

ORDINANCE NO. 2021- 23

AN ORDINANCE AMENDING THE SQUARE PLANNED DEVELOPMENT DISTRICT; PROVIDING DEVELOPMENT STANDARDS AND DEVELOPMENT PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council held a public hearing on February 5, 2019 establishing The Square Planned Development District on approximately 27.247 acres of land, and described as Abstract 1497, out of the Benjamin Thomas Survey, Tracts 3B03 and 3B04, Tarrant County, Texas and located west of Saginaw Boulevard and East of Old Decatur Road; and

WHEREAS, the City has received an application to amend the Planned Development District on approximately 12.3937 acres out of The Square and previously identified as Tracts 2 and 5 to be amended as Tract 2A; and

WHEREAS, the Planning and Zoning Commission of the City of Saginaw, Texas held a public hearing on October 12, 2021 and the City Council of the City of Saginaw, Texas held a public hearing on October 19, 2021, with respect to the proposed Planned Development District as described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property; and

WHEREAS, the City Council finds that the requested Planned Development District as outlined herein is in the best interest of the City of Saginaw and will promote the health, safety and general welfare of the citizens of the City of Saginaw and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAGINAW, TEXAS, THAT:

SECTION 1.

Ordinance No. 2021- 23 is hereby adopted on the hereinafter described property and area of the The Square Planned Development District as shown below:

Tract 2A – Parcel 1

Approximately 12.3937 acres of land situated in the Benjamin Thomas Survey, Abstract No.1497, Tarrant County, Texas, and being part of a called 15.0736 acre tract of a tract of land described in Special Warranty Deed with Vendor's Lien to AM & JK Development LLC recorded in Instrument No. D217258083 of the Official Public Records of Tarrant County, Texas.

SECTION 2.

The use of the property described above shall be subject to the development restrictions, terms and conditions set forth in Exhibit "B" attached hereto, as well as the Development Plan attached hereto as Exhibit "C" establishing The Square Planned Development District Tract 2A, the Zoning Ordinance of the City of Saginaw.

SECTION 3.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Saginaw, Texas, as amended, except when 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 4.

It is hereby declared to be the intention of the City 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 unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 5.

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 6.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of Ordinance No. 2002-04 or any ordinances governing zoning 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 7.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 8.

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 ON THIS 19th DAY OF OCTOBER, 2021.

Todd Flippo, Mayor

ATTEST:

Janice England, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

Bryn Meredith, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

BEING a tract of land situated in the Benjamin Thomas Survey, Abstract No.1497, City of Fort Worth, Tarrant County, Texas, and being part of a called 15.0736 acre tract of a tract of land described in Special Warranty Deed with Vendor's Lien to AM & JK Development LLC recorded in Instrument No. D217258083 of the Official Public Records of Tarrant County, Texas, and being more particularly described as follows:

BEGINNING at a point in the north line of said 15.0736 acre tract; from said point the northwest corner of said 15.0736 acre tract, and being a point in the northeast right-of-way line of Old Decatur Road (a variable width right-of-way) bears South 89°30'41" West, a distance of 293.92 feet;

THENCE North 89°30'41" East, along the said north line of the 15.0736 acre tract, a distance of 654.22 feet to a point for northeast corner;

THENCE South 0°31'17" East, along the east line of said 15.0736 acre tract, a distance of 364.36 feet to a point for the southeast corner of said 15.0736 acre tract;

THENCE South 89°31'24" West, along the south line of said 15.0736 acre tract, a distance of 1015.77 feet to a point for corner in the said northeast right-of-way line of Old Decatur Road, and being the southwest corner of said 15.0736 acre tract;

THENCE North 18°14'55" West, along the said northeast right-of-way line of Old Decatur Road, a distance of 168.40 feet to a point for corner; said point being the beginning of a non-tangent curve to the left having a central angle of 16°01'32", a radius of 859.61 feet, a chord bearing and distance of North 64°55'20" East, 239.65 feet;

THENCE in a northeasterly direction, with said curve to the left, an arc distance of 240.43 feet to a point for corner;

THENCE North 18°14'31" West, a distance of 325.48 feet to the **POINT OF BEGINNING** and containing 12.3937 acres or 539,868 square feet of land, more or less.

This document was prepared under 22 Texas Administrative Code §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or established interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.