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 34 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 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, referred to as Tract 1, is rezoned from A-O, Agricultural-Open and R-1, Single-family Residential to C-1, General Commercial.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J.E. SCOTT LEAGUE, ABSTRACT NO. 50, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF THE 7.243 ACRE TRACT AS DESCRIBED BY A DEED TO JAMES P. JONES AND WIFE, PATRICIA JONES, RECORDED IN VOLUME 305, PAGE 428 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "B" AND GRAPHICALLY SHOWN IN EXHIBITS "C" AND "F".

The following property, referred to as Tract 2, is rezoned from A-O, Agricultural-Open, C-1, General Commercial and R-1, Single-family Residential to C-1, General Commercial.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J.E. SCOTT LEAGUE, ABSTRACT NO. 50, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF THE 7¼ ACRE TRACT AS DESCRIBED BY A DEED TO MAURICE C. FUTRELL RECORDED IN VOUME 195, PAGE 123 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS. SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "D" AND GRAPHICALLY SHOWN IN EXHIBITS "E" AND "F".

EXHIBIT "B"

METES AND BOUNDS DESCRIPTION
OF A
7.25 ACRE TRACT
J. E. SCOTT LEAGUE, A-50
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J. E. SCOTT LEAGUE, ABSTRACT NO. 50, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF THE 7.243 ACRE TRACT AS DESCRIBED BY A DEED TO JAMES P. JONES AND WIFE. PATRICIA JONES, RECORDED IN VOLUME 305, PAGE 428 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A ½ INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF F & B ROAD (A PUBLIC MAINTAINED ROAD) MARKING THE WEST CORNER OF SAID 7.243 ACRE TRACT AND THE MOST NORTHERLY CORNER OF A CALLED 29.14 ACRE TRACT AS DESCRIBED BY A DEED TO TEXAS A&M UNIVERSITY RECORDED IN VOLUME 1172, PAGE 308 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 40° 18' 10" E ALONG THE SOUTHEAST LINE OF F & B ROAD FOR A DISTANCE OF 205.02 FEET TO A POINT MARKING THE NORTH CORNER OF SAID 7.243 ACRE TRACT AND THE WEST CORNER OF A CALLED 7-1/4 ACRE TRACT AS DESCRIBED BY A DEED TO MAURICE C. FUTRELL RECORDED IN VOLUME 195, PAGE 123 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 47° 57' 02" E ALONG THE COMMON LINE OF SAID JONES TRACT AND SAID FUTRELL TRACT FOR A DISTANCE OF 1530.05 FEET TO A 5/8 INCH IRON ROD SET ON A NORTHWEST LINE OF THE REMAINDER OF A CALLED 13.62 ACRE TRACT AS DESCRIBED BY A DEED TO TWYLA T. BENSON RECORDED IN VOLUME 3361, PAGE 335 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, SAID IRON ROD SET MARKING THE COMMON CORNER OF SAID JONES TRACT AND SAID FUTRELL TRACT;

THENCE: S 42° 15' 36" W ALONG THE COMMON LINE OF SAID JONES TRACT AND SAID BENSON TRACT FOR A DISTANCE OF 140.97 FEET TO A 3/8 INCH IRON ROD FOUND MARKING A NORTHEAST CORNER OF SAID 29.14 ACRE TRACT;

THENCE: S 42° 42' 56" W ALONG THE COMMON LINE OF SAID JONES TRACT AND SAID 29.14 ACRE TRACT FOR A DISTANCE OF 67.69 FEET TO A 3/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID JONES TRACT AND AN INTERIOR NORTH CORNER OF SAID 29.14 ACRE TRACT;

THENCE: N 47° 48' 36" W CONTINUING ALONG THE COMMON LINE OF SAID JONES TRACT AND SAID 29.14 ACRE TRACT FOR A DISTANCE OF 1522.50 FEET TO THE **POINT OF BEGINNING** CONTAINING 7.25 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JUNE, 2003. SEE PLAT PREPARED JUNE, 2003, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

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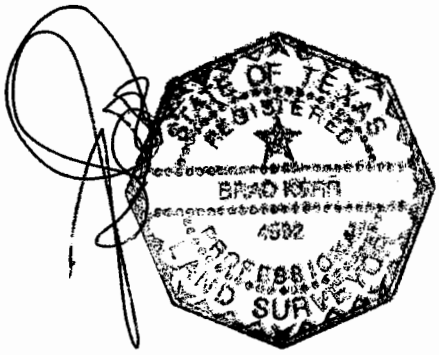

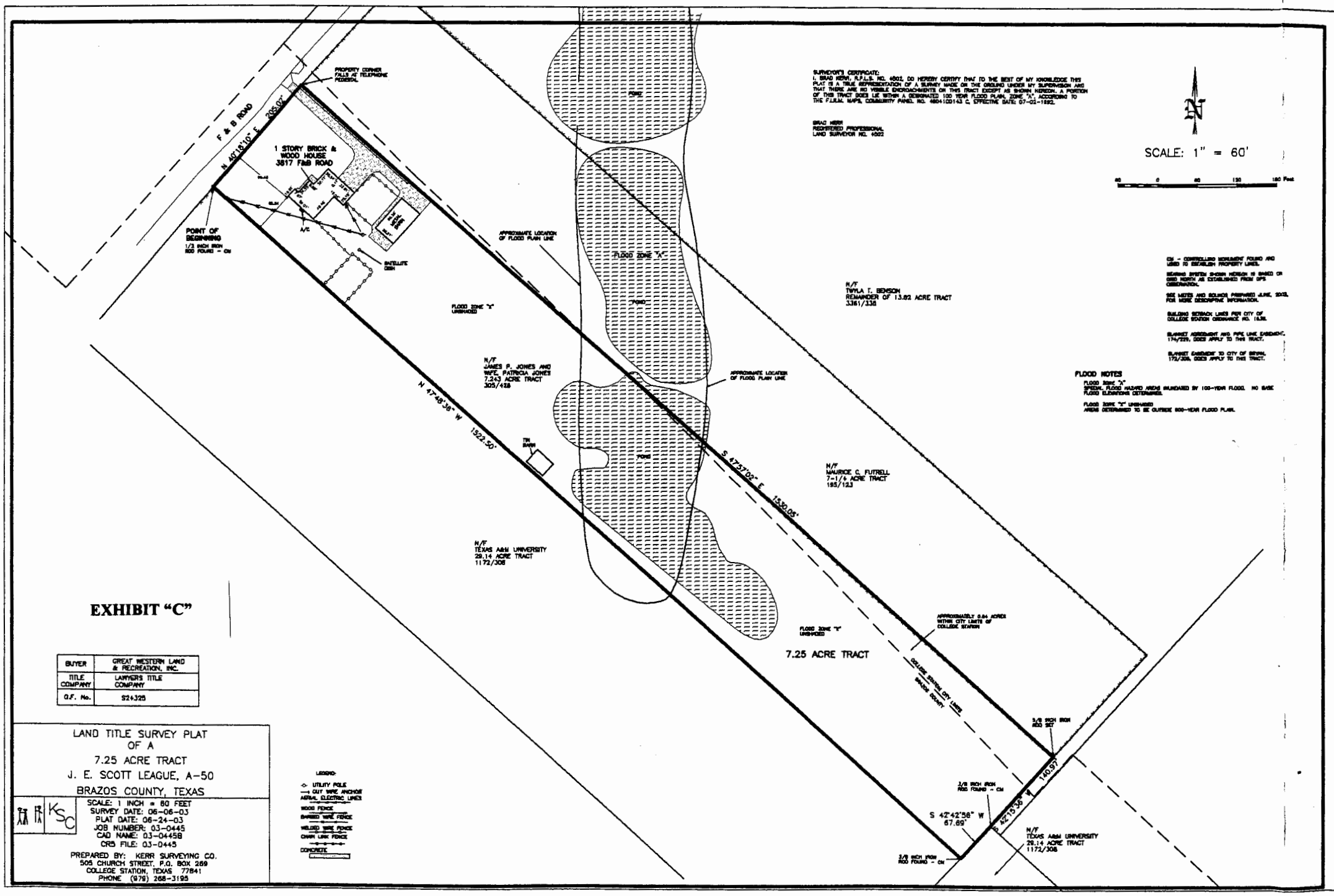

EXHIBIT "C"

BUYER	GREAT WESTERN LAND & RECREATION, INC.
TITLE COMPANY	LAWYERS TITLE COMPANY
G.F. No.	S24325

LAND TITLE SURVEY PLAT
OF A
7.25 ACRE TRACT
J. E. SCOTT LEAGUE, A-50
BRAZOS COUNTY, TEXAS

KSC

SCALE: 1 INCH = 60 FEET
SURVEY DATE: 06-06-03
PLAT DATE: 06-24-03
JOB NUMBER: 03-0445
CAD NAME: 03-04458
CRS FILE: 03-0445

PREPARED BY: KERR SURVEYING CO.
505 CHURCH STREET, P.O. BOX 269
COLLEGE STATION, TEXAS 77841
PHONE (979) 268-3195

EXHIBIT "D"

METES AND BOUNDS DESCRIPTION
OF A
7.32 ACRE TRACT
J. E. SCOTT LEAGUE, A-50
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J. E. SCOTT LEAGUE, ABSTRACT NO. 50, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF THE 7-1/4 ACRE TRACT AS DESCRIBED BY A DEED TO MAURICE C. FUTRELL RECORDED IN VOLUME 195, PAGE 123 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD SET ON THE SOUTHEAST LINE OF F&B ROAD (A PUBLIC MAINTAINED ROAD) MARKING THE NORTH CORNER OF SAID FUTRELL TRACT AND THE WEST CORNER OF THE REMAINDER OF A CALLED 13.62 ACRE TRACT AS DESCRIBED BY A DEED TO TWYLA T. BENSON RECORDED IN VOLUME 3361, PAGE 335 OF THE OFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE A CONCRETE RIGHT-OF-WAY MARKER FOUND BEARS: N 42° 26' 23" E FOR A DISTANCE OF 267.68 FEET;

THENCE: S 47° 57' 01" E ALONG THE COMMON LINE OF SAID FUTRELL TRACT AND SAID BENSON TRACT FOR A DISTANCE OF 1530.87 FEET TO A 5/8 INCH IRON ROD SET MARKING THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT, FOR REFERENCE A ½ INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF F.M. 2818 MARKING THE EAST CORNER OF SAID BENSON TRACT BEARS: S 47° 43' 29" E – 20.00 FEET AND N 42° 16' 31" E – 238.68 FEET FROM WHICH A 3/8 INCH IRON ROD FOUND BEARS: S 42° 16' 31" W FOR A DISTANCE OF 588.18 FEET;

THENCE: S 42° 16' 31" W CONTINUING ALONG THE COMMON LINE OF SAID FUTRELL TRACT AND SAID BENSON TRACT, 20.00 FEET FROM AND PARALLEL TO THE SOUTHEAST LINE OF SAID BENSON TRACT, FOR A DISTANCE OF 208.34 FEET TO A 5/8 INCH IRON ROD SET MARKING THE SOUTH CORNER OF THIS HEREIN DESCRIBED TRACT AND THE EAST CORNER OF A CALLED 7.243 ACRE TRACT AS DESCRIBED BY A DEED TO JAMES P. JONES AND WIFE, PATRICIA JONES, RECORDED IN VOLUME 305, PAGE 428 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE A 3/8 INCH IRON ROD FOUND BEARS: S 42° 15' 36" W FOR A DISTANCE OF 140.97 FEET;

THENCE: N 47° 57' 02" W ALONG THE COMMON LINE OF SAID FUTRELL TRACT AND SAID JONES TRACT FOR A DISTANCE OF 1530.05 FEET TO A POINT ON THE SOUTHEAST LINE OF F&B ROAD MARKING THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT, SAID POINT BEING IN AN EXISTING TELEPHONE PEDESTAL, FOR REFERENCE A ½ INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID JONES TRACT BEARS: S 40° 18' 10" W FOR A DISTANCE OF 205.02 FEET;

THENCE: N 42° 03' 02" E ALONG THE SOUTHEAST LINE OF F&B ROAD FOR A DISTANCE OF 208.34 FEET TO THE **POINT OF BEGINNING** CONTAINING 7.32 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JUNE, 2003. SEE PLAT PREPARED JUNE, 2003, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

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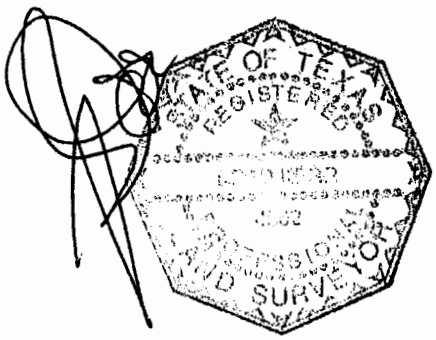

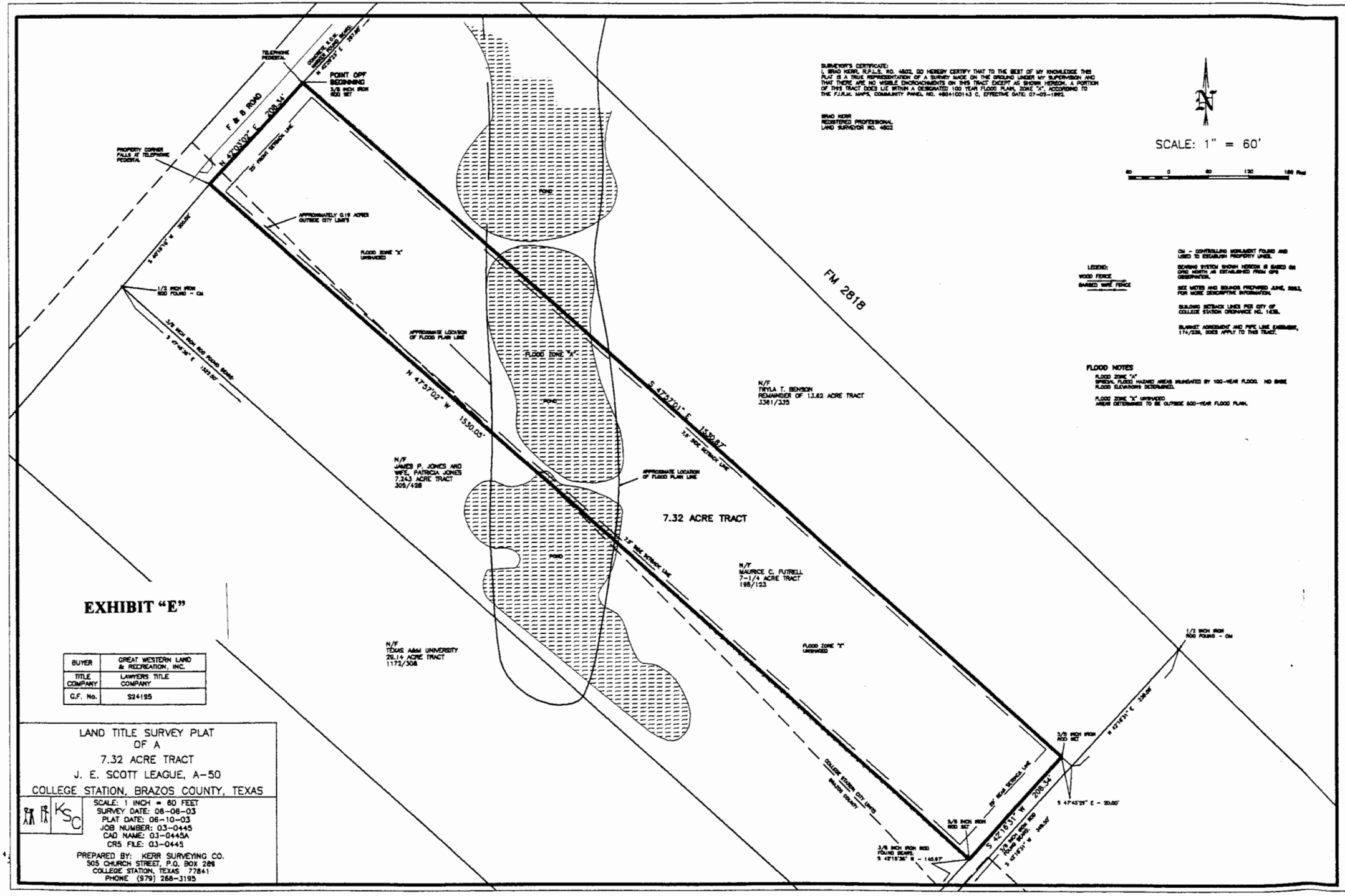

EXHIBIT "E"

BUYER	GREAT WESTERN LAND & RECREATION, INC.
TITLE COMPANY	LAWYERS TITLE COMPANY
G.F. No.	S24195

LAND TITLE SURVEY PLAT
OF A
7.32 ACRE TRACT
J. E. SCOTT LEAGUE, A-50
COLLEGE STATION, BRAZOS COUNTY, TEXAS

KSC

SCALE: 1 INCH = 60 FEET
SURVEY DATE: 06-06-03
PLAT DATE: 06-10-03
JOB NUMBER: 03-0445
CAD NAME: 03-0445A
CR5 FILE: 03-0445

PREPARED BY: KERR SURVEYING CO.
505 CHURCH STREET, P.O. BOX 269
COLLEGE STATION, TEXAS 77841
PHONE (979) 268-3195

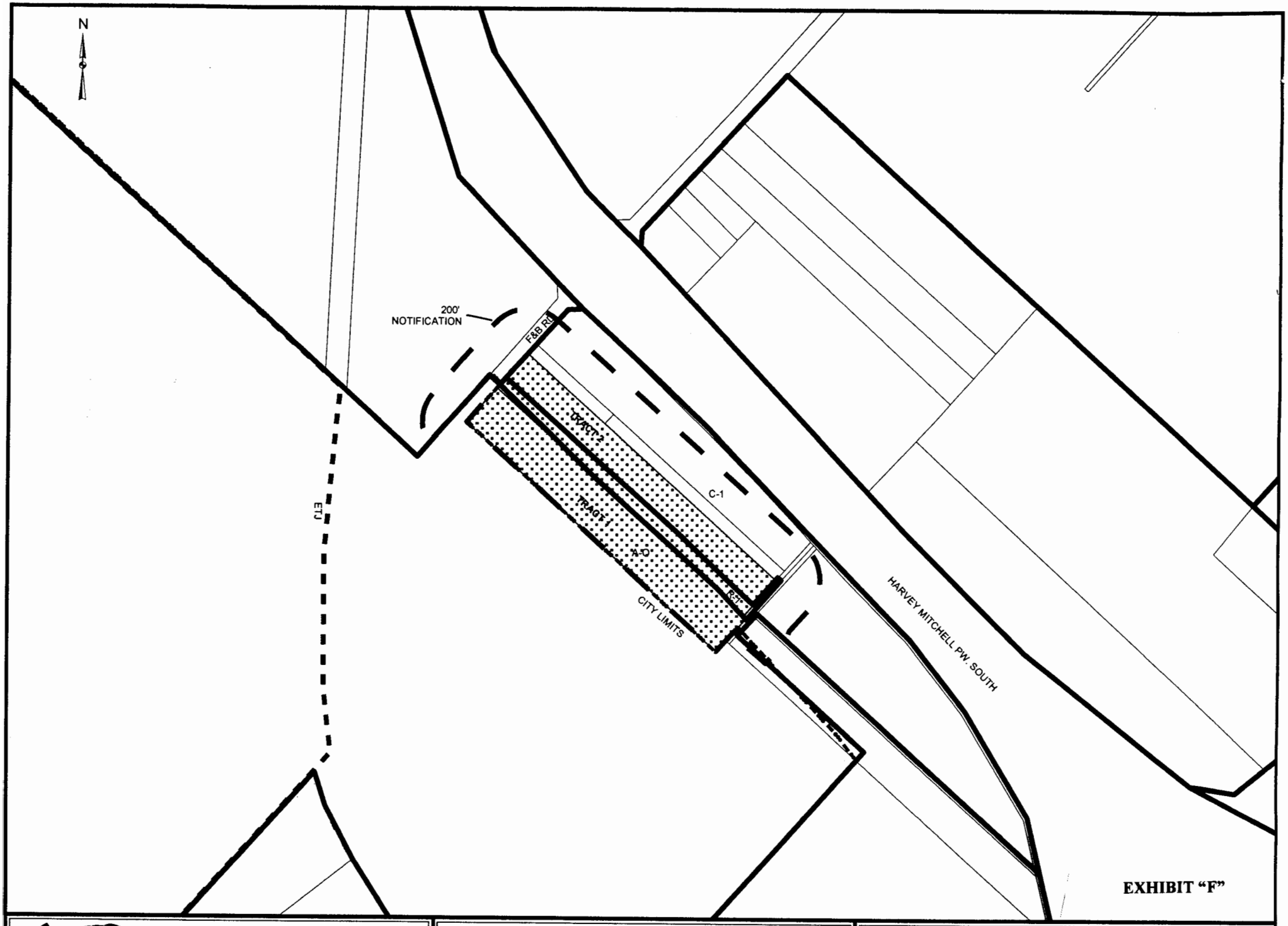

EXHIBIT "F"

CITY OF COLLEGE STATION DEVELOPMENT REVIEW	3800 BLOCK F&B ROAD	Case: 04-252 REZONING