ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than Two Thousand Dollars ($2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 9TH day of AUGUST, 2004.

APPROVED:

_____
RON SILVIA, Mayor

ATTEST:

_____
Connie Hooks, City Secretary

APPROVED:

_____
City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

The following property is rezoned from A-O Agricultural Open to C-2 Commercial Industrial:

BEING ALL THAT CERTAIN 2.67 ACRE TRACT OR PARCEL OF LAND, BEING A PROPOSED C-2 ZONE, LYING AND BEING SITUATED IN THE MORGAN RECTOR LEAGUE, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS AND BEING A PORTION OUT OF THAT SAME CALLED 40.38 ACRE REMAINDER OF THAT SAME 163.50 ACRE TRACT CONVEYED TO BURTON R. HERMANN, ET UX, AS DESCRIBED BY DEED RECORDED IN VOLUME 2085 PAGE 289 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS (O.R.B.C.) SAID 2.67 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "B" AND SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT "D".

The following property is rezoned from A-O Agricultural Open to R-1 Single Family Residential:

BEING ALL THAT CERTAIN 17.65 ACRE TRACT OR PARCEL OF LAND, BEING A PROPOSED R-1 ZONE, LYING AND BEING SITUATED IN THE MORGAN RECTOR LEAGUE, ABSTRACT NO. 46, COLLEGE STATION, BRAZOS COUNTY, TEXAS AND BEING A PORTION OUT OF THAT SAME CALLED 40.38 ACRE REMAINDER OF THAT SAME 163.50 ACRE TRACT CONVEYED TO BURTON R. HERMANN, ET UX, AS DESCRIBED BY DEED RECORDED IN VOLUME 2085 PAGE 289 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS (O.R.B.C.) SAID 17.65 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "C" AND SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT "D".

METES AND BOUNDS DESCRIPTION
OF A
2.67 ACRE TRACT
(PROPOSED C-2 ZONE)
MORGAN RECTOR LEAGUE, ABSTRACT NO. 46
COLLEGE STATION, BRAZOS COUNTY, TEXAS

Metes and bounds description of all that certain 2.67 acre tract or parcel of land, being a proposed C-2 zone, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion out of that same called 40.38 acre remainder of that same 163.50 acre tract conveyed to Burton R. Hermann, et ux, as described by deed recorded in VOLUME 2085 PAGE 289 of the Official Records of Brazos County, Texas, said 2.67 acre tract being more particularly described as follows:

BEGINNING at the most westerly corner of said remainder tract, being in the southeast right-of-way line of Horse Haven Lane (50.00 feet) as depicted on the plat of Lot 1, Horse Haven Estates recorded in VOLUME 4285 PAGE 35 of the Official Records of Brazos County, Texas; said point also being a northern corner of said Lot 1;

Thence along the said right-of-way line of Horse Haven Lane the following calls:

N 41° 43' 40" E – 37.54 feet to a capped ½" iron rod set for corner;

N 48° 16' 12" W – 5.00 feet a capped ½" iron rod set for corner;

N 41° 43' 40" E – 127.98 feet to a capped ½" iron rod set for the beginning of a curve to the right (R = 501.09);

Thence 202.19 feet along the said curve, whose chord bears N 53° 17' 16" E – 200.82 feet to a point at the beginning of a reverse curve to the left (R = 354.89 feet);

Thence 64.53 feet along the said curve, whose chord bears N 59° 38' 15" E – 64.44 feet to a point for corner;

THENCE S 43° 47' 43" E – 121.23 feet through said remainder tract to a point for corner;

THENCE N 46° 12' 17" E – 27.50 feet through said remainder tract to a point for corner;

THENCE S 43° 47' 43" E – 258.29 feet through said remainder tract to a point for corner in the calculated 100 year flood plain line;

Thence continuing through the remainder the following calls along said flood plain line:

S 69° 08' 42" W – 200.00 feet to a point for corner;

S 62° 34' 43" W – 33.63 feet to a point for corner;

S 62° 48' 51" W – 126.31 feet to a point for corner

S 63° 11' 39" W – 40.06 feet to a point for corner in the northeastern line of said Lot 1 and common with the PCS Sprint lease site;

THENCE N 26° 42' 33" W – 216.70 feet along said Lot 1 to a capped ½" iron rod set for corner;

THENCE S 68° 45' 43" W – 153.72 feet to the **PLACE OF BEGINNING**, and containing 2.67 acres of land.

BASIS OF BEARING: Plat of Lot 1 of Horse Haven Estates, as recorded in VOLUME 4285 PAGE 35 of the Official Records of Brazos County, Texas.

Note: This description has been computed from recent ground survey data and existing record data and is for zoning use only in accordance with the provisions of the Texas Administrative Code. It is not for the purpose of land conveyance.

June 2004
Municipal Development Group
College Station, Texas
REVISED

Surveyed by: Greg K. Taggart
Gregory K. Taggart
R.P.L.S. No. 5676

30 June 2004 AD

STATE OF TEXAS
REGISTERED
GREGORY K. TAGGART
5676
PROFESSIONAL
LAND SURVEYOR

METES AND BOUNDS DESCRIPTION
OF A
(PROPOSED R-1 ZONE)
17.65 ACRE TRACT
MORGAN RECTOR LEAGUE, ABSTRACT NO. 46
COLLEGE STATION, BRAZOS COUNTY, TEXAS

Metes and bounds description of all that certain 17.65 acre tract or parcel of land, being a proposed R-1 zone, lying and being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas and being a portion out of that same called 40.38 acre remainder of that same 163.50 acre tract conveyed to Burton R. Hermann, et ux, as described by deed recorded in VOLUME 2085 PAGE 289 of the Official Records of Brazos County, Texas, said 17.65 acre tract being more particularly described as follows:

COMMENCING at a ½" iron rod at the base of a fence post, found marking the east corner of that same 9.74 acre tract conveyed from Virginia Boriskie to the City of College Station, as described by deed recorded in VOLUME 368 PAGE 336 of the Deed Records of Brazos County, Texas, and being an angle point in the southwest line of a 12.47 acre tract conveyed to David A. Krenek, et ux, as described by deed recorded in VOLUME 5832 PAGE 187 of the Official Records of Brazos County, Texas;

THENCE S 42° 10' 28" W – 155.98 feet along the southeastern line of the 9.74 acre tract to the **PLACE OF BEGINNING;**

THENCE S 45° 17' 05" E – 388.93 feet through the said remainder tract to a corner for angle point;

THENCE S 56° 04' 30" E – 314.39 feet through the said remainder tract to a corner in the northwest line of the 23.75 acre tract conveyed to Carl C. Kolbe, et ux and described by deeds recorded in VOLUME 2558 PAGE 126, VOLUME 3213 PAGE 335 and VOLUME 3213 PAGE 339 of the Official Records of Brazos County, Texas;

Thence the following calls along the said 23.75 acre tract:

S 38° 45' 40" W – 92.40 feet to a ½" iron rod found for corner;

S 50° 38' 06" W – 229.75 feet to a ⅝ "iron rod found for the beginning of a curve to the left (R = 30.00 feet);

Thence 49.60 feet along said curve, whose chord bears S 01° 45' 34" E – 44.14 feet, to a ½" iron rod found for end of said curve;

S 51° 36'12" E – 51.06 feet to a capped ½" iron rod set for corner;

S 38° 22'43" W – 79.91 feet to a ½" iron rod found for corner;

S 02° 26'16" W – 44.20 feet to a ½" iron rod found for corner;

S 12° 30'41" E – 146.55 feet to a point for corner;

THENCE S 46° 12' 17" W – 355.80 feet through the said 40.38 acre remainder tract to an angle point for corner in the calculated 100 year floodplain line as established and monumented on the ground;

THENCE S 88° 23' 46" W – 46.73 feet along the said flood plain line and through the said 40.38 acre remainder tract to a point for corner;

THENCE N 43° 47' 43" W – 258.29 feet through the said floodplain and said 40.38 acre remainder tract to a point for corner;

THENCE S 46° 12' 17" W – 27.50 feet through the said 40.38 acre remainder tract to a point for corner;

THENCE N 43° 47' 43" W – 121.23 feet through the said 40.38 acre remainder tract to a point for the beginning of a curve to the right (R = 354.89 feet), and being in the southeast right-of-way of Horse Haven Lane (50.00 feet) as depicted by plat recorded in VOLUME 4285 PAGE 35 of the Official Deed Records of Brazos County, Texas;

Thence along the said right-of-way line of Horse Haven Lane the following calls:

64.53 feet along the said curve, whose chord bears S 59° 38' 15" W – 64.44 feet to a capped ½" iron rod set for corner at the beginning of a reverse curve to the left (R = 501.09 feet);

Thence 202.19 feet along the said curve, whose chord bears S 53° 17' 16" W – 200.82 feet to the end of said curve;

S 41° 43' 40" W – 127.98 feet to a capped ½" iron rod set for corner;

THENCE N 48° 16' 12" W – 55.00 feet across the said right-of-way of Horse Haven Lane (50.00 feet) to a capped ½" iron rod set for corner in the northeast line of Lot 2 Horse Haven Estates, as depicted by Correction Plat recorded in VOLUME 3158 PAGE 335, and being the beginning of a curve to the left (R = 565.00 feet);

THENCE 162.41 feet along said curve whose chord bears N 33° 29' 31" E – 161.85 feet to a capped ½" iron rod found for the end of said curve;

THENCE N 25° 15' 38" E – 641.33 feet to a ½" iron rod found corner;

THENCE N 50° 24' 03" W – 674.31 feet a ½" iron rod found for corner in Switch Station Road (a private 60 foot access);

THENCE N 41° 55' 45" E – 171.61 feet along said access to a ½" iron rod found for corner in the southwestern line of the said 9.74 acre tract;

THENCE S 47° 52' 01" E – 530.62 feet along said line to a ½" iron rod found for corner;

THENCE N 42° 10' 28" E – 378.14 feet along the southeastern line of the 9.74 acre tract to the **PLACE OF BEGINNING**, and containing 17.65 acres of land

BASIS OF BEARING: Plat of Lot 1 of Horse Haven Estates, as recorded in VOLUME 4285 PAGE 35 of the Official Records of Brazos County, Texas;

Note: This description has been computed from current ground survey data and existing record data and is for zoning use only in accordance with the provisions of the Texas Administrative Code. It is not for the purpose of land conveyance.

June 2004
Municipal Development Group
College Station, Texas
REVISED

Surveyed by: Gregory K. Taggart
Gregory K. Taggart
R.P.L.S. No. 5676

June 2004 AD

STATE OF TEXAS
REGISTERED
GREGORY K. TAGGART
5676
PROFESSIONAL
LAND SURVEYOR

City of College Station, Texas
DEVELOPMENT REVIEW

HORSE HAVEN ESTATES

Case: 04-154 REZONING