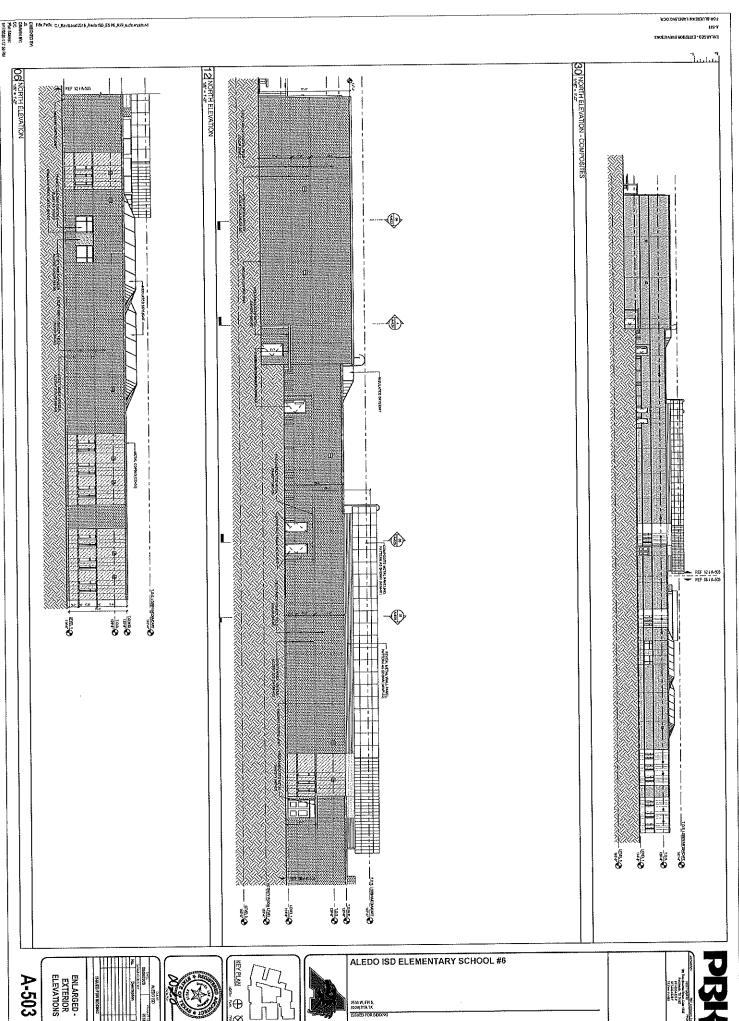
EXHIBIT B

Development Plan









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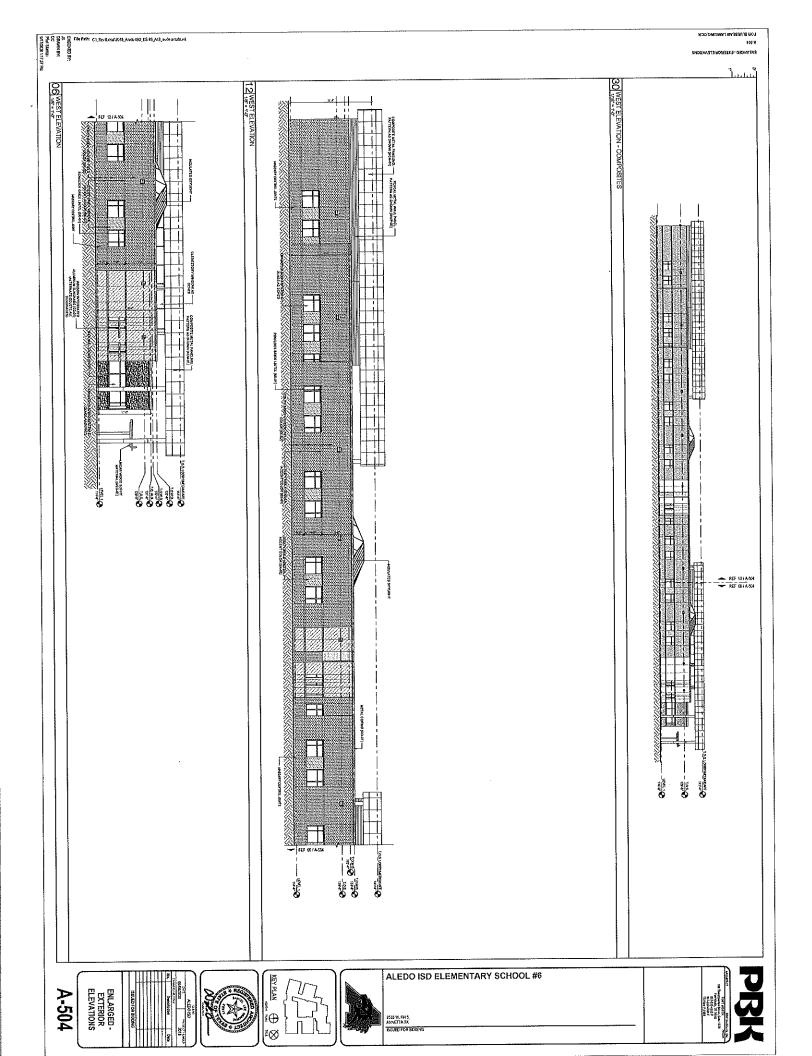


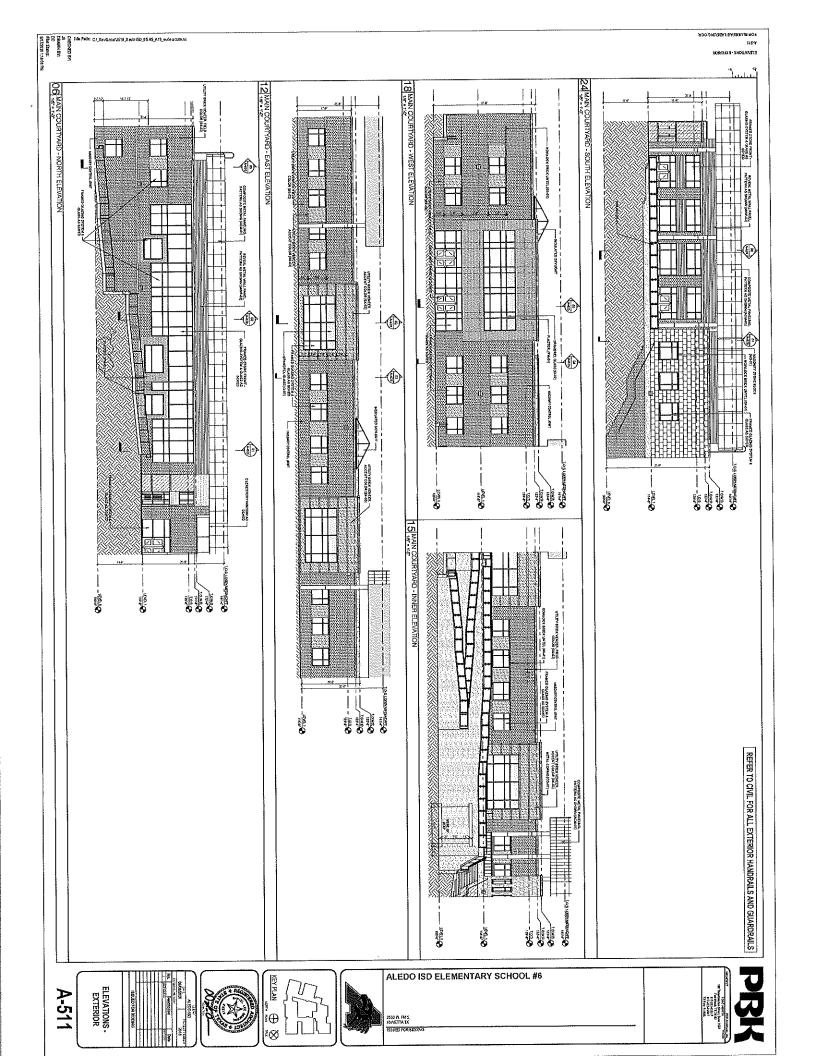


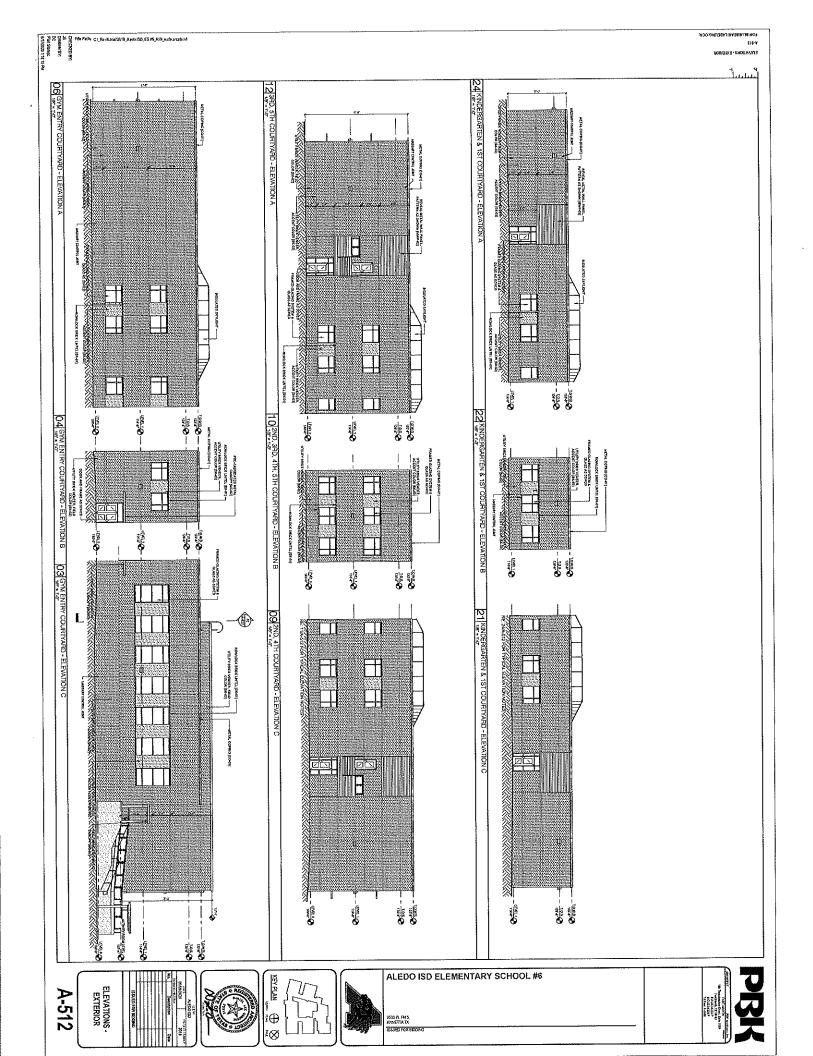


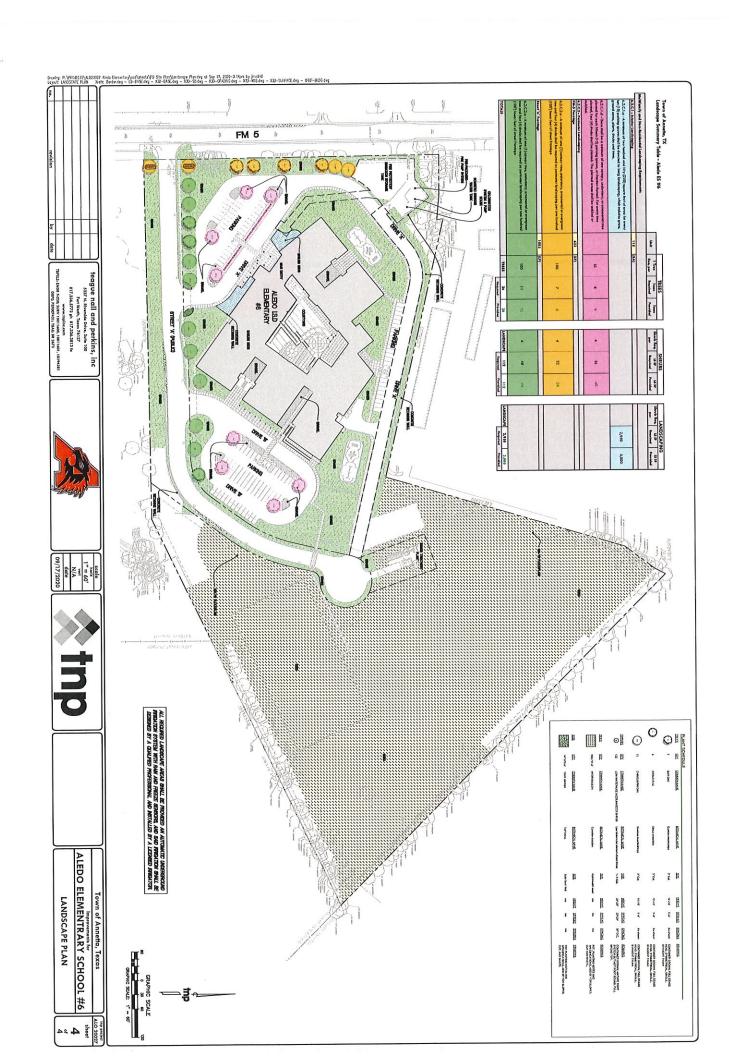


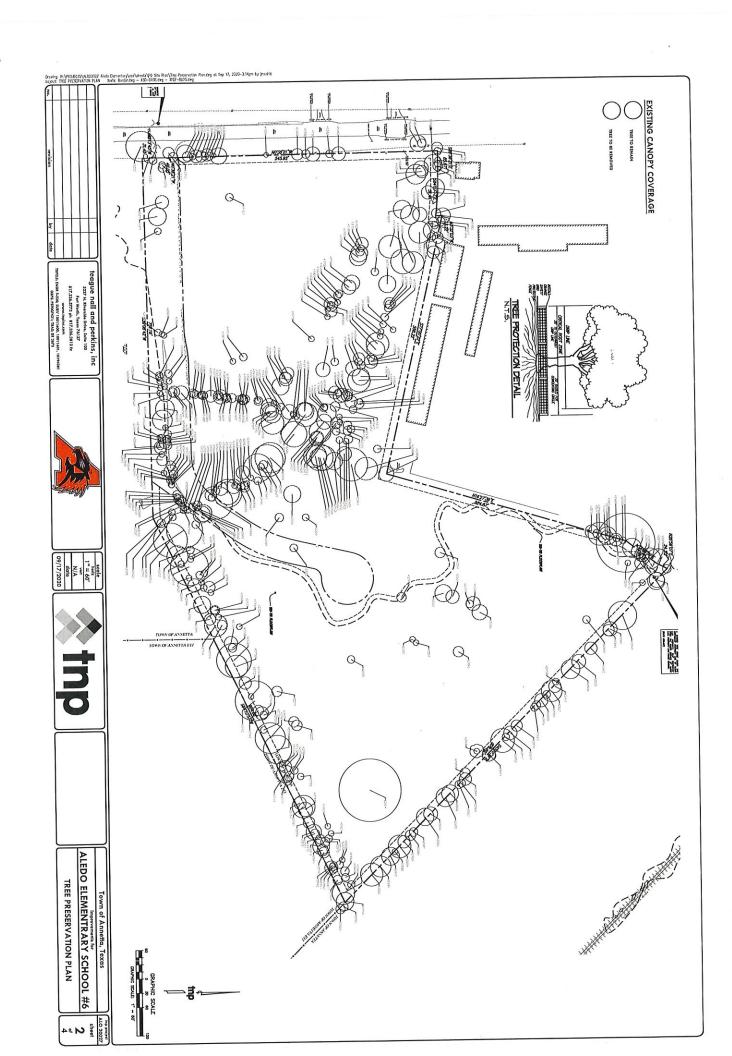












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