

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 14<sup>th</sup> day of April, 2005.

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 three (3) properties are rezoned from C-1 General Commercial to R-6 High Density Multi-Family.

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING 13.768 ACRES SITUATED IN THE J.E. SCOTT SURVEY, ABSTRACT NO. 50, BRAZOS COUNTY, TEXAS, AND BEING A PART OF THAT CERTAIN CALLED 15.1481 ACRE TRACT AS DESCRIBED IN DEEDS TO CALLAWAY DEVELOPMENT CORPORATION OF RECORD IN VOLUME 3750, PAGE 237, VOLUME 3987, PAGE 36, VOLUME 3987, PAGE 64, AND VOLUME 4036, PAGE 57, OFFICIAL/DEED RECORDS OF BRAZOS COUNTY, TEXAS (O./D.R.B.C.T.), SAID 13.768 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "B" AND SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT "E."

&

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING 0.238 OF ONE ACRE SITUATED IN THE CRAWFORD BURNETT LEAGUE, ABSTRACT NO. 7, BRAZOS COUNTY, TEXAS, AND BEING PART OF LUTHER STREET WEST, A POSSIBLE PRESCRIPTIVE STREET IN THE CITY OF COLLEGE STATION, TEXAS AND BEING OUT OF A CALLED 100 ACRE TRACT AS DESCRIBED IN DEED FROM ALINE BROGDON TO H. E. BURGESS AND DANIEL RUSSELL OF RECORD IN VOLUME 125, PAGE 364, DEED RECORDS OF BRAZOS COUNTY, TEXAS, SAID 0.238 OF ONE ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "C" AND SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT "E."

&

ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING 0.236 OF ONE ACRE SITUATED IN THE J.E. SCOTT SURVEY, ABSTRACT NO. 50, BRAZOS COUNTY, TEXAS, AND BEING A PART OF LUTHER STREET WEST, A POSSIBLE PRESCRIPTIVE STREET IN THE CITY OF COLLEGE STATION, TEXAS AND BEING OUT OF A CALLED 37.25 ACRE TRACT AS DESCRIBED IN DEED TO W.H. DAVIDSON OF RECORD IN VOLUME 15, PAGE 435, DEED RECORDS OF BRAZOS COUNTY, TEXAS, SAID 0.236 OF ONE ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "D" AND SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT "E."

**Callaway Development Corporation  
Proposed Rezoning Tract  
City of College Station, Texas  
J. E. Scott Survey, Abstract No. 50  
February 4, 2004**

FIELD NOTES  
13.768 ACRES

All that certain lot, tract or parcel of land being 13.768 acres situated in the J. E. SCOTT SURVEY, Abstract No. 50, Brazos County, Texas, and being a part of that certain Called 15.1481 acre tract as described in deeds to Callaway Development Corporation of record in Volume 3750, Page 237, Volume 3987, Page 36, Volume 3987, Page 64, and Volume 4036, Page 57, Official/Deed Records of Brazos County, Texas (O./D.R.B.C.T.): said 13.768 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at an "X" in Concrete Found for the southwest corner at the southwest corner of said 15.1481 acre tract, same being the intersection of the northeast right-of-way line of Marion Pugh Drive with the northwest right-of-way line of Luther Street;

THENCE, along said northeast right-of-way line of Marion Pugh Drive, the following courses:

- 1.) N 18°42'37" W, a distance of 994.95 feet to a 5/8" Iron Rod Found for angle point; and,
- 2.) N 18°35'42" W, a distance of 770.57 feet to a 1/2" Iron Rod Found for the northwest corner at the southwest corner of Callaway House Parking Subdivision according to the plat of record in Volume 5038, Page 284 (O./D.R.B.C.T.);

THENCE, N 63°46'43" E, along the southeast line of said Callaway House Parking Subdivision, a distance of 245.28 feet to a 1/2" Iron Rod found for the northeast corner at the southeast corner of said Callaway House Parking Subdivision, same being a point in the westerly right-of-way line of the Union Pacific Railroad right-of-way;

THENCE, along said westerly right-of-way line of the Union Pacific Railroad right-of-way, the following courses:

- 1.) S 26°13'17" E, a distance of 274.12 feet to a 1/2" Iron Rod Found for an interior ell corner;
- 2.) N 63°46'43" E, a distance of 10.00 feet to a 1/2" Iron Rod Found for an exterior ell corner;
- 3.) S 26°13'17" E, a distance of 375.40 feet to a 1/2" Iron Rod Found for an exterior ell corner;
- 4.) S 63°46'43" W, a distance of 10.00 feet to a 1/2" Iron Rod Found for an interior ell corner; and,
- 5.) S 26°13'17" E, a distance of 944.21 feet to a 5/8" Iron Rod Found for the southeast corner at the southeast corner of the aforesaid 15.1481 acre tract, same being a point in the aforesaid northwest right-of-way line of Luther Street;

THENCE, S 45°38'34" W, along said northwest right-of-way line of Luther Street, a distance of 502.56 feet to the POINT OF BEGINNING AND CONTAINING AN AREA OF 13.768 ACRES OF

LAND, MORE OR LESS, according to a survey performed on the ground on September 23, 2003, under the supervision of H. Curtis Strong, Texas Registered Professional Land Surveyor No. 4961.



**FIELD NOTES  
0.238 OF ONE ACRE  
BEING A PART OF  
LUTHER STREET WEST  
OUT OF A CALLED 100 ACRE TRACT  
VOLUME 125, PAGE 364  
CRAWFORD BURNETT LEAGUE, A - 7  
COLLEGE STATION, BRAZOS COUNTY, TEXAS  
APRIL 8, 2004**

All that certain lot, tract or parcel of land being 0.238 of one acre situated in the CRAWFORD BURNETT LEAGUE, Abstract No. 7, Brazos County, Texas, and being a part of LUTHER STREET WEST, a possible prescriptive street in the City of College Station, Texas and being out of a Called 100 acre tract as described in deed from Aline Brogdon to H. E. Burgess and Daniel Russell of record in Volume 125, Page 364, Deed Records of Brazos County, Texas, said 0.238 of one acre tract being more particularly described by meles and bounds as follows:

**BEGINNING** at a 1/2" Iron Rod set for a calculated corner in the southwest right-of-way line of Union Pacific Railroad near the centerline of LUTHER STREET WEST for the most northerly corner, said corner being the calculated most northerly corner of said Called 100 acre tract; **THENCE** S 26 ° 13 ' 17 " E, along the southwest right-of-way line of said Union Pacific Railroad and the northeast line of said Called 100 acre tract a distance of 21.86 feet to a 1/2" Iron Rod found in the prescriptive southeast right-of-way line of said LUTHER STREET WEST for the most easterly corner, said corner being the most northerly corner of a Called 37.41 acre tract as described in Vacating Plat of the George McCulloch's Industrial Area as recorded in Volume 417, Page 495;

**THENCE** S 45 ° 48 ' 37 " W, along the prescriptive southeast right-of-way line of LUTHER STREET WEST and the northwest line of said Called 37.41 acre tract a distance of 508.19 feet to a 1/2" Iron Rod with cap set in the northeast right-of-way line of Marlon Pugh Drive for the most southerly corner;

**THENCE** N 18 ° 42 ' 37 " W, along the northeast right-of-way line of said Marlon Pugh Drive a distance of 22.23 feet to a 1/2" Iron Rod with Cap set near the centerline of LUTHER STREET WEST for the most westerly corner, said corner being located in the calculated northwest line of said Called 100 acre tract and also being located in the calculated southeast line of a Called 37.25 acre tract as described in deed to W. H. Davidson in Volume 15, Page 435;

**THENCE** N 45 ° 43 ' 37 " E, along the calculated common lines of said called 100 acre tract and said Called 37.25 acre tract a distance of 505.38 feet to the **PLACE OF BEGINNING AND CONTAINING AN AREA OF 10,351 square feet or 0.238 OF ONE ACRE OF LAND MORE OR LESS**, according to a survey performed during March, 2004, under the supervision of H. Curtis Strong, registered Professional Land Surveyor no. 4961. North Orientation is based on rotating the northeast line to the Called Bearing of the southwest right-of-way line of the Union Pacific Railroad as recorded in Volume 3750, Page 327.

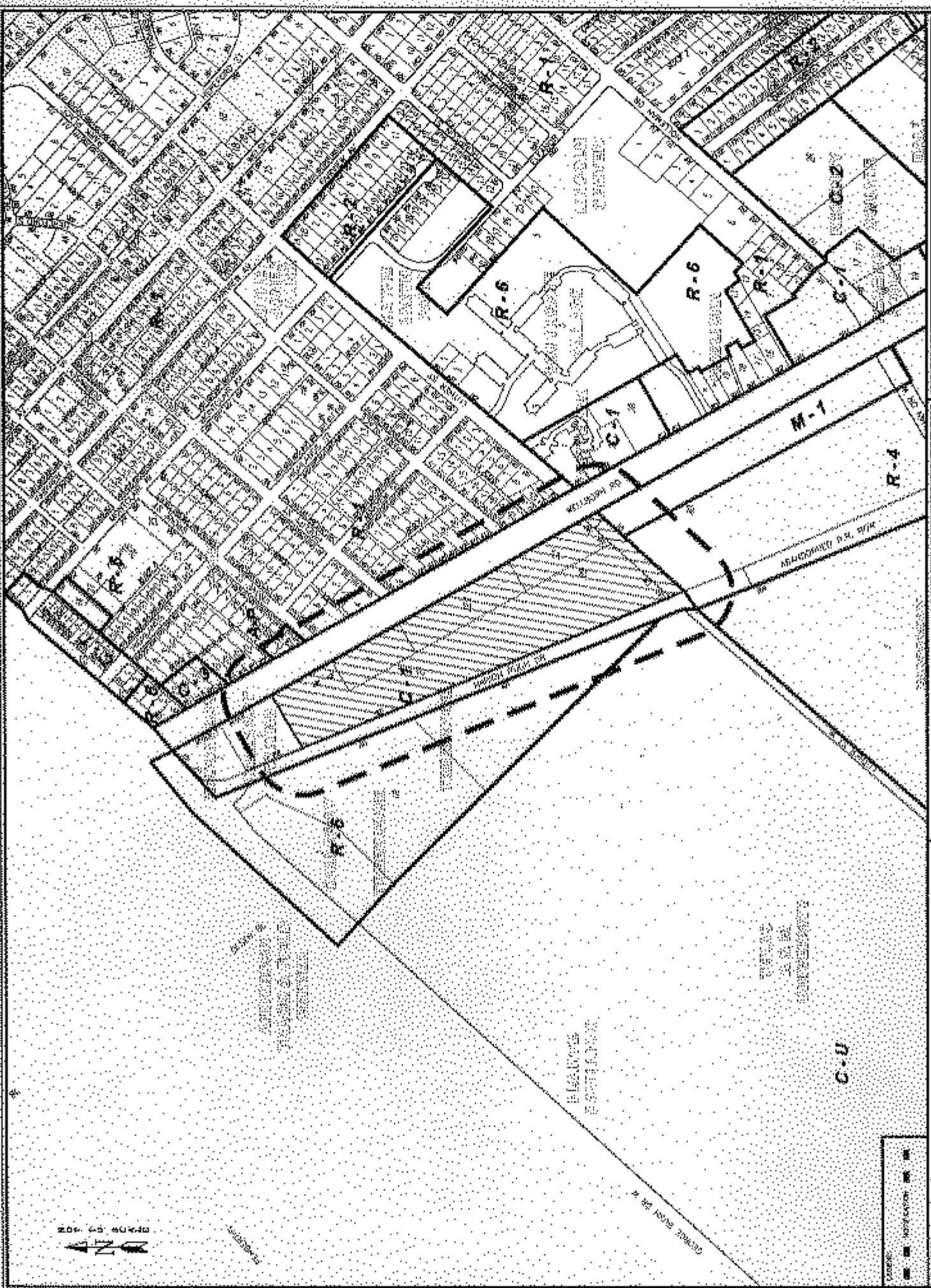


**FIELD NOTES  
0.236 OF ONE ACRE  
BEING A PART OF  
LUTHER STREET WEST  
OUT OF A CALLED 37.25 ACRE TRACT  
VOLUME 15, PAGE 435  
J. E. SCOTT SURVEY, A - 50  
COLLEGE STATION, BRAZOS COUNTY, TEXAS  
APRIL 8, 2004**

All that certain lot, tract or parcel of land being 0.236 of one acre situated in the J. E. SCOTT SURVEY, Abstract No. 50, Brazos County, Texas, and being a part of LUTHER STREET WEST, a possible prescriptive street in the City of College Station, Texas and being out of a Called 37.25 acre tract as described in deed to W. H. Davidson of record in Volume 15, Page 435, Deed Records of Brazos County, Texas, said 0.236 of one acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at an "X" in Concrete found at the intersection of the northeast right-of-way line of Marion Pugh Drive and the prescriptive northwest right-of-way line of said LUTHER STREET WEST for the most westerly corner, said corner being the most southerly corner of the Callaway Development Corporation Called 5.082 acre tract as described in Volume 3987, Page 64;  
**THENCE** N 45° 38' 34" E, along the prescriptive northwest right-of-way line of said LUTHER STREET WEST and the southeast line of said Called 5.082 acre tract at a distance of 352.81 feet passing the calculated most easterly corner of said Called 5.082 acre tract and the most southerly corner of the Callaway Development Corporation Called 3.123 acre tract as described in volume 4036, Page 57, and continuing along the prescriptive northwest right-of-way line of said LUTHER STREET WEST and the southeast line of said Called 3.123 acre tract for a total distance of 502.56 feet to a 5/8" Iron Rod found for the most northerly corner, said corner being the most easterly corner of said Called 3.123 acre tract and also being located in the southwest right-of-way line of the Union Pacific Railroad;  
**THENCE** S 28° 13' 17" E, along the southwest right-of-way line of said Union Pacific Railroad a distance of 21.86 feet to a 1/2" Iron Rod with cap set near the centerline of said LUTHER STREET WEST for the most easterly corner, said corner being located in the calculated southeast line of said Called 37.25 acre tract and also being the calculated most northerly corner of a Called 100 acre tract as described in Volume 125, Page 364, the calculated most easterly corner of said Called 37.25 acre tract bears N 45° 43' 37" E a distance of 52.60 feet;  
**THENCE** S 45° 43' 37" W, along the southeast line of said Called 37.25 acre tract and the northwest line of said Called 100 acre tract a distance of 505.38 feet to a 1/2" Iron Rod with Cap set in the northeast right-of-way line of Marion Pugh Drive for the most southerly corner;  
**THENCE** N 18° 42' 37" W, along the northeast right-of-way line of Marion Pugh Drive a distance of 22.23 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 10,288 square feet or 0.236 OF ONE ACRE OF LAND MORE OR LESS, according to a survey performed during March, 2004, under the supervision of H. Curtis Strong, registered Professional Land Surveyor no. 4961. North Orientation is based on rotating the northeast line to the Called Bearing of the southwest right-of-way line of the Union Pacific Railroad as recorded in Volume 3750, Page 327.





REZONING  
 04-28  
 Case#

CALLAWAY SUBDIVISION PH 2

City of College Station, Texas  
 DEVELOPMENT REVIEW