

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 SEPTEMBER, 2004.

APPROVED:

RON SILVIA, Mayor

ATTEST:

Connie Hooks, City Secretary

APPROVED:

Harry Cargill

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 City Council has determined that the subject property is located along a gateway and major corridor to the City. This overlay district is established to enhance the image of key entry points by maintaining a sense of openness and continuity.

The following property is rezoned from R-1 Single Family Residential to P-MUD Planned Mixed Use Development District with the OV Overlay District as provided in the Unified Development Ordinance in Article 5, Section 5.8A:

BEING ALL THAT CERTAIN 12.49 ACRE TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE MORGAN RECTOR SURVEY, ABSTRACT NO.46, BRAZOS COUNTY, TEXAS, AND BEING PART OF THE 38.65 ACRE TRACT DESCRIBED IN THE PURCHASE AGREEMENT BETWEEN VERA C. DOWELL (SELLER) AND CLINT A.BERTRAND (PURCHASER), RECORDED IN VOLUME 305, PAGE 853, OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY FIELD NOTES IN THE ATTACHED EXHIBIT "B," AND SHOW GRAPHICALLY IN THE ATTACHED EXHIBIT "C."

Rezoning Request - R1 to PMUD
12.49 Acre Tract
Morgan Rector Survey, A-46
College Station, Brazos County, Texas

Field notes of a 12.49 acre tract or parcel of land, lying and being situated in the Morgan Rector Survey, Abstract No. 46, Brazos County, Texas, and being part of the 38.65 acre tract described in the Purchase Agreement between Vera C. Dowell (Seller) and Clint A. Bertrand (Purchaser), recorded in Volume 305, Page 853, of the Deed Records of Brazos County, Texas, and being more particularly described as follows:

BEGINNING at the cross-tie found marking the east corner of Lot 13, Lakeview Acres Revised, according to the plat recorded in Volume 128, Page 300, of the Deed Records of Brazos County, Texas, a ½" iron rod found marking the south corner of the before-mentioned 38.65 acre tract bears S 44° 18' 18" W - 767.71 feet;

THENCE N 45° 58' 07" W along the northeast line of the before-mentioned Lakeview Acres Revised for a distance of 792.66 feet to a cross-tie fence corner found marking an interior ell corner of the before-mentioned 38.65 acre tract, same being the south corner of a 7.46 acre tract described in the deed to the Baptist Church Loan Corporation, recorded in Volume 1093, Page 512, of the Official Records of Brazos County, Texas;

THENCE N 45° 42' 47" E along the common line between the 38.65 acre tract and the 7.46 acre tract, for a distance of 553.76 feet to a ½" iron rod found marking the east corner of the said 7.46 acre tract, same being the south corner of the 2.292 acre tract described in the deed to Stacy Diane Tremont Trust No. 1, recorded in Volume 2545, Page 67, of the Official Records of Brazos County, Texas;

THENCE N 45° 40' 09" E along the common line between the 38.65 acre tract and the 2.292 acre tract, for a distance of 195.04 feet to a ½" iron rod found in the south right-of-way line of Farm to Market Road No. 2818;

THENCE easterly along the south right-of-way line of Farm to Market Road No. 2818, as follows:

S 60° 12' 31" E for a distance of 119.57 feet to a concrete right-of-way marker found marking the beginning of a curve, concave to the north, having a radius of 1221.24 feet,

Easterly along said curve for an arc length of 233.46 feet to a ½" iron rod found at the end of this curve, marking the north corner of Lot 1, Block 1, Crystal Park Subdivision, Phase One according to the plat recorded in Volume 2451, Page 63, of the Official Records of Brazos County, Texas, the chord bears S 65° 41' 06" E - 233.10 feet;

THENCE along the west line of the before-mentioned Lot 1, Block 1, Crystal Park Subdivision, as follows:

S 17° 31' 06" W for a distance of 97.15 feet to a ½" iron rod found marking the beginning of a curve, concave to the east, having a radius of 430.00 feet,

Southerly along said curve for an arc distance of 480.44 feet to a ½" iron rod found marking the end of this curve, the chord bears S 14° 29' 25" E - 455.84 feet,

S 46° 29' 56" E for a distance of 1.57 feet to a ½" iron rod found in the common line between the before-mentioned 38.65 acre tract and the 7.158 acre tract described in the deed to CPark Inc., recorded in Volume 2833, Page 152, of the Official Records of Brazos County, Texas;

Rezoning Request - R1 to PMUD
12.49 Acre Tract
Morgan Rector Survey, A-46
College Station, Brazos County, Texas
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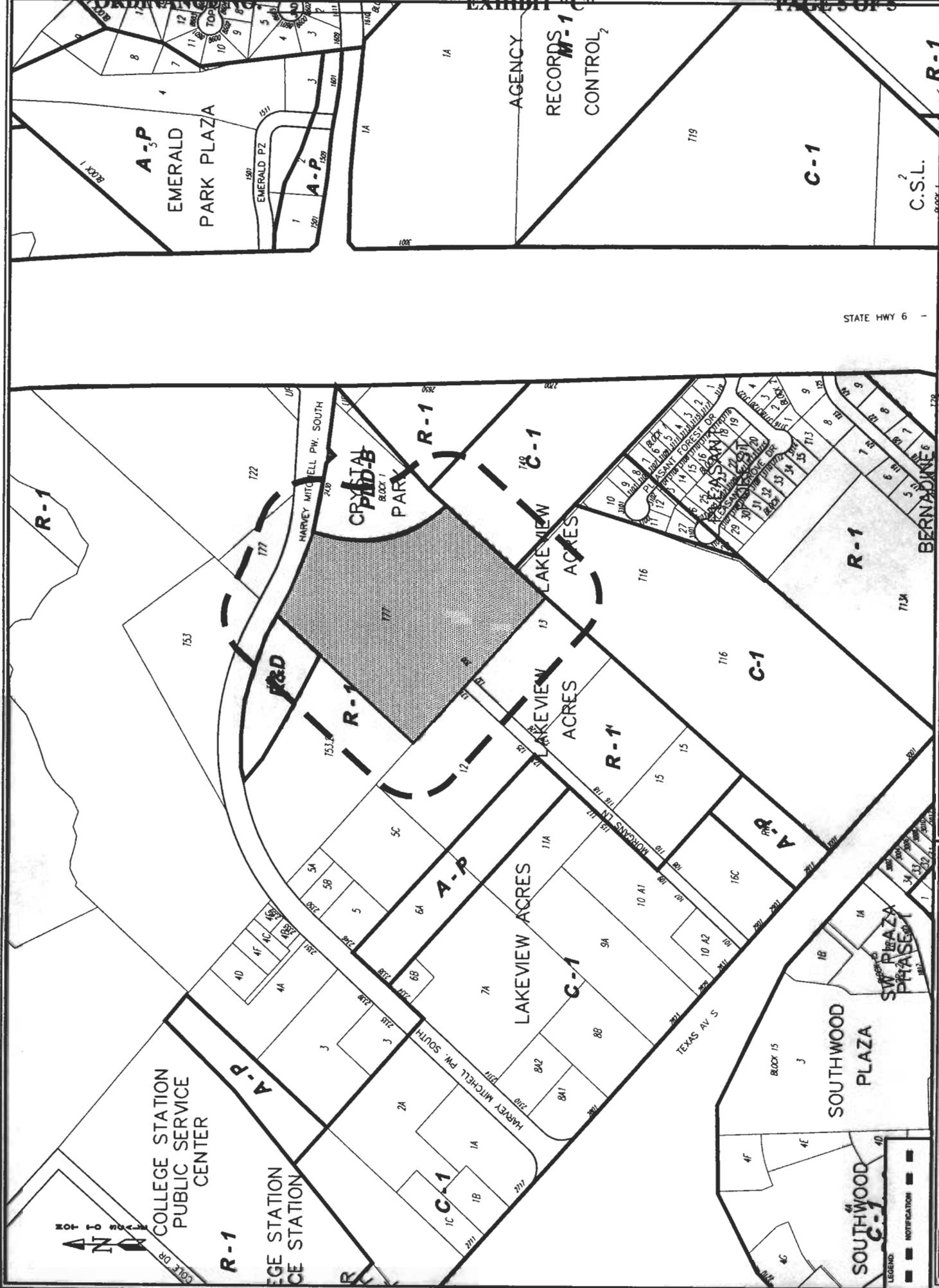
THENCE along the common line between the beforementioned 38.65 acre tract (lying to the northwest) and the following three tracts:

- 7.158 acre tract
- 1.92 acre tract described in the deed to Karbrooke, Inc., recorded in Volume 2758, Page 224, of the Official Records of Brazos County, Texas;
- 23.21 acre tract described in the deed to Joe C. Fazzino, Trustee, recorded in Volume 455, Page 507, of the Deed Records of Brazos County, Texas;

S 44° 02' 50" W	for a distance of 195.89 feet to a $\frac{5}{8}$ " iron rod found marking the common corner between the said 7.158 acre tract and the 1.92 acre tract,
S 44° 02' 36" W	for a distance of 209.18 feet to a $\frac{3}{8}$ " iron rod found marking the common corner between the said 1.92 acre tract and the 23.21 acre tract,
S 43° 10' 25" W	for a distance of 126.54 feet to the PLACE OF BEGINNING , containing 12.49 acres of land, more or less.

Prepared 07/01/04

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Case: 04-161

KENNY COTTON'S

City of College Station, Texas
DEVELOPMENT REVIEW